

APPLICATION NO.	P21/S2106/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	5.5.2021
PARISH	NUFFIELD
WARD MEMBERS	Jo Robb & Lorraine Hillier
APPLICANT	Property Directorate Ministry of Justice
SITE	HMP Huntercombe, Huntercombe Place, Nuffield, RG9 5SB
PROPOSAL	Construction of a replacement Kitchen building with associated external works and part demolition of an existing building (as amended by additional supporting information received in July and August and September 2021 relating to bats, newts, biodiversity, noise, odour, lighting and energy).
OFFICER	Marc Pullen

1.0 INTRODUCTION AND PROPOSAL

1.1 This application is referred to planning committee as the objections of the parish council conflict with the views of the planning officer. Officers recommend that planning permission is granted for the proposed development, subject to conditions.

1.2 This application seeks planning permission for the construction of a new replacement kitchen building with associated works, including a new bin store area. The development would require the partial demolition of the existing building on site to make way for access to the new kitchen.

1.3 The application site, which is shown at **Appendix A**, lies within HMP Huntercombe within Nuffield. The whole settlement of Nuffield lies within the Chilterns AONB. The current plans are included at **Appendix B**.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Nuffield Parish Council – Object

- We sympathise with the valid objections raised by the residents of Bradley Road who will be affected by the development.
- The residents will suffer a loss of amenity - in particular, the noise and smell related to the kitchens and bin location with associated deliveries and collections as well as the character of the area being affected and the scale and bulk of the building affecting light in the area.

In response to rebuttals from planning officer and agent:

- The response from planning officer and agent recognises some concerns but it does not address all of them. It fails to acknowledge that the site selected for this planning application is not the only available option, HMP Huntercombe has extensive land outside the perimeter fence, the current arrangement of space could be utilised in a way that would totally avoid any impact. In our opinion, this type of creative thinking has not taken place - they are simply taking the easiest option of filling a gap, which for good reason happens to be empty, as it is the closest point to homes. In our opinion, this is lazy and closed thinking. Due to a lack of vision, residents will have to live with the very real consequences of this planning application - an industrial sized kitchen facility with associated disturbance - for many years to come. ii) The planning documents do not

provide a measurement between the proposed buildings and our homes – we feel this is deliberate to obscure the presentation and likely impact; we have used planning documents to estimate this distance. iii) The surveys are not independent; they have been conducted to "support the design and planning application of the proposed development". Close inspection of some of these documents reveal inconsistencies and inaccuracies, such that they should place doubt on whether they are suitable for a significant planning decision without further review. iv) As long-term residents, we are familiar with the sound of daily life at the prison, we know what we can hear now and how that will increase when the distance reduces so that activity is only 10m from our garden fences.

Countryside Officer (South and Vale) – No objections

- No bats were seen to emerge from any of the buildings to be demolished. As such, bats are not considered to be a constraint to this development.
- The submitted great crested newt (GCN) district licence scheme documents have been reviewed by the Countryside Officer and are considered to be acceptable. Subject to the addition of a GCN district licence, all matters regarding GCN have been addressed.
- The submitted biodiversity metric is accepted by the LPA – a landscaping plan is requested to secure implementation of the planting needed to provide net gain on site.

Drainage - (South and Vale) – No objections

- Details submitted in respect of drainage are acceptable.

Environmental Protection Team – No objections

- Provided that the proposed building is constructed in the manner mentioned in the reports – I believe the level of nuisance will be mitigated against sufficiently.
- With regards to the lighting, shields must be used to protect the residents to the north of the development from light pollution.
- Response provided in response of Report ref. 559943-4503-MAL-ZZZ-ZZ-RP-Y-0001 Rev P03.
- Conditions suggested to agree details of odour and noise and ensure future maintenance.

Energy Consultant – No objection

- From the information provided it is difficult to see how the building can achieve the required 40% reduction in CO2 emissions without adding, for example some solar PV. The current improvement of 7.84% is reasonable given the constraints of the site and the requirements of the MOD
- If solar PV were appropriate, a BRUKL Report has been provided to show how much would be required to bring the building up to the required 40% CO2 reduction, which is feasible. However, I understand the current constraints within the m&e design and note the generally high performance of the building fabric
- In making the above further requirements I am viewing this in relation to DES10 compliance, this does not consider the constraints that a building within a HM Prison may have.
- I believe as much has been implemented as possible given the design constraints the building has been subjected to.

Neighbours - Object (8)

- Proximity to neighbours would harm their amenity –
 - kitchen disruption as well as use of the walk way

- odours from kitchen and bins,
 - waste disposal including bin collection and noise of using bins,
 - cooking including attracting vermin, extractor fans and cooking early and late in the day,
 - noise from air con units and extractor fans
 - disruption caused by deliveries and use of food trolleys etc.
 - also concerns with privacy.
- Delivery and bin collection area for the new kitchen will be closer to neighbours, creating an increased impact
 - Less noise from the walk way would occur if the walk way was enclosed
 - The new kitchen and bin store could be placed on the other side of the prison – away from neighbours
 - Planning drawings do not provide exact distances between the proposed development and neighbours

3.0 **RELEVANT PLANNING HISTORY**

3.1 N/A.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site is within a 'sensitive area' for the purposes of the EIA regulations 2017 but the scale and nature of the proposed development does not require an Environmental Statement.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

DES8 - Promoting Sustainable Design

DES9 - Renewable Energy

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)

EP1 - Air Quality

EP3 - Waste collection and Recycling

INF4 - Water Resources

STRAT1 - The Overall Strategy

5.2 **Neighbourhood Plan**

No made Neighbourhood Plan.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

- Section 85 of the Countryside and Rights of Way Act 2000.
- Human Rights Act 1998 - The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.
- Equality Act 2010 - In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Design and character**
- **Residential amenity**
- **Impact on ecology**
- **Other material planning considerations**

Design and character

6.2 The council's guidance and policies seek to ensure that all new development delivers high quality design. Development should use land efficiently, and respect local context working with and complementing the scale, height, density, grain, massing, type and details of the surrounding area. Development should be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

6.3 The external appearance of the proposed new building will draw from and look to emulate the vernacular of the existing buildings on site. The building would not appear overtly large in context with the surrounding buildings and has been carefully designed to assimilate well into the wider site. The reduction in size to the existing chapel is not considered to result in any adverse impacts on the character or the appearance of the site as a whole. It would open up this part of the site slightly and encourage some further green landscaping. In officer's opinion the proposed development would be of an acceptable design and would draw well from the character of the site.

Residential amenity

6.4 Policy DES6 (SOLP) seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses. Factors to consider include loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination and external lighting.

6.5 A number of concerns have been raised locally with regards to the proposed new development. Concerns cited refer to noise, odour, privacy and the proximity of the development to nearby residents.

6.6 In consultation with the council's environmental protection team, the development is not considered to result in any significant adverse impacts on neighbours. Provided that the new building is constructed in the manner mentioned within the submitted reports it is the view of the environmental protection team that the nuisance to neighbours will be mitigated against sufficiently. Conditions can be attached to further address the concerns of neighbours to ensure their amenity is protected.

6.7 Noise – Whilst concern has been raised with regards to noise the environmental protection team are of the view that the new mechanical equipment would be appropriately mitigated against. The new plant items have been designed at a sound

pressure level of at least 5dB below the existing background level which should be of a negligible level. Having previously undertaken noise measurements for applications on Bradley Road, the measurements given by the consultants and subsequent adjustment for Covid-19 were deemed to be appropriate and representative by the council's environmental protection team. Further to this, the extraction system is replacing an ageing system which is already in use, albeit closer to the residents to the north. Even still, the level of noise should be negligible. A planning condition is attached which requires future maintenance of equipment in the event of any failings.

- 6.8 Concerns have been raised with regards to the increased level of human activity in this part of the prison. The prison is a long-established use, and the site lies entirely within the existing prison perimeter fence. By living in close proximity of the prison residents may occasionally hear noise from prisoners which inevitably forms part of the character of the area. All potential noise issues relating to behaviours can be looked at under statutory noise nuisance legislation if they become a problem. Similarly, three deliveries per week, is not considered to result in harm and would not constitute a statutory noise nuisance especially as the site has had a long established use as a prison with clearly defined boundaries.
- 6.9 Odour – Concern has been raised with regards to the findings of the odour assessment which requires high levels of odour control. This was noted by the environmental protection team but despite a lower score on the re-submitted report the outcome still comes out as needing a high level of odour control. Similar concerns by neighbours have been raised over the future maintenance of odour equipment. As above, a condition is attached which requires the details of the odour control techniques to be agreed as well as a programme of maintenance.
- 6.10 Lighting - With regards to lighting, shields are recommended by the environmental protection team to protect the residents to the north of the development from adverse light emissions. Officers can ensure that light is not directed at neighbours via condition.

Impact on ecology

- 6.11 Bats - This application was originally supported by a preliminary ecological appraisal (PEA). The PEA concluded that some of the existing buildings (kitchen, chapel and shed) on site, to be demolished, had some suitability for roosting bats. Bat activity surveys were carried out and no bats were seen to emerge from any of the buildings to be demolished. As such, bats are not considered to be a constraint to this development.
- 6.12 Great Crested Newts - The ponds on site are considered to be somewhat suitable for great crested newts (GCN). The PEA has recommended entry into the GCN district licence scheme to avoid the need to undertake GCN surveys. GCN district licence documentation has been submitted and reviewed by the countryside officer and are considered to be acceptable. Subject to the addition of the GCN district licence conditions all matters regarding GCN have been addressed.
- 6.13 Biodiversity Net Gain - The proposal also results in a net loss of greenspace on site, likely to result in a net loss of biodiversity. There is limited scope for compensatory habitat creation on site. As such, in accordance with Policy ENV2 of the SOLP, a biodiversity metric assessment was required to be undertaken, to establish what level of biodiversity offsetting is required. The submitted biodiversity matrix demonstrates a net gain in biodiversity on the site and as such officers are satisfied that the development would not result in a net loss of biodiversity on site. A landscaping

condition is requested to ensure that the planting as stated in the biodiversity matrix is agreed and implemented.

Other material planning considerations

- 6.14 Drainage – The council has no objections to the proposed development on drainage grounds, subject to compliance with the submitted drainage measures. This can be secured by condition.
- 6.15 Energy Statement – Initially no detailed information was submitted to address energy efficiency and carbon reduction. Subsequent information was submitted. In response to this information the council's appointed energy assessor acknowledges that the proposed development does not meet the policy-required 40% reduction in carbon emission. However, it is acknowledged that the site is constrained and that the desired policy compliance does not consider the constraints that a building within a HM Prison may have. It is the view of the energy assessor that as much has been implemented as possible given the design constraints the building has been subjected to. As such the council's appointed energy assessor does not object to the proposed development.

7.0 **CONCLUSION**

- 7.1 Planning permission should be granted. The proposed development would not result in any adverse harm to the character and appearance of the area or result in any significant adverse harm to the amenity of neighbours. The proposed development would not result in any harm to known ecological constraints and would ensure suitable drainage and carbon reduction measures.

8.0 **RECOMMENDATION**

- 8.1 **To Grant Planning Permission subject to the following conditions:**

- 1 : Commence the development within three years of the date of permission**
- 2 : Development to be implemented in accordance with plans submitted**
- 3 : Development to be built using external materials as demonstrated on plan/documentation**
- 4 : Development to be carried out in accordance with the terms and conditions of new licence**
- 5 : All surface water drainage measures to be implemented in accordance with details submitted**
- 6 : All carbon reduction energy efficiency measures to be implemented as per approved Energy Statement**
- 7 : Details of noise and odour control techniques from the kitchen extraction units to be submitted and approved – including details of maintenance**
- 8 : All plant, machinery and equipment shall be installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 5 dB below the pre-existing background noise**
- 9 : Development to be implemented in accordance with requirements of Odour Risk Assessment**
- 10 : Landscaping scheme to ensure the creation of new biodiversity habitats/biodiversity net gain on site in accordance with biodiversity matrix, to be submitted and agreed**
- 11 : All new external lighting shall be designed and installed so the main beam angle is not directed towards any receptors**

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