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Application Number:	22/02316/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of a two storey houseblock
At:	HMP Hatfield Thorne Road Hatfield Doncaster

For:	Lynette Emmanuel
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Third Party Reps:	1 neutral comment	Parish:	Hatfield Parish Council
		Ward:	Hatfield

Author of Report:	Jess Hill
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SUMMARY

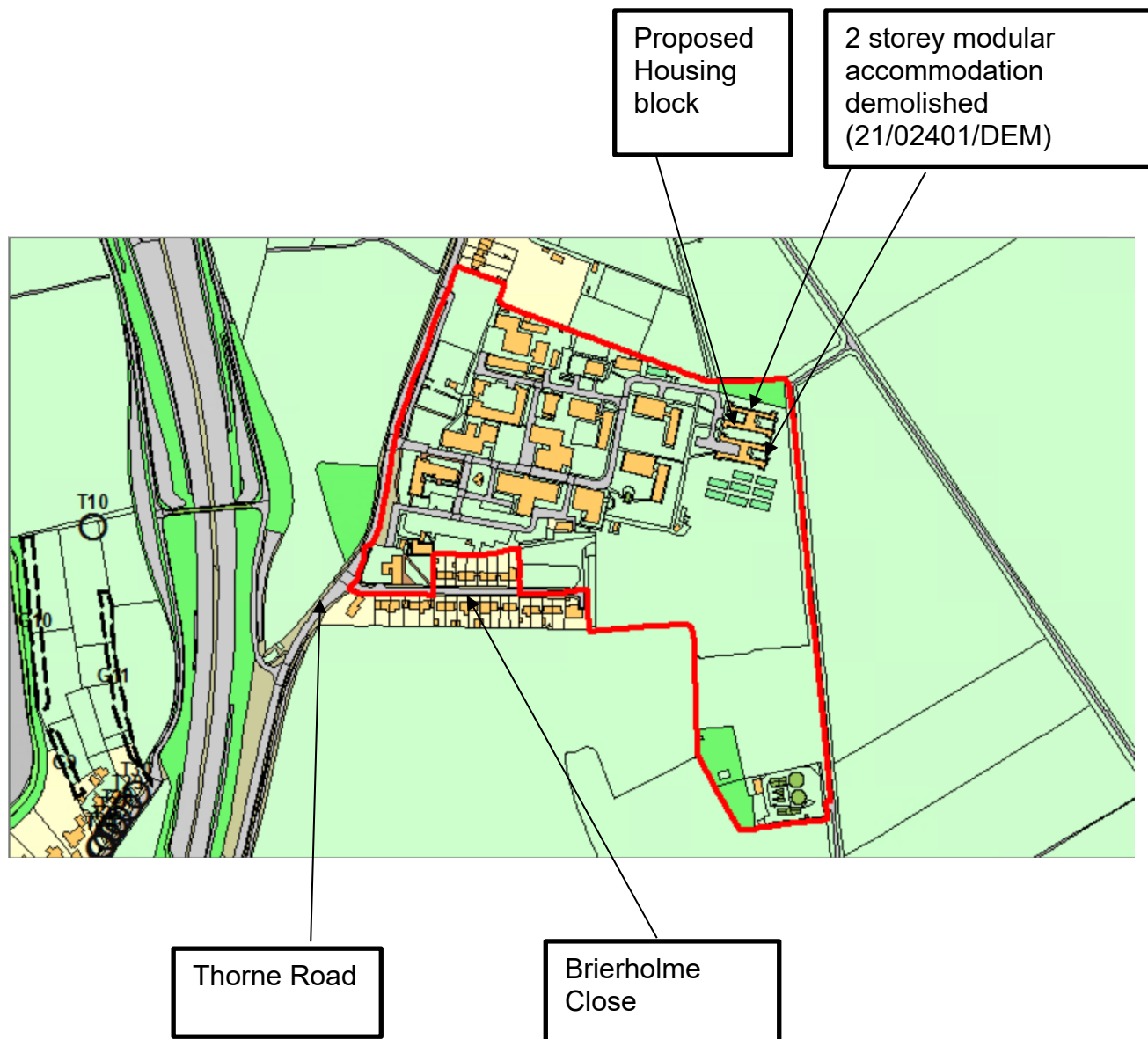
The proposal seeks permission to erect a new two storey 60 bed housing block for Hatfield Prison, which is a Category D (open) prison.

The proposed house block is of a similar (virtually identical) scale and appearance to the house block that was approved under application 21/02845/FULM. The approved house block is located to the south of the current application site.

The site is located in the Countryside Policy Area (CPA), however, it is within the wider prison site and previously featured the house blocks. The use is therefore technically a departure as prison buildings are not covered by Policy 25 in the Local Plan. The use is rare, however, it is considered to be suitable in this case as the house block will provide accommodation for prisoners within the site, which cannot be located elsewhere.

The impact on the countryside has been carefully assessed and there is felt to be no significant harm to high value landscapes or the wider countryside given the development is an expansion of an existing prison within the existing boundary. Therefore the application is recommended for approval.

RECOMMENDATION: GRANT planning permission subject to conditions.



1.0 Reason for Report

1.1 The application is being presented to Members because it is a departure from the Local Plan.

2.0 Proposal and Background

2.1 This application seeks permission for the erection of a 2 storey house block within secure perimeter fence at HMP Hatfield Prison. The prison is a Category D prison, which is for prisoners who present a low risk and can reasonably be trusted in open conditions and for whom open conditions are appropriate.

- 2.2 The site is located to the east of Thorne Road. There are a mix of building styles and storey heights within the prison site. The prison entrance is characterised by landscaping, mature trees and car parking on either side of the entrance road. The buildings at the entrance are one storey in height rising to three storeys elsewhere on the site. The buildings are set within open space and there is a football pitch to the south east of the main prison buildings.
- 2.3 The proposed house block will feature 60 bed spaces and is similar to the house block that was approved to the south of the site under application 21/02845/FULM. The two former house blocks which were “H” shaped have now been demolished and there is a need to provide suitable and energy efficient accommodation in its place. This aim has been embodied within the design of the proposals and the proposed house block will achieve at least BREEAM Excellent.

3.0 Site Description

- 3.1 The site lies to the North East of the existing settlement of Hatfield bound on its western side by Thorne Road with dwellings to the North of the site and southern boundary by dwellings on Brierholme Close. The site is located approximately 13km north east of Doncaster.
- 3.2 The site and surrounding countryside is generally flat. There are limited views of the prison due to the mixture of established trees and shrub surrounding the site to add a landscaped buffer to the prison. To the front of the site there is a grassed verge and established row of trees behind the car parking area.
- 3.4 The properties on Brierholme Close are mainly two storey semi-detached gable roofed dwellings with a detached dwelling at the entrance. The prison buildings are low level next to the residential dwellings and raise up behind the landscaping. On Thorne Road there are a mix of detached, semi-detached and bungalow property types.
- 3.5 The site is within Flood Zone 3a. HMP Hatfield is set in a largely rural location within the open countryside and farmland beyond the prison and housing.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
79/2380/P	Erection of replacement second dormitory block	Application granted 22.02.1980
79/2373/P	Erection of new dining hall	Application granted 22.02.1980
93/0156/P	Erection of cell confinement block (16.4M X 10.1M) (Being notification under DOE Circular 18/84)	Application granted 22.02.1993
02/4148/P	Erection of extension to visits building (9.5M X 11.0M), erection of external walls and erection of shallow pitched roof (Being notification under DOE Circular 18/84)	Application granted 28.11.2002

02/2377/P	Construction of two, two storey 'H' shaped temporary living modular each holding 40 places (Being notification under DOE Circular 18/84)	Application granted 30.07.2002
02/1581/P	Construction of two, two storey living modular's (36.0M X 16.6M OVERALL) (Being notification under DOE Circular 18/84)	Application granted 24.04.2002
05/03359/CIR	Erection of single storey extension (2.9m x 1.9m and 6.2m x 2.0m) to existing single storey flat roofed office building (Being notification under DOE Circular 18/84)	Application granted 21.12.2005
07/01473/FUL	Installation of 1.8m satellite dish on roof of single storey administration block	Application granted 18.06.2007
07/02465/RET	Retention of two 2-storey 'H' shaped living modulares holding 40 places (being renewal of application 02/2377/P granted on 30.07.2002 by notification under Circular 18/84 for a temporary period of 5 years)	Application granted 24.09.2007
07/02904/FUL	Temporary siting of portacabin 8.5m x 3.0m for ambulance stand by point	Application granted 01.11.2007
10/02554/FUL	Siting of relocatable unit (8.41m x 2.96m) for use as an ambulance stand by point for a temporary period.	Application granted 15.10.2010
12/01307/FULM	Permanent siting of two 2-storey 'H' shaped living modulares holding 40 places (being continuation of permission granted under application 07/02465/RET granted on 27.08.2007 for a temporary period of 5 years)	Application granted 30.12.2013
12/02063/PD	Decommissioning of existing pump station, incorporating decanting, capping off underground pump chamber & to remove the pumping equipment. Provision of replacement pump station & vehicle access. Erection of new kiosk & tarmac entrance.	Application granted 20.11.2012
13/02509/FUL	Retrospective application for formation of site compound including change of use of land for siting of re-locatable cabins, construction of car park, erection of 2m high fencing around the site and creation of new access road (all for a temporary period)	Application granted 27.06.2014
15/02965/FUL	Siting of a relocatable building (8.5m x 2m x 2.3m) for ambulance standby point	Application granted 14.01.2016
16/01283/COU	Change of use from HMP social club to cafe, retail and community centre.	Application granted 12.08.2016
16/01284/ADV	Display of non illuminated advertising hoarding (3.40m x 2.10m x 0.05m)	Application granted 12.08.2016

19/02712/FUL	Replacement of existing pre-fabricated building with new spoke building in a pre-fabricated unit	Application granted 13.05.2020
20/03262/PD	Temporary Prison Expansion (under Coronavirus Permitted Development Rights)	Notification that complies with temporary regulations until 21.4.22. Closed confirming comply 01.12.2020
21/02401/DEM	Notification of demolition of D&E Wing, 2no 40 bed 2 story modular accommodation.	Application granted 24.08.2021
21/02845/FULM	Erection of a 2 storey houseblock, extension to existing car park (34 spaces), proposed storage facility, modular storage building and refurbishment of part of existing building to provide dentistry facility within secure perimeter fence at HMP Hatfield Category D Prison	Application granted 02.02.2022

5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Countryside Policy Area. The site is also within a high Residual Flood Risk Area, Flood Zone 3a, and a Mineral Safeguarding Area.
- 5.2 National Planning Policy Framework (NPPF 2021)
- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraphs 7 to 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraphs 55 to 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 5.7 Paragraph 111 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.
- 5.8 Paragraph 130 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.9 Paragraph 159 states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.10 Paragraph 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.11 Paragraph 163 states if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
- 5.12 Paragraph 167 states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.13 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

Local Plan

- 5.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.15 Policy 13 seeks to promote sustainable transport within new developments.
- 5.16 Policy 25 lists appropriate development in the countryside.
- 5.17 Policy 30 deals with the need to value biodiversity.
- 5.18 Policy 32 states that the design process should consider woodlands, trees and hedgerows.
- 5.19 Policy 42 deals with the need for good urban design.
- 5.20 Policy 46 deals with design of non-residential, commercial and employment developments, protecting neighbouring amenity and good design.
- 5.21 Policy 48 considers new landscaping of new developments
- 5.22 Policy 54 requires the need to take into account air and noise pollution.
- 5.23 Policy 55 deals with the need to mitigate any contamination on site.
- 5.24 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.25 Policy 57 deals with the need to consider flooding.
- 5.26 Policy 61 looks at safeguarding minerals.

Other material planning considerations and guidance

- Community Infrastructure Levy (CIL) Regulations (2010)
- Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
- Biodiversity Net Gain Supplementary Planning Document (2022)
- South Yorkshire Residential Design Guide (2011)
- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 Consultation letters have been issued to neighbouring properties (on Brierholme Close to the south of the prison site, and to residential properties located to the north of the prison next to Thorne Road). A site notice and press notice have also

been issued. Following this publicity, 1 representation was received requesting drawings of the location of the site.

7.0 Relevant Consultations

7.1 **Environment Agency (EA)** – No objections subject to a condition

7.2 **DMBC Flooding Policy Officer** – The Sequential Test is considered to be passed.

7.3 **Health and Public Protection** – No concerns

7.4 **Severn Trent** – The site is out of Severn Trent Water's area for sewerage.

7.5 **Yorkshire Water** – No objections subject to conditions

7.6 **DMBC Public Rights of Way** – No objections. There are no recorded public rights of way affected by the proposed development.

7.7 **National Grid** – No objections (recommended an informative)

7.8 **Contaminated Land** – No objections subject to conditions.

7.9 **South Yorkshire and Fire Rescue** – If the proposal should become the subject of a Building Regulations application then detailed comments may be made at that time.

7.10 **South Yorkshire Police** – No recommendations or comments

7.11 **Highways England** – No objection

7.12 **Air Quality** – No comments

7.13 **Local Plans Team (Minerals)** – On this occasion, the consideration of Local Plan Policy 61 B (mineral safeguarding) is not required. Given the size of development proposed the consideration of prior extraction or further consideration of policy 61 is not required on this occasion.

8.16 **Waste and Recycling Officer** – No concerns

8.17 **Tree Officer** – Initially requested clarification relating to tree group G11. Clarification was subsequently provided omitting reference to excavations near tree group G11. No objections subject to tree protection and landscaping conditions.

8.18 **Superfast Broadband** – A condition is recommended to secure gigabit-capable full fibre broadband

8.19 **South Yorkshire Archaeology** – Archaeological monitoring of groundworks in connection with a previous application (21/02845/FULM) at HMP Hatfield demonstrated widespread ground disturbance within the grounds affecting archaeological potential. These conditions are likely to apply to the current application area as well. Given this, SYAS recommends that no archaeological investigation is required and have no further comments to make.

- 8.20 **Internal Highways** – The development site is HMP Hatfield on Thorne Road. The proposed development & construction work that have been proposed the building is to be situated within the grounds of HMP Hatfield Thorne Road. The development is to be used by residents of the prison only. Construction & delivery vehicles have an allocated route/ process that means they should cause no obstructions to the highway network. Given the above no objections.
- 8.21 **Ecology** –Requested the DEFRA 3.1 Excel metric to assess the proposed biodiversity net gain. This metric was subsequently provided and the council’s Ecology Officer subsequently confirmed they have no objections to the proposal subject to a conditions requiring the implementation of the proposed net gain measures.
- 8.22 **Internal Drainage** – Initially requested further information. Further drainage details were provided and the Drainage Team have now confirmed they have no objections subject to conditions.
- 8.23 No responses have been received from Emergency Planning, the Civil Aviation Authority, Robin Hood Airport, Natural England, Yorkshire Wildlife Trust and the Isle of Axholme and Notts Water Level.

9.0 Assessment

- 9.1 The proposal seeks permission for the erection of a two storey housing block. In considering the proposal the main material planning considerations are outlined below:
- Principle of Development
 - Design and Visual Impact
 - Residential Amenity
 - Flood Risk and Drainage
 - Trees and Landscaping
 - Ecology
 - Highways
- 9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:
- Substantial
 - Considerable
 - Significant
 - Moderate
 - Modest
 - Limited
 - Little
 - No

Principle of Development

- 9.3 The application is presented to Planning Committee as a departure from the Local Plan. Local Plan Policy 25 lists appropriate uses in the countryside, of which a prison use is not listed. The proposal is therefore contrary to policy.

- 9.4 The proposal is, however, a rare form of development and it is understandable that there is no specific local or national policy to consider such proposals. It is acknowledged that the development would enable the expansion of an existing prison to meet a defined national need for additional prison places. The government announced in 2019 that 10,000 additional prison places would be provided, comprising of 3,500 prison places through the expansion, reconfiguration and refurbishment of the existing estate – the new houseblocks and ancillary accommodation proposed in this application form part of this expansion with the remaining 6,500 places coming from four new prisons. As part of this programme a need has been identified by the Ministry of Justice (MOJ) to provide additional accommodation at a number of Category D (open prisons). Hatfield was identified as a prison which required additional accommodation. This planning application would provide an additional 60 bedspaces (for 60 prisoners) at HMP Hatfield.
- 9.5 Furthermore, the residential element of the development would entail a relatively limited expansion of the existing prison complex and would be retained within a well-defined boundary to the east (strong hedgerow / treed boundary) which defines the extent of the prison. Thus the visual impact upon the wider countryside appears to be limited. Given this is within the confines of the prison it is not felt to significantly harm the wider countryside which is the aim of Policy 25.
- 9.6 Therefore although a departure, the benefits of the provision of improved sustainable facilities at the Prison within an existing prison's boundary and in line with government aspirations and requirements would have limited impact on the wider countryside and would not be significantly harmful to the amenity and value of the countryside and this weighs considerably in favour of the application.

Design and Visual Impact

- 9.7 Policy 42 of the Local Plan is concerned with good Urban Design, stating that high quality development that reflects the principles of good urban design will be supported.
- 9.8 Policy 46 of the Local Plan sets out the Authority's expectations around the Design of Non-Residential, Commercial and Employment Developments. As above, it seeks to ensure that such proposals are designed to be high quality, attractive and make a positive contribution to the area in which they are located. Development should be sympathetic to the local character, not cause unacceptable negative effects on local amenity, promote accessibility, be architecturally appropriate and reducing bulky and bland elevations through quality materials and detailing, ensuring that parking and servicing areas are sensitively located, and to be well landscaped.
- 9.9 The building measures 59m in length by 11.5m in width. The building features a gable end roof form and the roof ridge is 12.3m from the ground level. The dimensions, scale and appearance of the building are the same as the house block that was approved under permission 21/02845/FULM.
- 9.10 The application is accompanied by a Landscape Visual Impact Assessment (LVIA). The LVIA is thorough and includes an assessment of the proposals from various viewpoints. The site is located on generally level, low-lying land which makes up the majority of the surrounding area too. The report finds that the immediate landscape context is influenced by the built form and existing car parking areas of HMP Hatfield and by residential built form to the north and south of the existing

prison site. It is also influenced by the transition between this and the wider countryside, noting that the local landscape is influenced by the proximity to the M18 and M180 road corridors.



Extract from LVIA showing the heavily planted and screened boundary.

- 9.11 The report finds that in the case of the proposals, mitigation should include the retention of existing vegetation where possible, introduction of new planting and a sensitive approach to materials and heights of structures so as to not impede the surrounding landscape (Paragraph 7.6 – Page 53). This is similar to the assessment of the previous house block.
- 9.12 The LVIA concludes that there are a limited number of receptors that have been identified to have a visual change because of the proposed development. These are located within close proximity to the site including PRow users adjacent to the eastern boundary of HMP Hatfield (Paragraph 7.12 of the LVIA). Due to mature vegetation, localised undulations in the topography and intervening built form across the study area many views are screened and provide only glimpsed views towards the proposed development for the majority of receptors, as such visual effects are not considered greater than minor adverse as a result of the proposed development (Paragraph 7.13 of the LVIA).
- 9.13 Materials details have been provided for the housing block to be a brick slip to match the colour of the other buildings on site and grey metal cladding which again will be sympathetic to the rest of the site.
- 9.14 The proposed housing block will also be built to a highly sustainable standard and is planned to exceed local and national planning policy requirements in terms of sustainability. The accommodation block will achieve at least BREEAM Excellent certification. This will be secured by planning condition.
- 9.15 Given the proposed planting to the south of the housing block, existing screening (security fencing and planting) and landscaping areas, the proposals will not cause significant harm to the character of the area and wider countryside.
- 9.16 Whilst it is acknowledged that the appearance of the land would invariably change in the event that planning permission is granted, the proposed development would be seen as an extension to the existing built environment within the confines of the existing prison development. Overall, the scheme is considered to be acceptable in terms of its landscape and visual impacts and there are no high value landscapes that would be adversely affected.

Residential Amenity

- 9.17 The properties most likely to be affected by the development are those located to the north of the site on Thorne Road and to the south of the site on Brierholme Close.
- 9.18 There were previously two house blocks on the site. The proposals seek to erect a house block which will be in a similar position to the previous house blocks. Proposed house block will be located approximately 250m to the south east of the nearest residential properties on throne Road, and approximately 190m to the north east of the nearest properties on Brierholme Close.
- 9.19 Consequently it is considered that the proposal would not adversely affect neighbouring properties in terms of excessive levels of overlooking, over dominance, loss of privacy, noise or overshadowing. This weighs positively in favour of the application carrying moderate weight.

Flood Risk and Drainage

- 9.20 The application site lies within an area designated as Flood Risk Zone 3, which is defined as having a high probability of flooding. The Environment Agency have been consulted as part of the application. They agree with the findings of the Flood Risk Assessment (FRA) subject to condition to ensure the measures of the FRA are met (floor levels at 4.4mAOD). This will be secured by condition as recommended by the Environment Agency.
- 9.21 It is also necessary to determine whether the proposal has adequately applied the Sequential Test and Exceptions Test.
- 9.22 The NPPF makes clear that developments which are 'more vulnerable' within high flood risk zones should look to apply the Sequential Test (ST). Paragraph 161 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 9.23 The Sequential Test is contained within the submitted FRA. This outlines that the proposal directly relates to the expansion and intensification of an existing facility. It is not possible for the proposal to be re-located to a different site, or set at a lower flood risk area as all the site lies within an area of flood risk. It is accepted that it would be unreasonable to look for alternative sites at a lower risk of flooding which could accommodate the proposal. As the majority of the site lies within flood zone 3, even looking further at on-site opportunities to reduce the flood risk would potentially be unreasonable. The Sequential Test is therefore considered to be passed.
- 9.24 Table 3: Flood risk vulnerability and flood zone 'compatibility' sets out the circumstances where the Exceptions Test should be applied. Annex 3 of the NPPF defines prisons as 'More Vulnerable development' and this in combination of the site being classified as Flood Risk Zone 3a triggers the need for an Exception Test.
- 9.25 In order to pass the Exceptions Test Paragraph 164 of the NPPF states that it should be demonstrated that:

- a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

- 9.26 As residential development is classed as more vulnerable by national policy and its supporting guidance, then both parts of the exception test must also be met in line with NPPF para.161 and Policy 57 of the Local Plan. Part 1 requires demonstration that the development provides wider sustainability benefits to the community that outweighs the residual risk. Part 2 of the exception test process requires that the development will be safe for its lifetime (given to be 100 years) taking into account the vulnerability of its users without increasing flood risk elsewhere and, where possible, reduce flood risk overall.
- 9.27 The submitted Exceptions Test states that the benefits of the proposal include the delivery of a modern, quality facility within the site. The new accommodation will be energy efficient and meet BREEAM excellent standards and will help facilitate the ongoing operations of the prison site, which is to offer support and rehabilitation for prisoners.
- 9.28 It is considered that the proposal will be constructed to provide enhanced flood resistance and resilience and the wider site can be operated in a safe manner for the lifetime of the development. Whilst it is acknowledged that the site can never be free from flood risk, the measures noted within it will maximise the flood resilience of the new parts of the site while providing enhanced accommodation and wellbeing facilities that will benefit the occupants of the site meeting the exceptions test.
- 9.29 The council's Drainage Team have considered the proposals and raised no objections subject to drainage conditions.
- 9.30 In conclusion, the proposal is considered to pass the Sequential Test and Exception Test and no objections have been raised by the Environment Agency or internal drainage teams subject to suitably worded conditions. The proposals are therefore considered to accord with policies 56 and 57 of the Local Plan and Paragraphs 162 and 164 of the NPPF.

Trees and Landscaping

- 9.31 Policy 32 seeks to protect trees and Policy 48 seeks to secure new landscaping in developments. Landscaping is a key component of sustainable development that helps to tackle climate change. The Council has declared a climate change emergency and so this is an important feature of new development.
- 9.32 Initially, clarification was sought from the applicant with regards to tree group G11, however, this was subsequently omitted from the revised Arboricultural Method Statement. The tree officer subsequently confirmed this was acceptable and that the application has been accompanied by a good level of arboricultural information. For clarity the trees that require removal are the BS5837 (2012) category U trees T17 (cherry), T37 (oak), T40 (birch) and T45 (hybrid black poplar). Category U trees represent trees that should be removed for sound arboricultural reasons. The tree officer has no objections to the removal of these trees. Works are required (pruning and ground disturbance) to T21 (rowan) and T22 (cherry), but these are small,

unremarkable category C trees. The tree officer also has no objections to these works.

- 9.33 The tree officer has recommended conditions to secure measures for tree protection and further soft landscaping details which have been included. The proposals are therefore considered to accord with policies 32 and 48.

Ecology

- 9.34 The site is within 3 km of the Hatfield Moors SPA/SAC/SSSI and adjacent to open countryside. The site is also within the nightjar foraging circle. Policy 30 (Part E) of the Local Plan sets out that development should not negatively impact on nightjar populations.

- 9.35 The application is accompanied by the following ecological reports and information:

- Preliminary Ecological Appraisal;
- Landscape and Ecological Management Plan;
- Ecological Mitigation Strategy;
- Water Vole Survey; and
- Biodiversity Net Gain Calculations.

- 9.36 The Council's ecology officer has been consulted and has confirmed they have no objections to the proposals subject to conditions to secure a Management Plan and ecological enhancement plan to secure the proposed ecological enhancements proposed by the submission.

- 9.37 The ecology officer has set out that a number of ecological receptors could be potentially affected by the proposal. These are assessed within the Ecological Mitigation Strategy which identifies that there will be sufficient impacts on bats that mitigation would be required.

- 9.38 In accordance with Paragraph 174 of the NPPF, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Biodiversity Net Gain (BNG) calculations using the DEFRA 3.1 Excel metric have been submitted. The metric shows that there is a surplus of 1.44 Habitat Units (+133%) and 0.63 Hedgerow Units (+313%). The council's ecology officer is satisfied with the calculations and the assessments that have been made. Habitat creation proposals are set out in the Landscape Plan (9032 Rev P04).

- 9.39 It is considered that the calculation of BNG and imposition of suitably worded conditions would deliver suitable BNG for this scheme. BNG is considered to carry moderate weight in favour of the application as it would result in betterment. The proposals are therefore considered to accord with policies 29 and 30 and Paragraph 174 of the NPPF.

Highways

- 9.40 Policy 13 of the Local Plan sets out that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network.
- 9.41 Importantly the NPPF makes clear at Paragraph 111 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.”

- 9.42 The council’s Highways team have been consulted and have confirmed that they have no objections. The proposed house block will be situated within the prison grounds and will only be used by residents of the prison. Construction and delivery vehicles have an allocated route and process which should reduce the potential for obstructions to the highway network.
- 9.43 Highways England have also confirmed they have no objections to the proposals.
- 9.44 It is considered that the proposal would not cause any highway safety harm or severe detriment to the highway network. The proposals therefore accord with policy 13 and Paragraph 111 of the NPPF.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on an established site within the existing boundary of the prison and there is substantial landscaping. This weighs considerably in favour of the application. The proposals can be achieved that would be reflective of the character of the site and safeguard the countryside amenity and neighbouring properties and this weighs significantly in favour of the application.
- 10.2 The proposed biodiversity net gain and the aim of a BREEAM excellent certificate to be achieved by the development weighs moderately in favour of the application. It is noted that whilst the proposal lies within a high residual flood risk zone, the applicants have provided sufficient justification to the Environment Agency meaning that no objections have been received subject to a condition.
- 10.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.
- 10.4 There are no material considerations which indicate the application should be refused and is recommended for approval.

11.0 RECOMMENDATION

11.1 GRANT PLANNING PERMISSION subject to conditions:

CONDITIONS

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

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990

02. The development hereby permitted must be carried out and completed entirely in

accordance with the terms of this permission and the details shown on the approved plans listed below

- Location Plan (2007 Rev P01)
- Site Layout Plan (9030 Rev P02)
- Ground Floor Plan (2001 Rev P02)
- First Floor Plan (2002 Rev P02)
- Attic Floor Plan (2003 Rev P02)
- Roof Plan (2004 Rev P02)
- Proposed Site Block Plan (2006 Rev P01)
- House Block Elevation (2011 Rev P02)- Landscape Plan (9032 Rev P04)
- Tree Felling and Protection Plan (9800 Rev P01)
- Landscape and Ecological Management Plan (0005 S3 Rev P01)
- Planting Plan (9033 Rev P03)

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. The development shall be carried out in accordance with the submitted flood risk assessment (ref 274842-7325-CAU-038-XX-RP-D-9306-S3-P2, dated August 2022, compiled by Caulmert Ltd) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD)

This mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON

To reduce the risk of flooding to the proposed development and future occupants.

04. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

REASON

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network

05. No development shall be commenced prior to a remediation strategy, together with a timetable of works (in accordance with the approved Ground Investigation Report), being approved by the Local Planning Authority (LPA).

a) The Phase 2 Geo-Environmental Report (274842-7325-ESS-000-XX-SU-G-8001) has identified that further remediation and verification works are necessary, and as such a Phase 3 remediation report is required. The Phase 3 Remediation Report shall be submitted to and approved in writing by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the

identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

b) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

c) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policies 54 and 55.

06. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policies 54 and 55.

07. Prior to the commencement of development a Management Plan for 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.

-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, 3, 5, 10, 20 and 30)) immediately following habitat creation.

-Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by Local Plan policy 30B and the NPPF paragraph 174.

08. Within one month of commencement of development an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall be based on the measures outlined in section 4 of the Ecological Mitigation Strategy Middlemarch Ecological Ltd. (0004 Rev P01) (September 2022). All of the measures shall be implemented prior to the first occupation of the site.

REASON

To ensure the ecological interests of the site are maintained in accordance with the NPPF and Local Plan policy 29 and 30.

09. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating prior to the occupation of the development. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

10. No building shall be erected within 10 metres of the watercourse or culvert, which passes through / runs adjacent to the site.

REASON

To ensure adequate access at all times and to protect the culvert from damage.

11. Prior to the first occupation of the development hereby approved, details of the drainage management and maintenance plan shall be submitted and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.

REASON

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Paragraph 169 (c) of the National Planning Policy Framework (2021)

12. The scheme of protection for all retained trees, including tree management, ground protection measures and the erection of impact resistant protective barriers shall be implemented in full accordance with the requirements contained within the approved plans and particulars (ref. Sterry-Walters Partnership Arboricultural Method Statement 274842-7325-SWL-000-XX-RP-L-9800 dated 26.01.2023; Middlemarch Preliminary Arboricultural Assessment Report No: 274842-7325-MEN-000-XX-SU-X-0001_S3 RT-MME-157486-01 dated August 2022 P02 - Issued for Planning; and Estates Directorate Plans Drawing Nos. 274842-7325-SWL-038-XX-DR-L-9800 Rev.P01 dated 08.09.22) before any equipment, machinery or materials have been brought on to site for the purposes of the development. The local planning authority shall be notified of implementation and shall visit site to approve the setting out of the site and location of protective barriers prior to the commencement of development. Thereafter tree protection practices shall be implemented and monitored in full accordance with the approved scheme until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON

In the interests of environmental quality and in accordance with Policy 32 of the Local Plan.

13. Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of soft landscaping shall be implemented in full accordance with the approved plans and particulars (ref. Middlemarch Landscape and Ecological Management Plan Report No. 274842-7325-MEN-000-XX-SU-X-0005 RT-MME-157486-05 S3 P01 dated September 2022 and Estates Directorate Phase 2 Accommodation Block Landscape Plan Drawing No. 274842-7325-SLW-038-XX-DR-L-9032 Rev. P04 dated 08.09.2022) during the first available planting season following the completion of the development hereby granted and the local planning authority notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme.

REASON

In the interests of environmental quality and in accordance with Policy 48 of the Local Plan.

14. The development must take place in accordance with the submitted BREEAM pre-assessment and meet the agreed 'excellent'. Within 6 months of occupation of any building, a post construction review shall be carried out by a licensed assessor and submitted to and approved by the Local Planning Authority to demonstrate BREEAM 'excellent'.

REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

INFORMATIVES

01. INFORMATIVE
At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.
02. INFORMATIVE
The applicants attention is drawn to the South Yorkshire Fire and Rescue Service comments which states that:
- Fire Service access should comply with the Building Regulations 2010, Approved Document B5 "Access and Facilities for the Fire Service". If the proposal should become the subject of a Building Regulations application then, as the enforcing authority, consultation with the Crown Premises Inspection Group should be considered.
- The development should accord with the appliance dimensions and weights in their table 'Scania Rescue Pumps and Scania Turntable Ladders'.
03. INFORMATIVE
Developers, individuals or companies who wish to operate cranes or other tall equipment within 6 kilometres of the Aerodrome boundary and at heights of more than 10m Above Ground Level (AGL) or that of surrounding trees or structures must receive prior permission and a Crane Authorisation Permit from Doncaster Airport, Airport Duty Manager. Operators of exceptionally tall equipment (greater than 50m AGL) are advised to consult Doncaster Airport if operating within 15km of the Aerodrome Boundary.
04. INFORMATIVE
The developer's attention is drawn to the information provided by Doncaster East Internal Drainage Board. The information may be found by viewing their consultation reply which is attached to the planning application on the Council's website. Please use the following link
www.doncaster.gov.uk/planningapplicationsonline
05. INFORMATIVE
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
- Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022

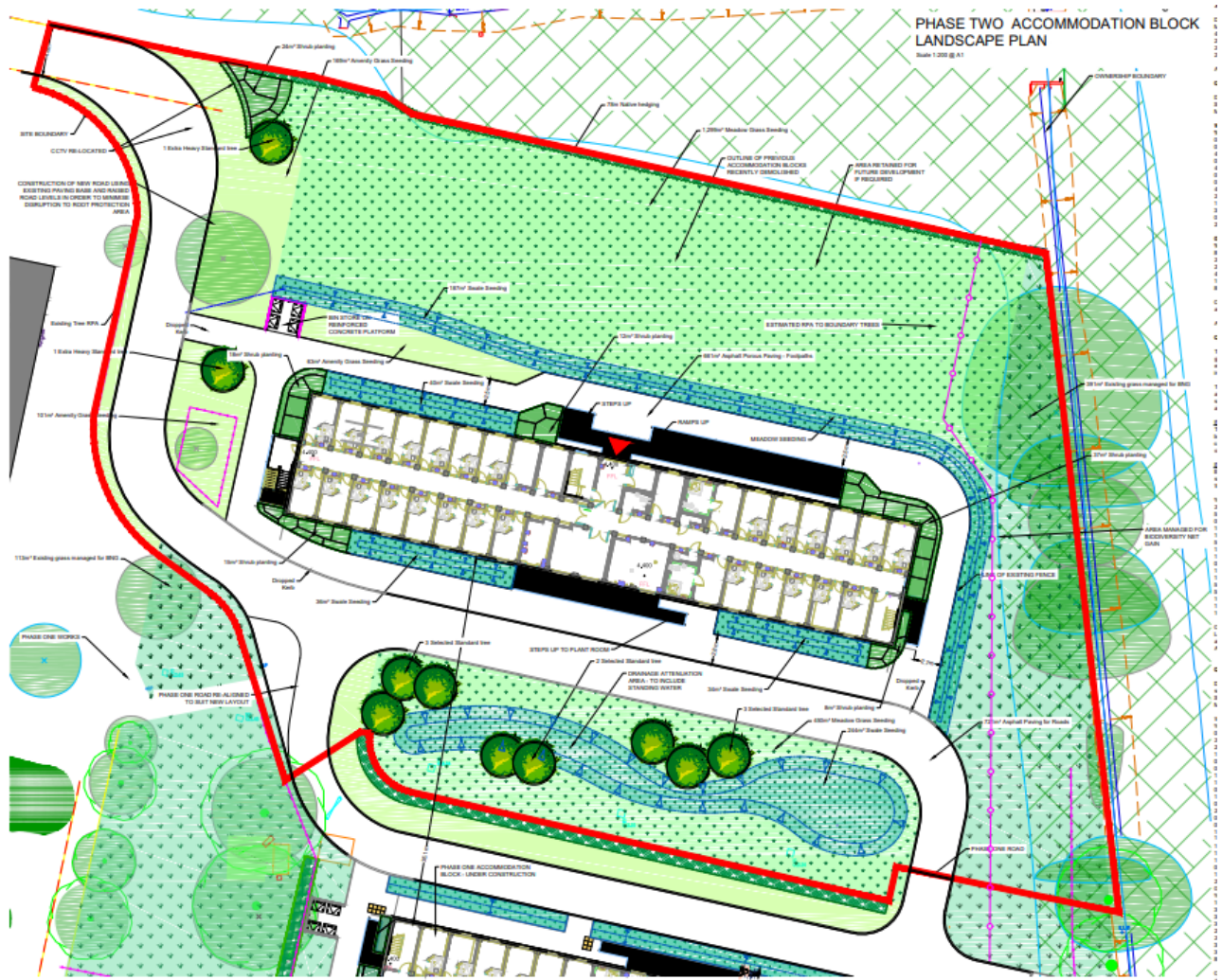
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:














- A revised Arboricultural Method Statement which removes reference to Tree Group G11; and
- Additional information relating to the proposed drainage works and the submission of a Flood Evacuation Plan.

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence

Appendix 3: Landscaping



LEGEND

-  PROPOSED BUILDING
-  EXISTING BUILDING
-  BUILDING ENTRANCE
-  ASPHALT PAVING FOR FOOTPATHS TO ENGINEER'S SPECIFICATION
-  ASPHALT PAVING FOR ROADS TO ENGINEER'S SPECIFICATION
-  Species Rich Grass Maintenance and Over-seeding Q30.314 - Existing levels retained
-  Meadow Mix Seeding Q30.313 - Min 150mm site won, screened topsoil
-  Amenity Grass Seeding Q30.310 - Min. 150mm site won, screened topsoil
-  Swale Seeding Q30.315 - Min. 150mm site won, screened topsoil
-  Hedge Planting Q31.400 - 600mm wide trench min 450mm site won, screened topsoil, with ameliorants
-  Shrub Planting Q31.400 - Min 450mm imported, screened topsoil, with ameliorants
-  Existing Trees
-  Proposed Trees - Min 1m Dia x 0.6m imported, screened topsoil, with ameliorants. Double low-staked.

Appendix 4: Housing Block

