

Agenda Item	A11
Application Number	23/00818/GOV
Proposal	Removal of existing all weather sports pitch, erection of 2 houseblocks, a workshop and storage buildings, construction of replacement Multi Use Games Area (MUGA) and associated ancillary development to include plant compound, fencing and external lighting
Application site	HM Prison Lancaster Farms Far Moor Lane Lancaster Lancashire
Applicant	Ministry Of Justice
Agent	Miss Claire Pegg
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval, subject to conditions and referral to Secretary of State

1.0 Application Site and Setting

- 1.1 The application site comprises land within the existing secure perimeter of HMP Lancaster Farms. The prison is located on the periphery of Lancaster approximately 2km east of the city centre.
- 1.2 The prison compound comprises existing accommodation blocks and various ancillary buildings and sports facilities to the north. It is surrounded by open agricultural land to the north, woodland belt Moor Lane and the M6 to the east, woodland and a car park to the south and further woodland and open agricultural land to the west.
- 1.3 The prison is located adjacent to the Land West of the M6 Urban Setting Landscape designation which encompasses land to the east and north of the secure perimeter. The prison is also adjacent to the East Lancaster Strategic Housing Site, which lies to the north and west of the secure perimeter. Public bridleways follow Moor Lane to the east and Ridge Lane to the north. The site is partly within a mineral safeguarding area and is within the outer consultation zones of two below ground pipelines.

2.0 Proposal

- 2.1 The development proposal seeks full planning permission for the erection of 2 new houseblocks, a workshop, a replacement Multi Use Games Area (MUGA) and associated ancillary development. All works will be taking place within the existing secure perimeter with the exception of an area of landscape enhancement adjacent to Moor Lane.
- 2.2 The 2 new houseblocks, the workshop building and the associated ancillary development which includes a plant compound, storage buildings, security fencing, lighting and hard landscaping will be located in the northern most area of the secure perimeter, in the position of the existing sports facilities. The houseblocks measure 57.8 metres long x 13.1 metres width and will feature a flat roof

height of approximately 6 metres. These are designed to adhere to relevant amenity and space standards. Ancillary development such as ventilation equipment would be mounted to the roof. Externally these buildings will be finished with a pre-cast coloured concrete panels and will incorporate the necessary security requirements.

- 2.3 The workshop building will measure 54.3 metres in length and 33.3 metres in width at its widest point. The plant compound building will measure 48.5 metres x 8.3 metres with a mono-pitch roof measuring 6 metres. The two store buildings will measure 11.6 metres x 11.6 metres with a roof height of 6 metres. Externally these buildings will be finished with a pre-cast coloured concrete panels and insulated aluminium cladding panels and will incorporate necessary security requirements.
- 2.4 The sports facilities lost as a result of the development will be replaced by a new Multi Use Games Area (MUGA) proposed centrally within the secure perimeter and in close proximity to the existing houseblocks. This MUGA is proposed to be a 7-a-side pitch measuring 60 x 42m with associated infrastructure such as fencing and lighting.

3.0 Site History

- 3.1 The site has a large planning history, however, there are no planning applications which are specifically relevant to the current proposal.

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
Parish Council	No response received.
Lead Local Flood Authority	No objection – Condition requested to secure final details of drainage strategy and ongoing maintenance requirements.
County Highways	No objection – Condition requested to control delivery hours.
National Highways	No objection – General comments made regarding the need for external lighting to be sensitively located.
Shell UK	No objection.
Cadent Gas	No response received.
Health and Safety Executive	Does not advise against development.
Fire Safety Officer	Standing guidance provided regarding accessibility, firefighting service provision and building regulation requirements.
Sport England	Objection – The proposal results in the loss of existing sports facilities and the reprovision by way of a 7v7 MUGA is not justified nor considered to be appropriate mitigation.
Greater Manchester Ecology Unit	No objection – The application site has very limited nature conservation value, and the development proposals will not cause substantive impacts on either habitats or species.
Policy Group Lancashire CC - Mineral Safeguarding	No response received.

Public Rights of Way Officer	No objection – General comments made regarding the avoidance of impacts to the public rights of ways during the construction phase.
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4.2 The following responses have been received from members of the public:

- No public representations have been received by the Local Planning Authority.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Design and landscape impact
- Open space and sports facilities
- Flood risk and drainage
- Ecology
- Energy and sustainability
- Noise and residential amenity
- Air quality
- Contamination
- Access and transport

5.2 **Principle of development** NPPF Section 2: Achieving Sustainable Development, Section 4: Decision-making, Section 8: Promoting healthy and safe communities; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District; Review of the Development Management DPD (DM DPD) policy DM29: Key Design Principles.

5.2.1 There are no policies within the Councils Local Plan which directly relate to prison development, however, Paragraph 96 of the NPPF supports the delivery of public service infrastructure. It has been widely publicised that the prison population is currently forecast to increase, reaching unprecedented levels by the end of the decade. For this reason, The Ministry of Justice is undertaking an ambitious programme of prison expansion to ensure that it can meet the growing prison population in future years. The principle of expanding HM Prison Lancaster Farms to provide both additional cell capacity and additional supporting infrastructure, such as workshop and educational facilities, will in a small way contribute to a bigger picture of public service infrastructure investment and expansion. As such the principle of the development is fully supported.

5.3 **Design and landscape impact** NPPF Section 12: Achieving Well-Designed Places, Section 15: Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD policies, SP8: Protecting the Natural Environment; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM30: Sustainable design.

5.3.1 The development remains entirely within the confines of the prison's secure perimeter, other than soft landscaping which is proposed along the eastern fence lines. There will be no expansion of the prison into the surrounding open land. The prison compound is characterised by large building and infrastructure such as fences and lighting columns. Other than the proposed MUGA which will be entirely contained by the existing houseblocks, the development will be in the northernmost area of the facility close to the perimeter fencing and existing houseblocks. Views of the development site are relatively restricted, although they can be achieved from Moor Lane which forms a bridleway as well as from sections of the M6 Motorway. Within the context of the existing prison facility the proposed development does not raise concerns with respect to design or resulting landscape impacts. The development is compliant with Policy DM29 of the adopted Local Plan and paragraph 130 of the NPPF.

5.4 **Open space and sports facilities** NPPF Section 8: Promoting healthy and safe communities, Section 12: Achieving Well-Designed Places; Strategic Policies and Land Allocations (SPLA) DPD

- 5.4.1 The new houseblocks, workshop/educational facility and associated ancillary development will be sited on land which forms an artificial sports pitch within the secure perimeter of the prison. As identified by the supporting Planning Statement, due to the secure nature of the site, there is not and never has been any public access to the pitch. This restricted use of the site is recognised in the Councils Playing Pitch & Outdoor Sports Strategy Assessment Report, it forms a recreational facility for prisoners and prison staff only. Furthermore, following the pitch being condemned in 2014 due to its poor condition, and the subsequent rejuvenation of half of the pitch in 2021, the facility has only been used on three occasions by Prison staff. There are operational concerns with respect to the location of the current sports pitch abutting the secure perimeter fence, which has resulted in security issues and increased demand upon Prison staff resources.
- 5.4.2 Paragraph 98 of the NPPF clarifies that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate. It is clear from this that open space including facilities such as playing pitches should primarily be identified, defined and proposals affecting them determined in accordance with the Councils Local Plan. In this case, within the Councils up to date Local Plan and the supporting Playing Pitch & Outdoor Sports Strategy Assessment Report, the subject sports pitch is not a formally designated open space, it is a privately managed entity with no public access.
- 5.4.3 The first part of Local Plan Policy DM27 relates to designated open space only and so would not be relevant to this proposal. Policy DM27 only requires the application tests (I. – IV.) to development which impacts upon designated open space. Tests I. – IV. intentionally reflect the requirements set out in Paragraph 99 of the NPPF. Despite Sport England making strong references within their consultation response to the requirements of Paragraph 99 of the NPPF, it is considered that the more strict requirements of this paragraph are not applicable to this proposal as the subject sports facilities are not formally designated within the Councils Local Plan. However, that is not to say that the impact of the development upon the sports facilities in economic, environmental or social terms must not be appropriately considered.
- 5.4.4 Sport England have reviewed the application and have raised an objection to the development as they consider that it results in the loss of playing field where the re-provision has not been justified and it does not consider that the development accords with its Playing Fields Policy or NPPF paragraph 99. Policy DM27 of the Local Plan sets out that the Council will protect amenity spaces, particularly in the main urban settlements of Lancaster, Morecambe, Heysham and Carnforth that are not specifically designated as open space but have an economic, environmental or social value to the community they serve. Development of such sites will not be encouraged unless appropriate re-provision is provided or it is clearly demonstrated to the satisfaction of the Council that the land in question does not provide any economic, environmental or social value.
- 5.4.5 It is clear to the Local Planning Authority that there is a chronic overriding need for additional capacity to meet current and future needs of the Prison Service, as described in detail within the supporting Planning Statement. When considering the confines of the wider prison facility, there is a lack of open and developable land in which additional accommodation blocks and ancillary development could be located, without either impacting the sport facilities or requiring expansion out of the current perimeter. Furthermore, in considering the merits of the current sports pitch, half of this pitch is at present condemned and whilst the remaining half is in a useable condition, due to operational and security concerns, prisoners have not been able to utilise this facility in recent years. The proposed replacement MUGA presents several benefits to the prison with respect to security and operational efficiency. The exact details and the provision of the MUGA would be the subject of a planning condition, however, it has been confirmed that this would provide an uplift in terms of overall area relative to the useable half of the current pitch and is more secure. This would in turn enable greater access for prisoners to sport facilities. On this basis, the proposal is considered to satisfactorily address the requirements of DM27 with respect to the impact of development upon undesignated open space.

- 5.5 **Flood risk and drainage** NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change; Review of the Development Management DPD (DM DPD) policies DM33: Development and Flood Risk, DM34: Surface Water Run-off and Sustainable Drainage, DM35: Water Supply and Waste Water.
- 5.5.1 The site is located within Flood Zone 1 with low risk of flooding from other sources including ground water and surface water flooding. The application is accompanied by a drainage strategy highlighting the opportunities for the appropriate management and dispersion of surface water and foul drainage. The Lead Local Flood Authority has reviewed this strategy and is satisfied with the details provided at this stage. Conditions are recommended to secure the final details of the drainage design, as well as its future management and maintenance.
- 5.6 **Ecology** NPPF Section 15: Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD policy SP8: Protecting the Natural Environment; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM44: The Protection and Enhancement of Biodiversity, DM45: Protection of Trees, Hedgerows and Woodland.
- 5.6.1 In light of the nature of the site, within the prison perimeter, the site is considered to be of low ecological value. The application is accompanied by a Preliminary Ecological Appraisal (PEA) which sets out that the development would not result in impact to any designated sites due to their distance from the site, furthermore, there would be no impacts to notable habitats due to their distance from the site and boundary security fencing. The site has negligible value for protected species due to the disturbed and managed nature of the habitats present and the surrounding security fencing, rendering the site unsuitable and inaccessible for terrestrial species. The PEA recommends a programme of bat and bird nest box installation on appropriate buildings and woodland trees which surround the site. Final details of this programme can be secured by condition.
- 5.6.2 With respect to Biodiversity Net Gain, the application is supported by an appropriate assessment which sets out that the baseline habitat value of the site is 4.01 units. The development has been calculated to result in a net loss in biodiversity of 33.12%. To mitigate and enhance this loss in biodiversity value, a net gain of a minimum of 1.731 units would be required to achieve a 10% net gain in biodiversity. To achieve this, an area of grassland located outside the perimeter fence (but within the control of the applicant) which is currently in poor condition will undergo appropriate landscaping and management. This would result in the grassland achieved good condition and has been calculated to achieve an additional 2.63 units, or a 30.82% increase in biodiversity value. A Biodiversity Management Plan will be required to ensure that proposed onsite habitat units are delivered and managed.
- 5.6.3 The development will require the removal of tree T05, a semi-mature sessile oak tree located in the grassland area in which the new MUGA facility is to be provided. The tree has been assessed as a C1 category tree. The loss of the tree, which is in otherwise good condition, is unfortunate. However, C1 category trees should not be a barrier to development and mitigation planting can be secured at a ratio of 3:1 through planning condition.
- 5.7 **Energy and sustainability** NPPF Section 12: Achieving well-designed places, Section 14: Meeting the challenge of climate change, flooding and coastal change; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM30: Sustainable Design.
- 5.7.1 An energy statement has been submitted which confirms the development will achieve compliance with Building Regulations Part L2 (2021) and BREEAM Excellent rating as a minimum and will support the MoJ's Net Zero Carbon ambitions. The proposal will utilise high fabric energy efficiency, heat pumps and energy efficient lighting, appliances, and equipment and on-site renewable energy generation including solar panels mounted to the roofs of the new buildings. This complies with the requirements of policy DM30.
- 5.8 **Noise and residential amenity** NPPF Section 12: Achieving well-designed places; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM30: Sustainable Design.
- 5.8.1 This application is accompanied by a Noise Assessment. The assessment concludes that subject to mitigation measures in the form of the adoption of the best practice working methods set out within

the statement, noise from the construction phase of the development can be appropriately managed. A condition is recommended to ensure the development is undertaken in accordance with the mitigation measures identified within the Noise Assessment. The proposed MUGA is located centrally within the prison perimeter and some distance from the nearest residential dwellings. The use of the MUGA is not likely to pose an impact by way of increased noise to the nearest residential receptors. The development is considered to be compliant with Policy DM29.

5.9 **Air quality NPPF Section 12: Achieving well-designed places; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM30: Sustainable Design, DM31: Air Quality Management and Pollution.**

5.9.1 This application is accompanied by an Air Quality Assessment. The site is not within an AQMA. The assessment concludes that subject to mitigation measures in the form of a Construction Environmental Management Plan (CEMP) and the inclusion of electric vehicle (EV) infrastructure, the effects of construction activities, including dust, can be effectively controlled and are not considered to be significant. During the operational phase, the assessment, found that due to the low number of additional vehicle movements generated, the impacts to air quality are predicted to be not significant. A condition is recommended to ensure the development is undertaken in accordance with the mitigation measures identified within the Air Quality Assessment. The development is considered to be compliant with Policy DM31.

5.10 **Contamination NPPF Section 15: Conserving and enhancing the natural environment; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM32: Contaminated Land.**

5.10.1 This application is supported by a Geo Environmental Report. The environmental sensitivity of the site is considered to be low with respect to groundwater and high with respect to surface water due to the proximity of the nearest surface water receptors. The potential for contamination to be present on site is considered to be low. The report recommends further site investigations should be completed to confirm the ground conditions, determine the required foundation solution and assess ground gas risk prior to the commencement of development. As such, subject to suitably worded planning conditions to secure the further ground investigation and identify any required remediation measures, the development is considered complaint with Policy DM32.

5.11 **Access and transport NPPF Section 9: Promoting Sustainable Transport; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision; DM63: Transport Efficiency and Travel Plans.**

5.11.1 The application is accompanied by a Transport Statement and Travel Plan. The Statement highlights that the traffic generation from the proposed development would not increase significantly, therefore the existing car parking and cycle parking capacity is adequate to serve the needs of the proposed development. The submitted Travel Plan to be adopted sets out measures and an action plan to improve transport sustainability at the site, which can form the subject of a condition.

5.11.2 The County Highways Officer has reviewed the proposal and has confirmed that, subject to a condition to restrict deliveries to the site during the development phase of the proposal between the hours of 8:00am-9:15am and after 2:45pm during the school term. This has been requested as access to the site would utilise the city centre gyratory and would pass a school. In light of this access route to the site, such a condition is considered reasonable taking into account the scale of the development and the frequent and large-scale deliveries which would be required to the developments site.

6.0 Conclusion and Planning Balance

6.1 The development will provide additional prison places to meet the significant need for the additional prison capacity, this carries significant weight in the planning balance, and the principle of such development is considered acceptable and compliant with policies contained within the adopted development plan and NPPF. Consideration has been given to the potential impact of the development including on highways, landscape and visual receptors and flood risk and drainage.

The issue of the impact of development on existing playing pitches has also been afforded appropriate consideration. It is concluded that the development comprises sustainable development and positively accords with the development plan, it is therefore recommended for approval, subject to the below recommended planning conditions.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Standard
2	Approved plans	Standard
3	Contamination	Pre-commencement
4	Construction Surface Water Management Plan	Pre-commencement
5	Final Surface Water Sustainable Drainage Strategy	Pre-commencement
6	Details and provision of MUGA	Above ground/pre-occupation
7	Sustainable Drainage System Operation and Maintenance Manual	Pre-occupation
8	Verification Report of Constructed Sustainable Drainage System	Pre-occupation
9	Biodiversity Net Gain Plan	Pre-occupation
10	Soft Landscaping	Pre-occupation
11	Bat and bird nesting details	Pre-occupation
12	Implementation of Travel plan	Pre-occupation
13	Development in accordance with noise mitigation measures	Ongoing
14	Development in accordance with air quality measures	Ongoing
15	Construction phase delivery restriction	Ongoing

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s). Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None