

Officer Report HMP Mount 2012 planning application 4/01994/12/MFA

Background

Site and surroundings

Bovingdon Prison, HMP The Mount, houses 768 category C inmates and is located on the north-western side of Bovingdon outside the core village area in the Green Belt. The prison is identified as a Major Developed Site in the Green Belt. Bovingdon airfield is located to the north-west of the prison grounds with a residential area adjacent to the south-eastern boundary. There is a public footpath and a screen of tall trees forming a visual buffer between the prison and the residential area.

The proposed site extends to 15 ha and comprises existing prison cell blocks, workshops, kitchens, chapel, visitor area, admin offices, segregation accommodation, healthcare provision, gym, education and workshop provision, farms and gardens, a workshop building and boiler house. There is also open land comprising a playing field and an area of vacant land to the north. Staff car parking is provided at the southern end of the site extending to 150 spaces.

The site is virtually flat The site is bounded on all sides by a 5.2 metre high security perimeter fence.

Proposal

Permission is sought to increase the prison population by 250 persons to 1018. The proposal is primarily for the construction of a new cell block, new kitchen and a weights/changing building within the grounds of the existing prison facility. However, the proposal also includes conversion of the existing kitchen to provide education/training places, refurbishment of the existing workshop to provide additional training places, refurbishment of the existing healthcare provision and resiting of the rugby pitch.

The following is also proposed:

- additional plant room and generator to serve new houseblock
- external works to comprise new zonal fencing
- a new exercise area
- corridor/walkway
- outside amenity/rest area for the workshops
- new gas, water and foul sewer from houseblock to front of prison including surface water drainage via water harvester.
- additional security lighting and CCTV
- new car parking/cycle parking at the front of the prison to provide 80 additional spaces
- The number of staff would increase to reflect the increased prisoner population

The new houseblock would be a three storey "L" shaped building with a pitched roof of profiled steel (vandyke brown in colour) over external walls clad with red facing brickwork. Metal vents and rooflights would be in vandyke brown and the gable ends would have white infill curtain walling.

The new weights/changing rooms would be a two storey rectangular building located to the south of and partially enclosed by the 3-storey houseblock. It would have a pitched roof to match the houseblock over red brick walls with white framed windows and glass block infill panels to the gables. The existing small changing facility is to be demolished.

The new kitchen block would be a single storey roughly rectangular building to the north west of the houseblock. It would have similar external materials to the houseblock with metal louvres to the gables in vandyke brown and wide fascias in brown. There would be no windows, only timber doorsets.

The existing kitchen buildings would be refurbished and altered externally with changes to existing fenestration. However, the overall size and form would remain unaltered.

The new stand alone generator and plant room would be of 1 and a half storey height with pitched roof and sited to the west of the new houseblock. Materials would match the other buildings.

940 sq m of mezzanine floorspace would be provided within the main workshops.

The proposal is supported by a Design and Access Statement (including very special circumstances), a Travel Plan, Transport Assessment and a Sustainability Statement.

Relevant history

4/01958/08/FUL INSTALLATION OF SECURITY NETTING
Granted
04/11/2008

4/00498/08/FUL INSTALLATION OF CCTV CAMERAS
Granted
28/04/2008

4/02860/07/FUL CONSTRUCTION OF SINGLE STOREY LINK BETWEEN EXISTING
KITCHEN AND STORE BUILDINGS.
Granted
09/01/2008

4/02393/07/FUL INSTALLATION OF 1.8M SATELLITE DISH MOUNTED ON 2.5M POLE
(AMENDED SCHEME)
Granted
19/11/2007

4/02669/06/MFA CONSTRUCTION OF 44 CELL HOUSE BLOCK AND EDUCATIONAL
FACILITIES AND RELOCATION OF SPORTS PITCHES
Granted
05/03/2007

4/00093/00/GO V ADDITIONAL SECURITY FENCE (CONSULTATION UNDER CIRCULAR 18/84)
Raise no objection
02/02/2000

4/01480/98/4 EXTENSION TO ADMINISTRATION, VISITS AND ENTRY BUILDING, NEW VISITORS CENTRE, EXTENSION TO SEGREGATION BLOCK, NEW VICTUALLING STORE, CHAPLAINCY CENTRE, WC'S, CHANGING FACILITIES AND CAR PARK
Raise no objection
15/10/1998

4/00492/98/4 ADDITIONAL INMATE ACCOMODATION
Raise no objection
20/03/1998

4/01567/97/4 CONSULTATION UNDER CIRCULAR 18/1984 ADDITIONAL ACCOMMODATION
Raise no objection
27/11/1997

4/00664/96/4 FORMATION OF 40 SPACE CAR PARK
Withdrawn
19/06/1996

4/00329/95/4 TEMPORARY TRAINING BUILDING (CONSULTATION UNDER CIRCULAR 18/84)
Raise no objection
07/04/1995

4/00330/95/4 ERECTION OF TWO PORTAKABINS TO PROVIDE TEMPORARY WORKSHOP FACILITIES (CONSULTATION UNDER CIRC. 18/84)
Raise no objection
11/04/1995

4/01481/94/4 INSTALLATION OF OIL TANK COMPOUND
Raise no objection
19/01/1995

4/01435/94/4 ERECTION OF KITCHEN BUILDING
Raise no objection

19/01/1995

4/01617/93/4 (CONSULTATION UNDER CIRCULAR 18/84) ADDITIONAL INMATE
ACCOMMODATION
Raise no objection
20/01/1994

Constraints

Policies

National policy guidance

NPPF

Circular 11/95

Dacorum Borough Local Plan 1991 - 2011

Policies 4, 5, 11, 13, 51, 58, 67, 99, 100, 111, 122 and 124
Appendices 1, 2, 5 and 7

Emerging CS

Policy CS5, 4, 5, 8, 9, 10, 11, 12, 13, 25, 26, 29, 30, 31, 32 and 28

Supplementary Planning Guidance and Documents

Environmental Guidelines
Energy Efficiency and Conservation
Water Conservation

Considerations

Policy and Principle

The development would be located within the existing prison site as defined by its 5 m perimeter fence. Under Policy 67, there is a general approach to support the social infrastructure of the Borough, which includes prison facilities.

Bovingdon Prison is located within the green belt (Policy 4) and is identified under Policy 5 as a major developed site (MDS) in the green belt. Policy 5 allows limited infill development within the defined infill area shown in Appendix 2 of the Local Plan, subject to criteria (a) to (f) within the Policy. However, the infill area is tightly confined such that the site of the proposed prison block, gym/changing rooms, plant room and generator fall beyond the defined infill area and are therefore inappropriate development within the green belt. They are by definition harmful

to its purposes and very special circumstances would need to be advanced to justify an exception to GB policy that clearly outweigh the harm to the GB and any other harm.

Whilst NPPF no longer refers to MDS in the GB, it should be noted under emerging Core Strategy Policy CS5 that the Council is seeking to retain this designation as a local approach to development. However, the proposal is still excluded under the defined boundary in the DBLP.

With regards to the applicants' argument that the site should be considered as falling within the MDS on grounds that the Interactive Proposals Map on the website defines that entire prison site as an MDS in the GB, this is simply not accepted. It is nevertheless accepted that part of the site does fall within the defined MDS and therefore the limited development being proposed in this part does comply with the criteria in Policy 5. Nevertheless, the major part of the proposed development falls outside the MDS boundary as shown on Map 2 of the DBLP Written Statement and the Policy specifically refers to this. Therefore this part of the proposed development cannot be subject to the criteria in Policy 5 and is therefore subject to Policy 4 and the need for VSC's.

At pre-app stage, the applicant was advised of the need to demonstrate VSC's in order to justify this development in the GB.

The key issues in the determination of this application relate to the existence or not of VSC's, the design and visual implications of the proposals, the impact on residential amenities, the acceptability of the proposals in highway and traffic terms and the sustainability credentials of the proposal.

Very special circumstances

Very special circumstances have been submitted with this application to support the case for allowing development within the green belt outside the defined infill area. These are set out within the Supporting Statement DAS. The case put forward can be summarised as follows:

1. National Need:

It is stated that the need at HMP The Mount on a national level is being driven by Govt requirement for sustainable efficiency savings in the MoJ under the Government's wider austerity measures. The national delivery of cash savings through NOMS is being implemented through a variety of measures including the houseblock programme (including at HMP The Mount).

2. Strategic Need:

8000 prisoners are being held out of the London/SE area in other prisons. This reduces family visits, impacts on ability to integrate prisoners due for release and results in an increase in prisoner transport costs.

The Houseblock programme involves the delivery of 1259 Cat C prison places and both the SE and Wales have been identified as having a shortfall. All, existing facilities in England and Wales were reviewed for suitability using a number of criteria. The development of new green field sites was discounted as unsustainable due to additional infrastructure costs. Those sites evaluated as meeting the criteria are:

HMP Peterborough

HMP The Mount
HMP Thameside (East London)
HMP Parc (Wales)

HMP The Mount was identified as having capacity for 250 add. Cat C places within an existing secure area. No future additional expansion is considered likely as the facilities and infrastructure would require sig. further investment.

The Houseblock programme supports the MoJ wider objectives for reducing reoffending, and modernising the estate, which reduces reliance on more expensive facilities.

The prison supports these objectives through meaningful education.

3. Local Benefit:

Would result in creation of 53 FTE jobs from 2014 which would be advertised locally. A number of temporary jobs would be created during construction period of 15-18 months.

Other considerations

In addition to the above very special circumstances put forward, where development is accepted within the green belt there is an explicit requirement within NPPF that the proposal should also limit its overall visual impact on the green belt. The applicant's DAS seeks to demonstrate that the proposal would limit its impact on the openness and character of the GB as follows:

- Although 3-storey, the houseblock structure would only be 0.8 m higher than the tallest building 'Dixon House' on the site. A 3-storey building would not therefore be significantly more intrusive than 2 storeys in views from the N and NW and would be set within the context of existing development on the site.
- The visual envelope is contained due to the flat terrain and the well established tree belts and well vegetated earth bund to the west.
- The houseblock would be enclosed within the existing 5.2 m high perimeter fence and would be seen in the context of being within a contained prison compound area rather than open countryside.
- The L shaped layout of the houseblock would be less imposing because it appears to have a relatively small footprint and retains a greater extent of open space in general.
- The new houseblock will reflect the window layout and materials of the other houseblocks giving unity whilst the three-storey height will avoid complete repetition and give more visual interest.

With the exception of the creation of local jobs (which is not very special), the above specified 'very special circumstances', represent sound justification for allowing an exception to the normal presumption against inappropriate development within the green belt in this case. The circumstances are sufficiently special not to be repeated elsewhere in the Borough and therefore do not set a precedent. The proposals are arguably in the national interest and regional interest. Whilst the 'other considerations' are noted it is not considered that these are special nor that they necessarily minimise the visual impact of the development on the GB, although it is accepted that the visual harm is mitigated to an extent by the context of the other prison buildings and the perimeter fence. However, the harm is outweighed by the need in the national interest.

Design and Visual Impact

Each arm of the proposed prison houseblock would measure some 56.7 metres long by 13.7 metres wide. Pre-application advice was to keep the height no more than 2-storeys in accordance with Policies 4, 11 and 111 in order to limit the visual harm to the GB and settlement edge. The proposal would be three storeys in height. Whilst this is a storey higher than any other building on the site, the applicants' argue that the proposed 3-storey structure would have a ridge only 0.8 m higher than the tallest building on the site, Dixon House. Whilst this is accepted, it is considered that it is the eaves rather than the ridge height that more strongly affect the overall impression of height. Whilst Dixon House has a high ridge, this is because its pitched roof is relatively steep. In views from the west it does not therefore give such an impression of intrusiveness or dominance as the proposed new houseblock will.

The proposal would be sited over 150 metres from the nearest houses in Hawkings Way which back onto the site. These are screened both by the 5.2 metre high prison perimeter fence and by a belt of coniferous trees up to 8 metres high along the back gardens. In visual terms, it is not considered that the new block will be significantly more noticeable or prominent than the existing buildings when viewed from the east. However, from the west, judging from the submitted photomontages, the structure will appear as a heavy wall of development and as a large and dominant structure against the skyline. Whilst some landscaping is proposed to this side, there is limited space between the outside of the prison perimeter fence and the MoJ demise for high level screening without compromising security. The impact can be marginally mitigated by a light choice of roofing colour. However, that notwithstanding, the proposal will clearly have an adverse effect the openness of the GB at this edge of settlement location. Against this it should be recognised that the wider landscape on the Bovingdon and Chipperfield Plateaux is described as being unremarkable in the Landscape Character Assessment for Dacorum 2004.

The proposed design is fairly institutional, which is to be expected. Whilst the materials are nothing special, the roof cladding will be vandyke brown profiled metal sheeting, the colour of which may not limit its visual impact when viewed against the skyline. It is therefore recommended that a light grey colour would be preferable and details should be conditioned. Red brick walls however will be in keeping with the other blocks and will blend in when viewed from Bovingdon airfield where a weekly market is held and nearby PROW.

With regards to the other proposed structures, the impact of these pales into insignificance against the houseblock because of their smaller size and lower height. However, the new kitchen block would nevertheless further impact on the openness of the Green Belt to its detriment. Control over external materials of this building would be expedient in the interests of mitigating any impact, in particular to the roof and deep fascias.

The proposals are not considered to accord with Policies 4 or 11 in terms of size, height, bulk or materials given the sensitive edge of settlement location within the Green Belt. It is only justifiable in this case because of the VSC's put forward.

Impact on neighbours

The nearest residential occupiers to the new houseblock are located in Hawkings Drive, some 150 metres away from the new prison block. There have been no objections to the application on grounds of any direct harm to residential amenities, noise, disturbance, overlooking, visual impact etc from this. Given the distance away, and the strict prison regime, it is not considered that there would be any harm experienced by adjoining residents. The existing rugby pitch which is sited adjacent to the prison boundary would be reorientated 90 degrees but would not result in any significant increase in noise or disturbance. New CCTV and lighting is proposed and in the past this

has given rise to complaints. Details of the siting and use of this is unclear and therefore it is recommended that details be required by condition. An objection has been received on grounds of noise and disturbance from the car park. However, car park A is the closest to residential properties and is not to be significantly extended. A refusal on this ground would be difficult to substantiate.

The proposal would comply with Policy 11 of the DBLP.

Impact in highway and traffic terms

Access to the site is via Molyneaux Avenue, which is owned by the MoJ, from Chesham Road. The proposed access is not proposed to change. There are currently 15 HGV movements in and out of the site per day which will increase slightly.

HMP The Mount currently employs 340 full and part time staff with a further 70 contract staff. Approx. 200 staff are on duty at any one time. The proposal would require an additional 53 staff of which a max. of 40 would be on site at any one time. There will be limited impact on rush hour traffic as staff will arrive outside the AM peak and the number of peak two way traffic will remain below 30 per hour. The impact of construction traffic is also expected to be small.

There are currently 5 social and 4 official visiting sessions per week (lasting 2 hours) and on av 80 social visitors attend each session. The proposal will increase the number of visitor sessions by two per week (each of approx 80 visitors) between 14.00 and 16.00 hours on a Wed and Thurs.

There are currently 236 car parking spaces at the prison (150 staff plus 86 visitor spaces) including disabled spaces in two separate car parks (A and D). The MoJ have identified an issue of staff and visitors parking in surrounding residential streets, namely Lancaster Drive, even if the car parks are not full, which is an issue for residents. The existing car parking provision is largely at capacity. Therefore the proposed expansion of the prison will potentially result in further on-street parking unless measures are taken to reduce use of cars or to provide additional parking spaces in accordance with Policy 58.

The following measures are proposed:

- Two new car parks (B and C) to be provided together with alterations to the layout of car park A to increase the number of spaces available. Car park D would remain unchanged. A total of 80 additional parking spaces would be provided giving a total of 316 spaces. The breakdown would be as follows: Car park A - increase to 162 spaces, Car park B - 25 spaces, Car park C - 43 spaces, Car park D - 86 spaces. The number of additional parking spaces has been negotiated upwards during the course of the application from the initial 45 to 80 in response to concerns from the Parish Council and others including Hives Partnership.
- Parking Management Strategy to be introduced to help alleviate current on street parking problems in Lancaster Drive and Molyneaux Ave. Signs have recently been posted in the area asking staff not to park on-street. Other measures that could be introduced include yellow lines and permits for residents, information on the website, information packs, encouragement to use alternative modes of travel.
- Provision of 10 Sheffield stands with CCTV coverage together with showers and changing facilities with lockers. This measure will achieve BREEAM credits too.
- Preparation of a Green Travel Plan which will encourage use of other modes of transport.

A Transport Statement has been submitted and Herts Highways has raised no objections to the proposals as amended subject to conditions covering the submission of a GTP and submission of Parking Management Strategy (PMS). The condition controlling limitation of mud and dust etc during construction is not considered necessary as the HA will have its own controls over the highway, although an informative is recommended.

On its own, the additional car parking of 80 spaces is considered very reasonable and proportionate to the expected increase in staff (40 at any one time) and visitors (2 x 2 sessions of 80 = 160 per week). Indeed, the additional 40 spaces negotiated is therefore likely to be more than sufficient to cope with the additional staff and visitors on site given the 2 additional visitor sessions being introduced per week. There will in theory therefore be no additional pressure from visitors on existing parking and only 40 additional spaces required to cope with the increase in staff numbers. And this is before reductions in car journeys as a result of the GTP. On this basis it would be reasonable to defer construction of some of the spaces unless it is shown there is clear evidence of on street parking following the first year of full occupancy. Over provision of parking will otherwise undermine the GTP objectives. A condition has been discussed and agreed with the applicants which will defer the work on the existing car park and the 3 spaces requiring drainage works at the back of the works office. It means car parking that has to be provided is as follows:

Car park	Before occupation	If justified following monitoring after 1 year of occupancy	Total
A	0	12	12
B	25		25
C	40	3	43
Total	80	15	80

The concerns from Hives Planning are noted and monitoring of the effectiveness of the Travel Plan would be reasonable but not to the extent of preventing development on the adjoining LA6 land if found not to have been effective. In such circumstances the measures proposed in the Travel Plan would need to be enforced more strongly or the measures changed. It would not be reasonable or necessary to condition that no development takes place on this land given that car parking is more than satisfactory.

The proposals would accord with Policies 51, 58, 62 and 63.

Trees and landscaping

There are no TPO's covering the site. It is stated that no trees will be affected by the development. However, the proposed car parks B and C and alterations to car park A would impact on trees around the edge of the site and within the car park area that are considered important in visual terms for screening and softening the car parks. Amended plans indicate where existing trees will be retained, removed and compensatory tree and shrub planting provided.

Hives Planning have raised objections to the amended plans on grounds of the loss of existing trees. Trees would be removed from Car Park A to allow additional spaces to be provided, but new tree planting is proposed nearby in compensation. Existing trees would also be removed to the western boundary to allow for an enlarged Car Park C. However these comprise immature trees and shrubs, and compensatory planting would be provided whilst existing trees would be retained around the perimeter of the site which will soften and screen views from the open land to

the west. New planting and gapping-up of the mature hedge is proposed around Car Park B to provide continuity to the western boundary planting. New planting is also proposed to the west of the proposed new house block at the northern end of the site. The details are considered acceptable subject to a suitable condition on timescales and maintenance and subject to a condition requiring tree protection. The proposals comply with Policies 99 and 100.

Flood risk and drainage

The site is within Flood Zone 1 and therefore at low risk of fluvial flooding. However, a flood risk assessment and surface water drainage strategy accompany the application. The proposed development will rely upon a separate SUDS scheme comprising a rainwater harvesting system and overflow to soakaways for the new car park, hard surfaces and buildings. Details are contained within the submitted assessment and preliminary Drg. No. MTC-000-C-SK001. It is recommended that the development be carried out in accordance with the details submitted unless otherwise agreed.

Sustainability

A sustainability statement has been submitted as required by Policy 1 of the Local Plan in the form of BREEAM pre-assessment. Whilst this has not been done via C-Plan, the MoJ target for all new prison buildings is to achieve a BREEAM rating of Excellent, and the Excellent rating is being sought for HMP The Mount. A BREEAM pre-assessment has been submitted as part of the planning application for all the new buildings. In order to reflect sustainable transport policies of the DBLP, the following are to be incorporated into the scheme:

Rain-water harvesting

Low carbon technologies

Waste management in accordance with the existing arrangements at the prison.

In addition to the above, an energy statement has been prepared and entered into the on-line C-Plan portal. The report includes an assessment of Low and Zero Carbon technology options that will be compliant with BREEAM credit ENE4.

An Energy Assessment & Low and Zero Carbon Technology Study has also been carried out and submitted. This sets down a number of options in terms of technologies, that could be incorporated. These include Solar PV, Solar Thermal, GSHP, Biomass and Micro CHP. However, it is only that, and does not state which option or options will actually be incorporated into the development. It is therefore unclear what impact these technologies could potentially have on the external appearance of the development.

On the above basis it is recommended that the development should accord with the intention to meet BREEAM rating of Excellent but that details of the low or zero carbon technology should first be submitted to and approved in writing by the LPA.

Core Strategy Housing Allocation

DBC proposes to allocate land at Chesham Rd/Molyneux Ave for around 60 dwellings (CS allocation LA6). The proposed development is located entirely within the existing prison complex. The proposed housing allocation is outside the secure area. Concerns have been raised by Hives Partnership and others to the adequacy of car parking to serve the expanded prison, and that additional parking may need to be provided on the LA6 land to

ensure a satisfactory scheme that does not impact on highway safety or result in on-street parking. It should be noted that Hives Partnership have an ulterior motive in that they are promoting an alternative site allocation to LA6 which is being considered by the Inspector as part of the CS Hearing process.

The proposal has been amended during the course of the application to provide an additional 35 car parking spaces giving a total of 80 new spaces to serve this prison development. Herts Highways have raised no objection to the proposal on highway or traffic grounds. The proposed additional car parking, together with the proposed PMS and Travel Plan, is considered acceptable in these terms as well as visually acceptable given proposed landscaping and existing planting belts. It is not considered that either the LA6 allocation will impact on the deliverability of the prison development, or vice versa.

Other Matters

The proposed development will be located within the existing boundaries and will not impact on any known archaeological or cultural interests within HMP The Mount.

The site is not within any area designated for importance for nature conservation, and the potential ecological impacts are considered to be low. A Phase 1 habitat survey has been carried out for the areas directly affected by the development. No European protected species were discovered. However, a high diversity of plant species was observed in the area to the north of the site which in turn is likely to attract invertebrates and ultimately foraging bat species. The site also has the potential to support breeding birds and Bee orchids were observed in the unimproved grassland to the north. Mitigation measures are recommended comprising cutting the grassland to make the area undesirable to any species such as small mammals or reptiles, checking for nesting birds during the breeding bird season, seeking ecological advice on the most appropriate location to store spoil, and tree protection measures to protect existing trees. It is recommended that the development should be carried out in accordance with the measures identified.

Mitigation measures during construction are proposed in the Transport Statement in respect of wheel washing, traffic management plan, deliveries to avoid peak hours and HGV's to avoid residential areas.

A land contamination preliminary risk assessment has been undertaken and submitted. This indicates that the former use as an RAF station and landfill indicates that contaminants may be present. The Scientific Officer recommends that the standard contamination condition be applied to this development should permission be granted.

The existing playing field on the site is not allocated as leisure space (Policy 75) on the Proposals Map, nor as Open Land under Policy 116. The Rugby pitch is not proposed to be lost but will be provided to the same standard as existing. In addition, a new weights/changing room is to be provided and these facilities will provide an overall benefit to sports provision in accordance with Policy 75.

Departure

The application has been advertised as a departure in accordance with the TCP (Consultation) (England) Direction 2009. The SoS has confirmed that the application should not be called in.

Conclusions

The site falls within the green belt wherein under Policy 4 of the Borough Plan and NPPF there is a presumption against inappropriate development. Very special circumstances have been advanced and the proposal for a new 250 cell block is considered to be justified in this green belt location on the grounds of its need in the national interest, driven by the financial imperative in the current economic climate to provide efficiency savings through NOMS, and the strategic need to meet an identified shortfall of category C prison places in the SE and Wales. Whilst its size, location and design are not considered ideal in Green Belt terms, it is considered that the very special circumstances override the harm to the openness of the Green Belt and its visual amenities in this case. There would be no harm to residential amenities and the proposal is considered acceptable in highway and sustainability terms. The proposal therefore accords with Policies 1, 4, 11, 51 and 58 of the Borough Plan.

Reason why application delegated/committee item	Not contrary to Parish Council, not called in by ward councillor and otherwise complies with scheme of delegation
Reason(s) why application overtime in terms of 8/13 week deadline	Need to consult SoS as a GB departure
Plans checked on Anite	Yes
All gateway, Anite, email, letter, consultee and neighbour rep screen comments checked and summarised above	Yes