

Recommendation Report for Planning Permission

REF NO: F/19/21/PL

LOCATION: H M Ford Open Prison
Ford Road
Ford
BN18 0BX

PROPOSAL: The construction of two houseblocks (two storeys) for 120 prisoners, extension to existing car park (80 spaces), proposed storage facilities & ancillary office space within secure perimeter fence at HMP Ford Category D Prison. This application may affect the setting of a listed building & the site is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal includes the following: - 2 accommodation blocks 2 storeys high (ridge height of 10m) with a floor area of 2,301sqm (per block) situated adjacent to the existing house blocks on the east parcel of HMP Ford. One of the blocks will be situated on the site of an existing house block which is due to be demolished; - A single storey office block with a floor area of 199sq m which will be situated adjacent to the existing prison office in the west parcel; - A single storey personal property store with a floor area of 57sq m will be situated in east parcel adjacent to the existing staff car park; - A single storey kitchen dry store with a floor area of 31sq m; - A Car park extension comprising 80 Spaces covering an area of 1,828sq m. The proposal is required to accommodate an increasing prison population which is currently forecast to increase over the next 10 years reaching unprecedented levels by the end of the decade. This proposal would provide an additional 120 bed spaces (for 120 prisoners) at HMP Ford.
SITE AREA	18.3 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Much of the site is screened by planting and trees and enclosed by perimeter fencing.
SITE CHARACTERISTICS	HMP Ford is a Category D men's open prison situated to the east and west of Ford Road. The main entrance to the prison and accommodation is situated to the east of Ford Road. The

visitor's car park and workshop buildings (including the garden centre) are situated to the west of Ford Road.

The area of land proposed for the new house blocks is situated on the east side of Ford Road, within the main prison boundary and is adjacent to the existing housing blocks. The land is currently in use as open space and encompasses part of the informal recreation space for the prison.

CHARACTER OF LOCALITY

The area is rural in character with few neighbouring properties. To the east of the main prison complex is the River Arun and to the west is farmland. To the north is farmland and a housing development, Nelson Row (which runs parallel to Ford Road on the east side). To the south west is the Rudford Industrial Estate and to the south east is St. Mary's Church (Grade I listed).

RELEVANT SITE HISTORY

F/16/21/PL	Installation of a 239.2MWh Solar Photovoltaic (PV) generation system. This site is in CIL Zone 2 (Zero Rated) as other development.	ApproveConditionally 23-11-21
F/3/19/PL	Erection of farm shop/cafe.	ApproveConditionally 14-11-19
F/19/15/CLP	Lawful development certificate for proposed replacement of roofing, fascias, guttering, downpipes to workshop & dutch barn roofs & replacement cladding to dutch barn	PP Not Required 15-01-16
F/26/21/DEM	Prior Notification under Schedule 2 Part 11 Class B for the demolition of 10 No. off single storey circa 1940's wooden accommodation billets and 1 No. brick built building used as a Multi Faith Centre.	No Objection 11-01-22

REPRESENTATIONS

Climping Parish Council - No Objection.
All previous concerns raised have now been addressed.

Ford Parish Council - No Objection.

2 Objections

- The infrastructure in the area is already stretched, the roads are not fit for purpose. Another 120 inmates would increase staff and supply traffic and the added numbers will mean more disruption at the road crossing causing further traffic issues.
- The application does not state the category of the prisoners to be housed in the new house blocks, looking at the construction it looks to be capable of category C prisoners, if this is the case then the overall category of the establishment would need to be upgraded and that would be a major concern to the local residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

The agent has advised that the category of prisoner is not changing. It will only house Category D prisoners.

The other comments will be addressed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

EV provision to be secured via condition.

Request Unilateral Undertaking in relation to Travel Plan.

Ecology Officer - No Objection.

Suggested condition wording for Ecology Management Plan is acceptable.

Conservation Officer - No Objection.

There are a number of heritage assets located in the area, the two closest are St Mary's Church and The Vicarage. Due to the considerable development immediately to the north and west of St Mary's Church, and the current character of the site, the submitted heritage statement concluded that it does not form part of the setting of the asset which contributes to its overall heritage significance. This is agreed. The wider setting of the Vicarage has been impacted upon through modern, or more recent development. Having viewed the church, and vicarage from their front it is clear that the intervening vegetation boundaries and the presence of the Church Hall to the north of the churchyard (between the asset and the Site) would mean that views of the proposed accommodation blocks from the north face of the Church, churchyard or vicarage appear limited, if possible at all.

Whilst the original form and purpose of the World War 2 Military Structures on the site can be understood, due to the extent of alteration, these buildings are not considered to be of sufficient interest to warrant classification as non-designated heritage assets in the terms of the NPPF. They are in a poor state of repair and their loss is acceptable.

With regard to the remainder of the designated heritage assets in the local area (Church Farmhouse East & West and Barn to the west of Nos. 1 and 2 Church Farm Cottage) it has been identified that there is no intervisibility between these assets and the areas of the proposed development and they are ruled out from further assessment.

In conclusion the impact of the proposed development would result in no harm to the setting of the designated heritage assets, and therefore not harm their significance.

Greenspace Officer - No Objection.

The detailed Soft Landscape proposals plan (1/3) 622608-5315-RPS-000-00-DR-L-900 1 REVPO1 have

indicated minimal tree removal requirements to facilitate the works and has shown indicative landscape detail which would need to be elaborated on with a detailed plan to show clearly the landscape proposals to support the proposals. A detailed landscape proposal would be required to ensure the proposals blend into the surrounding environment in this location with an early implementation of the proposed landscape mitigation scheme following construction.

Archaeology Officer - No Objection.

The potential that this site has to contain deposits of archaeological interest is likely to have been reduced by the effects of previous development and any further impact might be appropriately mitigated through the implementation of an appropriate programme of archaeological investigation which can be conditioned.

National Highways - No Objection.

Environmental Health - No Objection.

Conditions requested in respect of construction hours, EVP points, noise and contamination.

West Sussex Lead Flood Authority - No Objection.

The Flood Risk and Drainage Assessment for this application proposes that sustainable drainage techniques (permeable paving/infiltration via soakaways) would be used to control the surface water from this development.

Winter groundwater monitoring should be undertaken, in conjunction with the District Drainage Engineer.

Drainage Engineer - No Objection

The surface water drainage strategy submitted as part of this application identifies that infiltration will be utilised if possible. The hierarchy for sustainable drainage must be followed with infiltration fully investigated. It is possible that infiltration, if viable, will require a large plan area as a blanket solution may be required. Detailed design must be supported by winter infiltration testing and winter groundwater monitoring.

Sussex Police - No Comment. Outside of jurisdiction.

Environment Agency - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Adjacent to Listed Building
Adjacent to Biodiversity Area
Site of Archaeological Interest
Part of site in Flood Zone 3

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development

QEDM1	QE DM1 Noise Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM2	W DM2 Flood Risk

[Ford Neighbourhood Plan 2019 Policy BUA1](#)

	Built Up Area (BUA) boundary
Ford Neighbourhood Plan 2019 Policy H1	Quality of Design
Ford Neighbourhood Plan 2019 Policy EH1	Protection of trees and hedgerows
Ford Neighbourhood Plan 2019 Policy EH8	Light Pollution
Ford Neighbourhood Plan 2019 Policy EE4	Support for new commercial uses

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, the South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that there would be no materially adverse effect on the character of the area, visual or residential amenities.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State 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."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of nearby Listed Buildings.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application site is within the built-up area boundary of Ford as defined in policy SD SP2 of the Arun Local Plan (ALP) and Ford Neighbourhood Plan (policy BUA1) where policy SD SP2 states that development should be focused and permitted subject to consideration against other policies of the Local Plan. Therefore the principle of expanding the existing prison is accepted subject to compliance with other relevant policies in the Arun Local Plan and the Ford Neighbourhood Plan (FNP).

There are no specific planning policies that are directly related to prison development in the Development Plan. Paragraph 96 of the National Planning Policy Framework (NPPF) supports the delivery of new prison infrastructure through collaborative working between local planning authorities and delivery partners and statutory bodies. Paragraph 123 of the NPPF states that Local Planning Authorities should take a positive approach to applications for alternative uses of land currently developed but not allocated for a specific purpose in plans, particularly where they make more effective use of sites that provide community services. These paragraphs taken together provide policy support for the expansion of HMP Ford.

SUSTAINABLE DEVELOPMENT

Policy SD SP1 of Arun Local Plan states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This sets a positive approach to planning as a means of supporting the country's economic and housing growth, whilst protecting the environment. Paragraph 8 of the NPPF advises that there are three overarching objectives to sustainable development, economic, social and environmental. The proposed development will meet these objectives. In terms of the economic objective the proposed development will provide new jobs during construction, long term maintenance and additional employment in the supply chain. It is anticipated that

in completing the house blocks in the factory using Modern Methods of Construction approximately 98 staff will be used in completing the commission. Additional staff will be required to undertake the site works with approximately 25 escorts employed during the construction phase. The new development will assist economic development in the countryside in accordance with Ford Neighbourhood Plan Policy EE4. The development also supports the economic objectives of the Framework as set out in paragraph 8 and is compliant with paragraph 81.

The social objectives are met in that the proposal will provide the necessary capacity within existing prisons through the provision of new house blocks and ancillary facilities will play a critical role in making communities safer. The accommodation delivered by the application proposal will provide modern, efficient facilities to rehabilitate offenders and assist in reducing reoffending.

In terms of environmental objectives, the MOJ's commitment to sustainability covers several key targets for all new prisons and prison expansion which exceed local and national planning policy requirements including at least 10% Biodiversity Net Gain, and BREEAM Excellent rating which comply with the requirements set out in Arun Local Plan Policies SD SP1, SD SP2 and ENV DM3.

The scheme minimises the loss of trees, retains those that are most valuable and provides opportunities for replacement. The new buildings will aim to be as close to Net Zero Carbon as possible through the specification of high fabric energy efficiency, heat pumps, energy efficient lighting, appliances, equipment and on-site renewable energy generation.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

The National Design Guide (NDG) and Arun Design Guide (ADG) are material considerations in the determination of this application. It states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. The extensions will blend harmoniously in the surrounding area providing high-quality, well-designed accommodation.

The roof would comprise Standing Seam Roof Colour: RAL 9006 and the elevations would comprise brick slip rain screen panelling buff colour to the lower portion of the elevation and Composite Cladding Panel Colour: Anthracite RAL 7016 above with the middle section of the elevations Rain screen Panel colour: May Green RAL 6017. The proposed pallet of materials complements other development on the site and creates a unifying form of development and detailing. The 2 storey height reflects the existing accommodation blocks which are two-storey which is considered appropriate given the rest of the prison complex, the scale of nearby residential properties and industrial context adjacent to the site.

There are a mix of building styles and storey heights at the prison. The existing house blocks are 2 storeys in height and there are other single storey buildings across the site. The proposed house blocks would be sited on the eastern part of the site replacing an existing house block. The proposed house blocks would be slightly (1.5m) higher than the existing block. The existing block is 8.5m high and the new blocks are 10m with an eaves height of 6.3m. This increase would not result in them having a dominating appearance or appearing out of place. Their design would be in keeping with the appearance of other buildings at the site. Their position on the site would ensure they benefit from screening around the site boundary and other existing buildings and would not appear as overly prominent or isolated structures. Large sections of the prison are screened from Ford Road by mature trees. These will be

retained as part of the proposals. The ancillary buildings and car park do not have a materially adverse effect on the visual amenities or character of the areas given their siting and proportions and additional landscaping is proposed. Significant tree and hedgerow planting is present along the site boundaries of the prison which assists in screening it from the footpaths immediately surrounding the site. Although HMP Ford is visible from longer distance views in the surrounding area, the proposed development will be seen within the context of the existing site and its townscape.

RESIDENTIAL AMENITY CONSIDERATIONS

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

Paragraph 185 of the NPPF and Policy QE DM1 of the Arun Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The proposal is located a sufficient distance from the nearest residential properties to have no adverse impact with regard to overbearing or overlooking impacts. The closest dwellings to the 2 storey blocks are Church House which is 150m away and the farm dwellings at Church Farm which are 160m away.

A Noise Assessment is submitted in support of the application to assess noise impacts from car parking and on the internal noise environment of the new house block. This includes a baseline noise survey which was carried out at locations on the site which were considered representative of existing noise levels at both the proposed building locations and the nearest noise sensitive receptors. It concludes that the noise levels within the prison cell blocks are expected to meet with internal noise level criteria based upon open windows and that the impact of noise associated with the new car parking area on the nearby residential receivers will be negligible.

The environmental health officer has raised no objection. The development is therefore compliant with Arun Local Plan policies QE SP1, D SP1 and D DM1 and paragraph 185 of the NPPF.

CONTAMINATION

The application is supported by a Geotechnical and Geo-environmental Desk Study which concludes that based on potential sources of contamination, identified pathways, and future receptors at the site, a moderate risk has been identified for the site. In order to assess contamination status and potential risks posed by soils, groundwater, ground gas and vapour generation and migration, environmental samples should be collected during a ground investigation. The Environmental Health has reviewed the submitted information and agrees that potential contamination risks should be controlled by condition. The relevant condition has been imposed and the proposal is therefore in accordance with policy QE DM4 of ALP.

HERITAGE

HMP Ford is not within a conservation area and there are no listed buildings within the application boundary. However, the site is located close to the nearby listed church and vicarage and therefore a heritage impact statement has been submitted to assess the impact on these heritage assets. Para 189 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a development. The heritage asset is of some significance. Para 190 requires the LPA consider the significance of the impact upon that heritage asset. The proposal involves works adjacent to the heritage asset (Grade II Listed Building (Vicarage) and Grade 1 Listed Church) which will have an impact on their

settings. As a result of the screening proposed, the presence of intervening buildings and the advice of the Conservation Officer and analysis in the heritage statement it is concluded there will be no harm to the setting of the Listed Buildings and therefore the public benefits of the proposal do not need to be considered.

It is also agreed that the four single-storey buildings located within the southern part of the eastern parcel of the site which comprise remnants of accommodation huts constructed as part of the World War Two (WWII) expansion of RAF Ford and are now unoccupied and in a poor state of repair do not represent well-preserved examples of WWII and do not warrant classification as non-designated heritage assets in the terms of the NPPF.

The proposal therefore accords with policies HER SP1 and HER DM1 of Arun Local Plan in that the setting of the buildings is preserved.

ARCHAEOLOGY

Local Plan policies HER SP1 and HER DM6 seek to protect, preserve, and enhance the historic environment. The submitted Heritage Statement includes an archaeological desk-based assessment and updates and concludes that based upon the proposed extent of development, much of which will take place on previously disturbed land, it is anticipated that despite the potential impacts, should any archaeological remains be identified, that these could be preserved by record through the implementation of an appropriate phase(s) of archaeological works. The Council's archaeological adviser agrees with these findings and the imposition of an appropriately worded condition.

The proposal is therefore compliant with policies HER SP1 and HER DM6 of Arun Local Plan.

TRAFFIC AND ACCESS

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. It states schemes must explain how development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter. It also requires incorporation of appropriate parking.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states: "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."

A Transport Statement and Travel Plan have been submitted in support of the application. The proposal utilises an existing access. The Statement concludes that there are opportunities for HMP Ford to be accessed on foot, by bicycle and by public transport, that appropriate vehicular access arrangements can be achieved and that the vehicular trips associated with the scheme proposals will not have a material impact on the operation and safety of the local highway network. It advises the existing number of prisoners at HMP Ford is 389. However, there are a number of dilapidated accommodation blocks which are currently not occupied and therefore the total number of prisoners that could be on site is in fact 544. The proposal is for a block to accommodate 120 additional prisoners. There are 83 operational staff members and 225 non-operational staff members employed at the site. There are four shift time slots through the course of a day for operational staff and 50% of operational staff are on duty at one time.

Visits take place on Wednesdays between 17:00 - 20:30; and Fridays, Saturdays and Sundays between 13:00 - 16:30. The Statement confirms that the additional numbers of vehicles in the AM and PM peak arising from the development proposal will be low and therefore no highway mitigation works are required. The Outline Travel Plan (OTP) confirms that opportunities to encourage sustainable travel mode mainly through cycling and car sharing will be encouraged for staff and visitors of the prison, with the overall aim of the OTP being to reduce the reliance on the private car.

A staff car park is located on the western side of Ford Road which provides a combined total of 65 parking spaces. Additional staff and visitor car parking is located within the site to the east of Ford Road with around 37 spaces. The car park proposals have been prepared in line with Arun Parking Standards SPD. This confirms that for non-residential development the parking requirements should be subject to a site-specific assessment based on a travel plan and the needs of the development.

As part of the proposals, a new 80 space car park will be provided for use by staff and visitors. The car park will be located to the south of the HMP Ford access road, to the west of Ford Road. The car park will provide a formalised arrangement for the existing on street parking in this location. County Highways have no objection to amount of parking proposed. Arun's car parking standards require 20% of the total number of spaces to be suitable for EVs. Therefore, on the basis that the proposals comprise an 80-space car park, 16 EV spaces will be required and provision is conditioned.

The trip generation provided within the supporting Transport Statement is robust and the trip distribution is acceptable to WSCC who have confirmed that no wider junction assessments are required. There is no restriction on the maximum permitted numbers of prisoners that could be accommodated at the site. However, the site is governed by the physical spaces and the number of prisoners that the Ministry of Justice (MOJ) Population Management Group state HMP Ford should hold.

The Transport Statement submitted with the planning application confirms that 10 long-stay cycle parking spaces for staff are located on site within a garage, 10 short-stay cycle spaces for both visitors and staff located within a three-side covered building near to the main entrance, and approximately 40 cycle spaces for prisoners on the residential side of the prison. No additional cycle parking is proposed as part of the development. The Prison Governor has confirmed that existing cycle parking stores are not used to capacity and that there is sufficient space to accommodate any additional demand. A review of Census travel to work data for the area suggests that 3% of staff cycle to work, equating to one additional cyclist across the day. It is therefore concluded that this can be accommodated within the existing provision on site.

WSCC Highways are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF (para 111), and there are no transport grounds to resist the proposal.

The development is considered to comply with Arun Local Plan Policy T SP1, the Arun Parking Standards SPD and paragraph 111 of the Framework. Compliance with the Travel Plan and payment of monitoring/auditing fees to WSCC have been secured by a sec106 Agreement.

ECOLOGY AND BIODIVERSITY CONSIDERATIONS

Ford Prison is not within a 'sensitive area' for the purposes of Environmental Impact Assessment (i.e. SSSI, National Park, AONB, World Heritage Sites, Scheduled Monuments and European Sites). The prison is also not a designated Nature Conservation site (i.e. SSSI, local nature reserve etc.). The prison is adjacent to a Biodiversity Opportunity Area (to the east adjacent to the River Arun). National Planning Policy indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area.

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

Policy ENV DM3 refers to Biodiversity Opportunity Areas and requires development to retain and incorporate locally valued and important habitats including wildlife corridors and to minimise disturbance to habitats.

Policy ENV DM5 of the Arun Local Plan seeks to achieve a net gain in biodiversity. Ford Neighbourhood Plan policy EH1 seeks to ensure that development is designed to incorporate biodiversity within and around developments and enhance ecological networks, seeking to retain wherever possible trees of arboricultural and amenity value and hedgerows. Information on Biodiversity Net Gain has been provided as part of the planning application. The proposed development will result in a 37% net biodiversity gain and biodiversity enhancements have been included within the scheme and can be conditioned in compliance with Local Plan and Neighbourhood Plan policies.

The application is supported by an Ecological Impact Assessment and Addendum Note dated December 2021 which concludes overall, the habitats on site likely to be impacted upon by the proposed development scheme are of low botanical value; however, these habitats could offer resources for protected or valued species. In combination with the geographical setting and connectivity to the wider landscape, the site has the potential to support a range of ecologically important fauna.

The Ecological Impact Assessment recommends appropriate mitigation for the new development in respect of bats, including a lighting strategy and construction environmental management plan. The surveys for great crested newts and reptiles revealed that these species are not present at the site or will not be impacted by the proposals.

The proposed development is compliant with Arun Local Plan Policies ENV DM3 and ENV DM5, policy EH1 of FNP and paragraph 180d) of the Framework to minimise the loss of habitats and incorporation of biodiversity improvements which are conditioned.

With regard to protection of trees a tree survey and arboricultural impact assessment have been submitted in accordance with policy ENV DM4 of ALP. Trees are recommended for removal where: a) it is necessary and unavoidable to site development within proximity to existing trees, such that they cannot be confidently retained in the long-term as living features, and/or b), where the amenity value of the tree will be significantly reduced as a result of the proposals, particularly if already of a low retention priority. There is a requirement to mitigate for this effect with new tree planting, and there is capacity within the layout for this to be delivered without concern for a reduction in canopy coverage or its contribution to visual amenity. An effective scheme for safeguarding retained trees has been prepared which relies on the use of recognised construction methodologies; this is reinforced by precautionary reliance on arboricultural auditing where construction is proposed within influence of retained trees.

Existing trees are to be protected as indicated on the submitted plan and root protection areas provided in accordance with Ford Neighbourhood Plan policy EH1 and Policy ENV DM4 of Arun Local Plan. Protection of trees and their replacement are controlled by condition.

DRAINAGE AND FLOODING

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design

process. The application is supported by a Flood Risk Assessment and Drainage Strategy. The majority of the site is within Flood Zone 1 (Low Flood Risk), however, part of the east parcel (north section) is within Flood Zone 3. (High Risk of Flooding) this is the area where the new Healthcare building extension is proposed, comprising land assessed as having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 year or greater annual probability of flooding from the sea. The use of this building is categorised as 'less vulnerable'. Due to their method of construction the new modular buildings will be elevated above the existing ground levels, which will prevent the risk of flood waters or any minor overland surface water flooding entering the buildings. The Environment Agency has no objections to the proposal on flooding grounds.

There should be no requirement to incorporate any flood resilient construction methods into the new buildings, other than to the new Healthcare extension (OMU Office). For this particular building it will be necessary to provide 300mm of flood resilience above the ground floor construction level or alternatively the building could be further elevated by 300mm to provide the required flood protection level. This requirement is conditioned.

The Drainage Strategy outlines the proposed surface and foul water drainage systems that will be constructed on site. It demonstrates that the proposed extensions to the prison complex will not increase the risk of flooding in surrounding areas. The surface water drainage for the development can be installed to ensure the development does not increase the risk of flooding elsewhere. The report demonstrates that the flood risk to the site is reasonable and acceptable and that the site can be suitably drained, with the development being designed to the required standards. Surface water will be discharged to the ground via infiltration. Foul water will be discharged to the public sewer network via existing site connections.

Arun's Drainage Engineers have been consulted and have no objection to the proposal subject to the imposition of appropriate conditions. These have been imposed and the proposal is therefore compliant with policies W DM2 and W DM3.

OPEN SPACE

The provision of the house blocks involves the loss of some open (amenity space). The open space is situated within the east parcel to the north and west of the existing house blocks. The proposed house blocks seek to minimise the amount of open space lost by building on the footprint of one of the house blocks to be demolished. However, the second block (closest to the visitor centre) will be within the amenity land and both blocks will slightly encroach into open space informally used for sports. Policy OSR DM1 of ALP requires the justification of the loss of open space or the provision of alternative open space. This echoes the policy identified within the NPPF at paragraph 99. In this instance, because the encroachment onto the amenity space is minimal and the informal sports pitch can still be used effectively the loss is considered acceptable. There is also an existing 5-a-side football pitch adjacent to the open space to the east which will be unaffected by the proposed development. The proposal therefore accords with Policy OS DM1 and Paragraph 99 of the NPPF.

The proposal also seeks to improve the health and wellbeing for future occupants by improving the facilities available. This has been key consideration in the design, particularly in terms of thermal, acoustic and visual comfort, site safety and security. In this respect the proposal accords with policy HWB SP1 of Arun Local Plan.

CONCLUSION

There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development proposal when assessed against the Development Plan and policies in the NPPF. It is

therefore recommended that the application is approved subject to the following conditions:

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

This approval is subject to Section 106 Agreement relating to compliance with the Travel Plan and payment of monitoring/auditing fees to WSCC. The agreement is now signed and sealed.

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
 Site location plan 622608-5315-RPS-000-00-DR-A-1000 P05
 Site layout plan 622608-5315-RPS-000-00-DR-A-1001 P05
 Existing Block Plan Sheet 1 622608-5315-RPS-000-00-DR-A-1002 P04
 Existing Block Plan Sheet 2 622608-5315-RPS-000-00-DR-A-1004 P04
 Proposed Block Plan Sheet 1 622608-5315-RPS-000-00-DR-A-1003 P04
 Proposed Block Plan Sheet 2 622608-5315-RPS-000-00-DR-A-1005 P04
 Kitchen dry store plans and elevations 622608-5315-RPS-097-ZZ-DR-A-1070 P03
 Personal Property Store Plans Elevations and Section 622608-5315-RPS-098-ZZ-DR-A-1060 P03

Accommodation Block 1 Proposed Floor Plans 622608-5315-RPS-100-ZZ-DR-A-1080 P06
Accommodation Block 2 Proposed Floor Plans 622608-5315-RPS-101-ZZ-DR-A-1090 P06
OMU office proposed floor plans 622608-5315-RPS-099-ZZ-DR-A-1050 P04
OMU office Proposed Elevations 622608-5315-RPS-099-XX-DR-A-1052 P04
Accommodation Block 1 Elevations 622608-5315-RPS-100-XX-DR-A-1083 P08
Accommodation Block 2 Elevations 622608-5315-RPS-101-XX-DR-A-1093 P08
OMU Office Proposed Sections 622608-5315-RPS-099-XX-DR-A-1051 P04
Accommodation Block 1 Proposed Sections 622608-5315-RPS-100-XX-DR-A-1082 P06
Accommodation Block 2 Proposed Sections 622608-5315-RPS-101-XX-DR-A-1092 P06
Accommodation Block Typical Sections 622608-5315-RPS-000-XX-DR-A-1030 P02
Accommodation block 1 roof plan 622608-5315-RPS-100-ZZ-DR-A-1081 P07
Accommodation block 2 roof plan 622608-5315-RPS-101-ZZ-DR-A-1091 P06
Detailed Soft Landscape proposals Sheet 1 622608-5315-RPS-000-00-DR-L-9001 P01
Detailed Soft Landscape proposals Sheet 2 622608-5315-RPS-000-00-DR-L-9002 P01
Detailed Soft Landscape proposals Sheet 3 622608-5315-RPS-000-00-DR-L-9003 P01
Parking Plan/access (labelled as Landscaping Plan OMU Office and Car Park) 622608-5315-RPS-000-00-DR-A-1021 P02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy TSP1 of the Arun Local Plan.

- 4 The development shall proceed in accordance with the Arboricultural Impact Assessment 11148_AIA.001 Rev C dated February 2022 including the Arboricultural Method Statement.

Tree protection barriers shall be erected prior to the commencement of any works in accordance with the Tree Protection Plan and shall consist of the barrier specification illustrated within the Tree Protection Plan at Appendix C.

Reason: To ensure protection of trees in accordance with policy ENV DM4 of Arun Local Plan.

- 5 Prior to the commencement of development the following components of a scheme 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:

1. A Site Investigation Scheme, based on the Atkins Site Investigation risk assessment report

to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Prior to commencement of any construction work (excluding groundworks), (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 6 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 8 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of Arun Local Plan.

- 10 The development shall proceed in accordance with the sustainable measures as set out in the accompanying Energy Statement (September 2021) submitted with the application.

Reason: To ensure energy and climate change mitigation in accordance with policy ECC SP2 of Arun Neighbourhood Plan.

- 11 No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 12 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 13 The development shall proceed in accordance with the report entitled 'Proposed Category D accommodation Blocks at HMP Ford: Site Noise Assessment: Revision C' (dated 13th September 2021), to include that mechanical services / plant noise is to be restricted so as not to exceed the indoor ambient noise levels detailed in section 10.5 of the report. Noise level from plant is also not to exceed background noise levels when measured 1 metre from the facade of the nearest dwellings, as per section 10.17 of the Apex Acoustics report.

Reason: To protect the amenity of future residents in accordance with policies QE DM1 and D

DM1 of Arun Local Plan.

- 14 The development shall proceed in accordance with the submitted Travel Plan ref 622608-5315-CML-000-XX-RP-0004 dated September 2021.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of Arun Local Plan.

- 15 Within 3 months of the commencement of development a Management Plan for the creation and management of the proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall detail the following:
- An adaptive management plan for the site detailing the management measures to be carried out over the phased restoration of the site in order to achieve the target conditions proposed for each habitat parcel at the proposed development.
 - Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
 - A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
 - That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30) immediately following habitat creation.
 - Data will be provided in an agreed standard format to allow for collation into a district-wide biodiversity network database.
 - Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

- 16 The development shall be carried out in compliance with the submitted Construction Phase Health and Safety Environmental Plan Document Number: 622608-5315-CML-000-XX-HS-W-0001 Re. P03.

To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 17 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.
- If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 18 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy

HER DM6.

- 19 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated September 2021, reference PROJECT NO. JAG/AD/JF/45663-Rp001.P04 622608-5315-AWP-000-XX-RPC-1001-00 by Alan Wood and Partners and the following mitigation measures detailed within the FRA:

Finished floor levels of the Healthcare extension are set no lower than 300mm above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 20 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 21 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 22 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 23 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to monitoring/auditing fees payable to WSCC in respect of the Travel Plan

and compliance with the Travel Plan.