

Campsfield House: Immigration Removal Centre, Langford Lane, Kidlington

14/01778/F

Ward: Kidlington North

District Councillor: [REDACTED]
[REDACTED]

Case Officer: [REDACTED]

Recommendation: Approval

Applicant: The Home Office and Ministry of Justice

Application Description: Expansion of existing immigration removal centre to provide additional detainee accommodation, ancillary detainee and staff facilities, car parking, landscaping and internal fencing

Committee Referral: Major and Departure from Policy

Committee Date: 19th February 2015

1. Site Description and Proposed Development

- 1.1 Campsfield House is an Immigration Removal Centre (IRC) located on Kidlington's northern boundary and just to the south of London Oxford Airport. It has functioned as such since 1993 having formerly been used as a youth detention centre. It has been operated by a private sector company, Mitie, since 2011 on behalf of the Home Office (HO) - the Ministry of Justice (MoJ) own the facility.
- 1.2 The site is accessed via a service road off Langford Lane. The service road is shared with South Central Ambulance Service which runs a resource centre and a HM Prison Service facility (Control and Restraint) which largely screen the IRC from Langford Lane. Another former access to the site is via Evenlode Crescent, a road parallel and to the west of the other access. Evenlode Crescent serves twenty-two residential properties, mainly semi-detached and most of which formerly housed workers at the youth detention centre. These properties are now in private ownership. The Crescent also serves the Cygnet Nursery.
- 1.3 The application site is located just inside the Oxford Green Belt. This is at odds with most of the rest of Kidlington which, although encircled by it, was excluded when the boundary lines of the Oxford Green Belt were ratified in the mid 1970s. The only other planning constraints of note are: that there is a SSSI (Rushy Meadow) within 2km of the site; there are a number of protected species within the vicinity; and that the land is potentially contaminated.
- 1.4 Aside from bedroom accommodation (single, double or multi occupancy) the IRC currently provides a number of facilities including: a library; sports hall; welfare office; visitor centre; IT room; multi-faith prayer room; chapel; shop; fitness centre; health care centre; and dining-room. As a consequence of a recent extension, but more as a result of the rationalisation of the space available, the current capacity of the IRC is 276 detainees. This represents an additional 60 bed spaces since the end of 2012.

- 1.5 To increase the capacity still further, the HO/MoJ are proposing to add a new two/three storey building to the immediate west of the current facility. A 'main block' would provide a kitchen and dining area on the ground floor and plant, health and worship areas on the first floor. Attached to the western end of the 'main block' is a three storey accommodation block which is divided into three linked 'fingers' or 'spurs' projecting in a southerly, south-westerly and westerly direction. In addition, the applicants are also seeking approval to build a much smaller single storey accommodation block for detainees who require specialist care. This is an alternative to the main accommodation block and would be used by detainees for short periods of time after which they would return to their allocated bedroom. This building would be located just to the north of the 'main block'.
- 1.6 As part of the redevelopment of the site, it is the applicants' intention to refurbish and reconfigure the existing building. This would involve a number of small extensions which the applicants' agent is satisfied constitute permitted development. The applicants have nonetheless been advised to submit a certificate of lawfulness to establish this. Following these works the IRC would be able to accommodate an additional 290 detainees, bringing the total capacity to 566 detainees.
- 1.7 The final part of the building programme is to construct a two storey staff facility in the south east corner of the site. A new car park to the north east of the IRC would provide parking spaces to meet the needs of the additional 100 staff that would be employed as a result of the development. As well as additional detainee 58 custody officers, the IRC would need additional teacher workshop supervisors, maintenance personnel and kitchen staff.
- 1.8 It is the applicants' intention to ensure that the building is constructed to a standard that limits its carbon footprint so that it achieves a BREEAM 2011 score which rates it as excellent.
- 1.9 The screening opinion (14/00075/SO) that accompanies this application concluded that an environmental impact assessment is not required.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. Due to the controversial nature of this application it was agreed that all representations from the public would be considered up until the time that the application was heard at Committee.

67 letters of objection have been received at the time of writing. The following issues were raised:

- Impact on the environment
- Non-compliance with Green Belt policy
- Adverse impact on already congested local road network
- Noise pollution
- Light pollution
- Drainage problems
- Scale and siting of the development
- Visual impact of building when viewed from local footpaths and roads

- Visual and ecological impact of wire mesh fencing
- Does any expansion need to be in the HO's ownership?
- Premature in that the application could be redundant following the findings of the Parliamentary Inquiry into the use of Immigration Detention in the UK which hosted by the APPG on Detention and the APPG on Refugees
- 'Need' should be scrutinised
- Should take into account Home Office policies
- Sufficient existing places (based on publically available information)
- Non-compliance with Kidlington Policy 1
- Potentially limited access between the old and new and access to facilities
- If system run in accordance with legal and procedural guidelines, there wouldn't be a need (i.e. system could be speeded up)
- Larger detainee population could result in a disproportionate increase in serious incidents within the IRC
- Concern that the support services (healthcare and legal advice) may not expand to meet demand
- Incompatible with the vision for Langford Lane
- Prison like conditions incompatible with guidelines for detention centres (toilets not properly screened in shared accommodation)
- Disturbances not as significant as stated by opposition groups and Kidlington and surrounding villages are not troubled by its presence – this could change with expansion.
- Lack of education space if detainees using the proposed facility are prevented from using the existing facilities
- Criteria used in site analysis designed to support case for Campsfield
- Would become one of the three largest detention centres in Europe changing its character
- Why couldn't the Government finance a new IRC outside the Green Belt – it has the resources?
- Facility least fit for purpose (and oldest)
- Contradicts Government statements regarding the speeding up of the system
- Security compromised
- Morally/ethically unacceptable
- Other European countries reducing their detention capacity and using more humane methods such as 'monitoring anklets'
- France only detains people for a maximum of 45 days yet removes proportionately more people
- Escaping detainees pose risk to local residents
- Could be used as a prison in the future
- Insufficient parking provided
- Toilets within the bedrooms could allow the facility to be 'locked down' at night to save staff costs
- Profit driving Council decision making
- Negative image for the district
- Immigration detention system not fit for purpose – officials ignore rules
- Huge cost of detaining people each year

- A significant proportion of detainees are released back into the community each year
- Campsfield House has a history of problems (hunger strikes, suicides fires and disturbances)
- Land would be better used for housing
- Insufficient engagement with the local population
- Not that close to the London airports
- Long distance from where asylum seekers are living which makes it difficult for family to visit
- Distance from specialist services
- Despite a very positive inspection from the Chief Inspector of Prisons, 84 areas for improvement were recommended

This is just a very brief outline of the objections and observations made. There are a number of lengthy and detailed submissions from a variety of organisations, local politicians and the general public. Members are therefore advised to look closely at these letters/emails as they deliberate the merits of this case. These are all available on-line.

Some of these correspondences go into great detail and are supported by a liberal use of statistics. Officers obviously do not have the time to ensure the validity of every piece of information, particularly as a large proportion has little relevance to the material planning considerations. Although there is no reason to doubt the accuracy of most of what has been presented, Members should still exercise caution. For instance, Asylum Welcome asserts that there is a *reasonably strong correlation* between the number of detainees held at a centre and the number of serious incidents i.e. the number of incidents rises disproportionately with an increased numbers of detainees. Whilst the figures appear to bear this out, there are variables that will contribute to these 'incidents' that may not have been properly considered. So whilst there may be a link, it is empirically unsound, particular in relation to such a small data set, to make such a statement and present it as fact.

Prior to submitting the planning application, the HO commissioned a public exhibition on the 6th September. Letters advertising the event were sent out in advance to local residents, politicians and businesses. It is estimated that around 40 people attended the exhibition, most of whom came from Evenlode Crescent itself or Begbroke. The issues identified as a result of this consultation exercise were summarised by the applicants' agent as follows:

1. Construction vehicle routes –affect on Evenlode Crescent residents
2. Drainage/sewage issues –affect on Evenlode Crescent residents
3. Security – will it be compromised
4. Noise issues particularly in association with field to the north of the application site (not part of this proposal)
5. Potential loss of amenity – would detainees be able to see into the gardens of people living in Begbroke
6. Would a disused shed to the north of the site be removed (not part of this proposal)
7. Concern over the height of the three storey building – should be in keeping with the local environment
8. Impact on local transport infrastructure – increased number of movements to the site
9. London Oxford Airport requirements regarding landscaping (see consultation response)

The applicants' agent asserts that the first two points identified above were of most concern to the local residents.

3. Consultations

3.1 Kidlington Parish Council: objects and comments as follows:

Kidlington Parish Council **objects** to the above application. The grounds for this are:

- 1) The proposal conflicts with the aims of Policy Kidlington 1 of the emerging Local Plan.
- 2) Green belt policy and the failure to demonstrate the exceptional circumstances required to override Green Belt policy objections.
- 3) Inadequate parking provision.

1) Emerging Local Plan Policy Kidlington 1 allows for:

'...A SMALL SCALE LOCAL REVIEW OF THE GREEN BELT TO ACCOMMODATE IDENTIFIED HIGH VALUE EMPLOYMENT NEEDS.'

'Design for Buildings that create a gateway with a strong sense of arrival including when arriving from the airport.'

'A well designed approach to the urban edge, which achieves a successful transition between town and country environments.'

'Development that respects the landscape setting of the site'

'A comprehensive landscaping scheme to enhance the setting of buildings onsite and to limit visual intrusion to the wider landscape.'

A high quality design and finish, with careful consideration given to layout, architecture, materials and colourings to create a Technology Park for high value employment uses.'

Kidlington Parish Council objects to the application because:

- a. The proposals do not provide the high value employment designated for the area. The review of the Green Belt allows a review only in order to accommodate specific identified needs, i.e. high value employment. The Parish Council does not believe that this proposal is consistent with the provision of high value employment.
- b. The Parish Council considers that the 3 storey high building, the additional 9,000m² of floor space and 6 metre lighting columns:
 - Will not provide a 'strong sense of arrival' in the area.
 - Will not present 'a well designed approach to the urban edge' or any degree of 'successful transition between town and country environments'.
 - Will not 'respect the landscape setting of the site'.
 - Will create unacceptable visual intrusion in the surrounding area which will not be mitigating by proposed additional planting for decades.
 - The Parish Council believe that this proposal is not consistent with the creation of 'a Technology Park for high value employment needs'.

2) Green Belt policies

Government policy requires 'exceptional circumstances' for non-permitted development in the Green Belt, and the Parish Council does not believe that the need for a development on this site has been demonstrated.

Firstly, the Council is aware that this proposal will only provide a partial solution to the stated requirement for an additional 730 beds. This means that further sites will need to be identified and delivered in order to meet the need. This suggests that non-Green Belt sites will need to come forward, and therefore there are no exceptional circumstances justifying use of a Green Belt site as a first recourse.

The Council is also aware that permission was granted in 2010 for an 800 bed site near Bicester on a non-Green Belt site, which has not been delivered due to budgetary concerns. It is not compatible with the argument that 'exceptional circumstances' exist when there is a choice of a viable alternative on non-Green Belt land. The Parish Council therefore questions – given alternative solutions – why a proposal has been submitted on a Green Belt site. In any event, KPC believe that this indicates that 'exceptional circumstances' do not exist for the current proposal.

The Parish Council does not accept that the case for this development on Green Belt land has been demonstrated. The harm to the Green Belt caused by the application outweighs the stated need, and no 'exceptional circumstances' exist to allow this Green Belt development.

3) Parking

The Parish Council does not consider that the proposal allows sufficient extra parking spaces for the level of demand. Only 78 additional spaces have been included to cope with an additional 182 traffic movements on the site. This does not adequately allow for the need to provide for peak use during shift changes. We also consider that the estimate of movements at an additional 70% when the number of detainees has doubled and the number of staff has increased by 100 is likely to be an underestimate of actual movements.

3.2 Begbroke Parish Council: Comments as follows:

The Parish Council wishes to object to the application on the following planning grounds (please quote relevant policies from Cherwell Local Plan or Structure Plan if possible): This was considered by the parish council as two main issues - a political one concerning immigration and what to do with the people awaiting decisions and that of expansion and its effects on Begbroke - especially the A44. It was accepted that people came to this country for many reasons but they need to be placed somewhere. **The committee agreed that because the expanded centre was to be in green belt, this was a substantial objection.** The expansion may bring some employment. Begbroke is particularly concerned about increased traffic on the A44. Pedestrians have difficulty crossing the A44 without Campsfield expansion, 1500 proposed houses at Woodstock, 400 at Long Hanborough and the Northern gateway with more homes and industry. The village is divided by the A44 dual carriageway with only an uncontrolled crossing and OCC will not provide one such as those in Yarnton. Undoubtedly Campsfield traffic will use the A44 and not be routed through Kidlington.

Cherwell District Council Consultees

3.3 Planning Policy Officer: Comments as follows:

“The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposals are:

“**Policy GB1** of the Central Oxfordshire Local Plan (Cherwell) 1992 is a saved policy. The saved policies of the adopted Cherwell Local Plan should also be considered. The latter was adopted in November 1996 and its relevant policies were saved from 27 September 2007.

Central Oxfordshire (Cherwell) Local Plan 1992

Policy GB1: Development in the Green Belt

Policy GB1 severely restricts development within the boundaries of the Green Belt.

Saved Policies of the Cherwell Local Plan 1996

“The site is not allocated for development in the adopted Local Plan and is within the Green Belt. Relevant policies from the adopted Local Plan 1996 include:

Policy GB1: Development in the Green Belt

“**Policy GB1** severely restricts development in the Green Belt. It states that inside the Green Belt approval will not be given, except in very special circumstances, for development other than for agriculture, forestry, recreation, cemetery or for other uses of land which would preserve the openness of the Green Belt and do not conflict with purposes of including land in it.

“**Policy GB1** states that care will be taken to ensure that the visual amenities of the Green Belt are not injured by development within, or conspicuous from the Green Belt.

“The supporting text (paragraph 1.8) to saved Policy GB1 sets out a presumption against inappropriate development in the Green Belt and development other than that mentioned in Policy GB1.

“The proposal is for development that would not preserve the openness of the Green Belt and therefore would comprise inappropriate development for which very special circumstances would need to be demonstrated.

Policy C7: Landscape Conservation

“In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.

Policy C15: Prevention of Coalescence of Settlements

“Development in this location has the potential to erode the gap between Kidlington and Begbroke. The impact of development in this regard would require close attention. Consideration should be given to the justification for development in this location, the likely impact of development and the scope

for mitigation including a long-lasting solution to avoid encroachment to preserve the separate identities of the two settlements.

NPPF

“The NPPF should be considered. The paragraphs of the NPPF most pertinent to this pre-application from a Local Plan perspective are:

“Paragraph 14 – the ‘presumption in favour of sustainable development’ having regard to specific NPPF policies for Green Belts.

“Paragraph 17 – core planning principles including:

“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside...”

“contribute to conserving and enhancing the natural environment and reducing pollution”

“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable”

“Paragraphs 56 to 67 on Requiring Good Design

“Paragraphs 29, 30, 32, 34, 35, 36 on Promoting Sustainable Transport

“Paragraph 79, 80, 87, 88 and 89 on protecting Green Belt Land

“Paragraph 79 states, *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”*.

“Paragraph 80 sets out the Green Belt’s five purposes:

- *“to check the unrestricted sprawl of large built-up areas”;*
- *“to prevent neighbouring towns merging into one another”;*
- *“to assist in safeguarding the countryside from encroachment”;*
- *“to preserve the setting and special character of historic towns”;* and
- *“to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”*.

“Paragraph 87 states:

‘As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

“Paragraph 88 states:

‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.

Paragraph 89 states that the construction of new buildings should generally be regarded as inappropriate in the Green Belt. Exceptions are highlighted including:

..limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

PPG

The PPG should be considered.

Non-Statutory Cherwell Local Plan

“The application site is not identified for development in the Non-Statutory Cherwell Local Plan but lies within the Green Belt. Whilst some policies within that Plan may remain material, other strategic policies have in effect been superseded by those of the Submission Local Plan (October 2014). This includes strategic policies relating to the Oxford Green Belt (GB1) and landscape protection (EN34).

“Policy EN32 which seeks to prevent the coalescence of settlements has not in effect been superseded.

Submission Cherwell Local Plan

“A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. The examination hearings were suspended on 4 June 2014 for six months. This was to enable the Council to put forward proposed modifications to the Local Plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the District, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA). In August 2014 the Council published modifications to the submitted Plan for public consultation and submitted modifications to the Local Plan for examination in October 2014. Hearings took place in December 2014 and the Inspector’s report is expected in the spring of 2015. There are outstanding objections to some policies which have yet to be resolved.

“The main policies relevant to this proposal are as follows:

“The site is shown on the Key Policies Map for Kidlington as being within an ‘Indicative Location of Limited Green Belt Review’ (Policy Kidlington 1: A) apart from a small part of the application site to the south west which is outside the indicative boundary.

“**Policy Kidlington 1** commits to a ‘small scale review of the Green Belt to accommodate identified high value employment needs’ at two locations including (A) Langford Lane/Oxford Technology Park/London-Oxford Airport.

“The policy contains key design and place shaping principles including for the creation of a Technology Park for high value uses.

“Paragraph C.191a of the Plan states:

‘A recent Employment Land Review (2012) identified a need to provide additional employment land in the Kidlington area. It is not anticipated that this land can be accommodated on sites within the built-up limits of Kidlington. A specific need has identified at the Langford Lane area and the Science Park at Begbroke. Therefore, exceptional circumstances are considered to exist to justify a small scale review of the Green Belt to meet employment needs (see Policy Kidlington 1: Accommodating High Value Employment Needs)’

“Paragraph C.193 states:

‘Over the medium to longer term, progressive improvements to the Langford Lane employment area will be encouraged to accommodate higher value employment uses such as high technology industries. This will reinforce and strengthen the emerging cluster of such industries in this area adjoining London-Oxford Airport’.

“Paragraph C.195 states:

‘...the Council proposes that a local Green Belt review will be undertaken in preparing the Local Plan Part 2 in the vicinity of London-Oxford Airport and the Begbroke Science Park as illustrated on the Kidlington map. The boundaries shown on the proposals map are indicative only; the review will need to consider exactly how and where the Green Belt boundary will be changed to accommodate employment uses. Any subsequent development proposals will need to have regard to the design and place making principles outlined in Policy Kidlington 1...’

“The IRC proposal is not for employment development and therefore would be inconsistent with Policy Kidlington 1. It would create jobs but not those which are envisaged by Policy Kidlington 1.

“In terms of housing at Kidlington, paragraph C.190 now states: ‘A Local Housing Needs Study will be commissioned in consultation with Kidlington Parish Council. If the village’s local housing needs cannot be accommodated within the built up area a small scale local review of the Green Belt boundary around Kidlington will be undertaken as part of Local Plan Part 2, as indicated in Policy ESD 14’. In line with government guidance, this will only be carried out in exceptional circumstances.

“**Policy ESD 14: Oxford Green Belt** states that the Oxford Green Belt boundaries will be maintained to, amongst other things, prevent the coalescence of settlements and assist in safeguarding the countryside from encroachment. It states that development within the Green Belt will only be permitted if it maintains the Green Belt’s openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. The policy states that development proposals within the Green Belt will be assessed in accordance with government guidance in the NPPF and NPPG.

“The Policy states; *‘A small scale local review of the Green Belt boundary in the vicinity of Langford Lane Kidlington and Begbroke Science Park will be*

undertaken as part of the Local Plan Part 2, in order to accommodate employment needs (See Policy Kidlington 1). A small scale local review of the Green Belt boundary around Kidlington will also be undertaken as part of Local Plan Part 2 if the village's local housing needs cannot be accommodated within the built up area. Further small scale local review of the Green Belt boundary will only be undertaken where exceptional circumstances can be demonstrated'.

Overall Policy Observations

“The proposals would be contrary to the purposes of adopted Development Plan policies for the protection of the Green Belt and the coalescence of settlements. Proposals would comprise inappropriate development in the Green Belt for which very special circumstances would need to be demonstrated. However it will need to be considered if any elements of the proposals are exceptions to this (NPPF paragraph 89).

“The application includes proposals for development to the west of the existing built up area of the site. In policy terms, it is considered this part of the application site (the most westerly part) is greenfield land and development here would be beyond the built up area of the site.

“The applicant explains how alternative sites have been explored and Campsfield House was found to be the most appropriate and how the proposals will facilitate improvements to the facilities and operations on the site. The proposal would provide accommodation for detainees, for which a needs case is provided, and secure and provide jobs at the site. This should be considered alongside the harm to the Green Belt, to the countryside and to preserving the identity of individual settlements, having regard to the scope for mitigation. The impact on coalescence should be considered with a view to avoiding incremental encroachment, strategic consequences for the Green Belt and in the interest of securing a long-lasting approach to protecting the identity of settlements.

“It would be preferable for the Local Plan to be completed and a small scale green belt review to be undertaken for employment as envisaged. Prematurity is likely to be a material consideration, particularly as the proposal affects an area proposed to accommodate high value employment needs. However the application site only forms a small part of the area within the indicative boundary associated with Policy Kidlington 1.

“Overall, the test of ‘very special circumstances’ should be rigorously observed, particularly ahead of completion of the Local Plan and the proposed small scale Green Belt Review. Great emphasis must be placed on protecting the Green Belt and ensuring that land identified within the proposed area of search is carefully and appropriately defined and planned. It should be considered if the application is adequately supported by; i) the reasons for the choice of location; ii) unambiguous demonstration that the site identified is appropriate within the Local Plan's area of search.”

3.4 Urban Design Officer: Comments as follows:

“The application is accompanied by a Design & Access Statement (DAS) prepared by Aedas Architects and CTG. I have undertaken a peer review of this document and make comments as below, subject to the following note.

“Note: Due to the highly specialised nature of the facility, the high security compound within which it is located and the exclusion of public access from within and around the buildings, many urban design principles are not directly applicable to the proposal and security and functionality will take precedence.

Movement/Connections

“The site is accessed from a single point at the terminus of Evenlode Crescent and the application includes provision for a new 78 space car park and additional cycle shelter to the west of the road and outside of the security fence. The car park would benefit from soft landscaping within and around the edge, particularly along the north edge to reduce its visual impact.

“Movement through the site is tightly controlled and managed for security purposes. Vehicular movement is permitted for authorised service vehicles only and pedestrian access is permitted for staff, detainees and authorised visitors only. Pedestrian connectivity and permeability is consequently a matter entirely for centre managers. A sense of legibility is relevant to aide movement through the complex and an arrival area to the main building is proposed with a canopy link between the CASU building and the main building entrance. The main building entrance is satisfactorily denoted on the north elevation by curtain wall glazing and a double height lobby. Inside the main building is logically laid out with all facilities accessible from a central core. The DAS confirms wheel chair access throughout the building and to external recreational, amenity and service spaces.

Scale/Mix of Uses

“The proposal includes three buildings, a new Command Centre, Care and Separation Unit (CASU) and Immigration Removal Centre (IRC). It is understood that the first two buildings will provide administrative functions and the IRC main building will provide sleeping accommodation, recreational, education and amenity spaces. The proposed mix of uses is compatible with the existing detention centre complex.

“In terms of scale, buildings range from single to three storeys in height. The IRC main building is predominately three storeys and is of a large institutional scale and appearance. While at odds with the agricultural surroundings, the scale of the buildings sits comfortably with the scale of existing detention centre buildings. The site is already contained within the outer security fence which restricts access and limits views.

Layout

“The Command Centre and CASU building are situated at edge locations near to the perimeter fence. They are square and rectangular buildings of simple functional design and construction.

“The IRC main building occupies a large proportion of the available land and as such layout options are limited. However, the DAS shows a number of different options considered during the design evaluation process. The preferred option was chosen on the basis of operational flexibility and control. Given the existing context and mix of buildings, I do not see any reason to object to the layout of the preferred option and see no urban design advantages in the options dismissed.

Built Form/ Appearance.

“The proposed Command Centre and CASU buildings are of a functional design and appearance and of no architectural merit. They could undoubtedly be improved in terms of external appearance and quality of internal environment (access to light/ outlook etc). However, I understand that a standard window dimension is required for security purposes and given the existing context and lack of exposure to public view or access; I see no justification for requiring such changes.

“The proposed IRC main building sprawls out over the site with a large facilities block to the east and three accommodation blocks splaying out to the south and west from a central core. In addition to standard windows, the blocks have curtain wall glazing at the gable ends and above the main entrance. As above, while the building could undoubtedly be improved in terms of external appearance and quality of internal environment, I see no justification for requiring such changes in this instance.

Materials

A standard materials palette is applied across the three buildings and is chosen for low-maintenance qualities and robustness. Materials comprise red-brick, precast concrete sandwich cladding panel, standard dimension security windows, curtain wall glazing and aluminium standing seam roofs. These materials are generally compatible with those found currently on the site and I raise no objection.

Landscaping

“The landscape masterplan shows the retention of the existing poplar trees, additional tree planting and wildflower meadow planting in the area to the north of the proposed buildings. This space will provide some visual amenity and screening between the centre and the residential area to the north. Hard landscaped courts between the residential blocks provide seating and recreational facilities for detainees. The proposal lacks any planting around the perimeter of the site to provide screening as such planting cannot be accommodated within the site due to proximity to the security fence.

“The proposed landscape plan fails to show any screening to the proposed car park. There are no security fence issues with the car park and planting should be accommodated within the site.

5. Conclusion

“Due to the highly specialised nature of the facility, the high security compound within which it is located and the exclusion of public access from within and around the buildings; I do not raise any urban design issues with the proposal. While the buildings are considered to be of a functional design with no architectural merit, they shall not be used or experienced by members of the public, except by partial views from some distance.”

3.5 Ecology Officer: Comments as follows:

“The ecological surveys did not reveal any ecological constraints within the site. The poplar trees have the potential to support nesting birds but these are shown as being retained. No reptiles were found during the surveys but because the grassland is tussocky and ideal for them (in particular slow worms and also hedgehogs) they may be present in low numbers, therefore I

would advise that the following Condition is attached to any permission.” (See proposed condition 6)

3.6 Environmental Protection Officer: Comments as follows:

“I recommend applying conditions which require remedial proposals to be submitted and subsequently validated to be protective of human health from land contamination.

“I’ve reviewed the Ground Engineering Site Investigation Report (reference C13191, dated April 2014) and it has concluded there is an unacceptable risk from contamination and outlined remedial proposals. These outline remedial proposals relate to the landscaped areas and more detailed proposals will be required (and subsequently validated) to demonstrate the site will be safe with regard to land contamination. It is noted that I couldn’t find a reference to the conclusions of this report in the landscaping related submissions with the application, so I would recommend drawing this to the attention of the applicant to ensure any potential constraints are addressed.

“I’ve reviewed the 6 Alpha Associates Ltd. Detailed Unexploded Ordnance (UXO) Risk Assessment report (reference: P3710 dated 31 January 2014). This report identifies a medium / high risk from unexploded ordnance and proposes risk mitigation measures. These risk mitigation measures should be adopted in the works and an Operational UXO Risk Management Plan should be provided to the LPA prior to commencement of the works and once approved the works should be undertaken in line with this to ensure this risk is appropriately dealt with.”

3.7 Landscape Officer: Comments as follows:

“The existing vegetation of the southern boundary is not able to provide the appropriate level of landscape mitigation for the development for visual receptors on the public right of way, route code 124/6/10, or residential receptors on Willow Way and Rowell Drive to the south. However, additional tree planting adjacent to the security fence may encourage detainees to escape by climbing out. The developer should explore the possibility of additional tree planting, either in the 3 south facing courtyards, or the boundary.

“The proposed landscaped area is acceptable in principle. However, some precaution in the selection of plant species in regard to levels toxicity in areas where detainees will be allowed to exercise is necessary. I recommend that the landscape architect consults the reference *Poisonous Plants by Elizabeth Dauncey*, published by Kew.

“Full details of the landscape proposals are required. All existing and retained vegetation within the application site is to be indicated on the drawing, along with aftercare specification in accordance with good industry practice.”

3.8 Arboricultural Officer: Comments as follows:

- 1 No AMS is to be provided to ensure appropriate protective measures are provided for all existing and retained trees.
- On site arboricultural supervision will be necessary throughout the development process.

- The Landscape proposals are lacking in some detail. The ‘open space’ areas between the proposed blocks are sufficient in size to accommodate minimal ornamental tree planting without compromising security. Such tree planting will provide valuable aesthetic and calming benefits to the occupants. I would recommend that individual species such as Sorbus or Prunus are considered with final selection identified within a revised Landscape Scheme.
- No arboricultural objections (subject to condition)

Oxfordshire County Council Consultees

3.9 Highways Liaison Officer: Comments as follows:

“Pre-application advice offered by OCC in March 2014 makes it clear that a significant amount of transportation related material would have to be submitted with a planning application, as follows.

“If a formal planning application is submitted, the following documentation will be required for consideration and approval:

- *A Transport Assessment (TA)*
- *A Travel Plan*
- *Non-Motorised User (NMU) Audit*
- *Scaled vehicle access drawings*
- *Development layout to accord with Manual for Streets (and to be constructed to OCC specifications)*
- *Car parking plan to OCC standards*
- *Cycle parking provision to OCC standards*
- *Tracking plans for large emergency/ servicing/ delivery vehicles*
- *Heads of Terms for Transport/ Highways mitigation (see above)*
- *Safety Audits on any proposed highway mitigation works*
- *Construction Traffic Management Plan (CTMP)*
- *SUDS drainage strategy”*

“In consideration of this list, much of the material submitted with this application is either inadequate or missing. Some of these requirements can be dealt with by condition and, where relevant, those conditions are set out here. The remainder will need to be submitted in support of this planning application and are set out below.

Transport Assessment

“The application is accompanied by only a Transport Statement which does not give sufficient information. A Transport Assessment is required to be prepared in accordance with government guidance, and to addresses the following as a minimum.

- Quantification of additional peak hour trip generation for both AM and PM peaks.
- Assessment of traffic impact on the following key junctions based on observed movement through them:
 - A44 Woodstock Road / Langford Lane
 - A4260 Oxford Road/ Langford Lane
 - Langford Lane / The Boulevard

- Demonstration of the adequacy of proposed car and cycle parking provision based on a quantification of existing and projected usage.
- Demonstration of the adequacy of transport provisions with scaled drawings and swept path analysis.

Travel Plan

“The Transport Statement contains only a Draft Framework Travel Plan. As the site is currently occupied under the same use as that for the proposed expansion, and existing travel behaviour can be measured, there is no reason why a Travel Plan cannot be produced in support of a planning application. The plan would need to be updated within six months of the occupation of the expanded facility.

“A fee of £1,240 will be required to cover the cost of monitoring the Travel Plan for a period of five years.

Construction Traffic Management Plan

The Construction Traffic Management Plan (CTMP) submitted with the application does not give sufficient information. In particular, some quantification of daily construction vehicle movements and types for each identified construction phase will be required. Reference should be made to OCC’s CTMP checklist. This requirement can be dealt with by condition.

Following discussions with the County, updated comments (below) were received which result in the removal of the holding objection.

“It is commonplace for an application of this scale to be supported by a comprehensive Transport Assessment, indeed this requirement was highlighted at the pre-application stage. Unfortunately the submitted transport statement provided limited detail of traffic impact and therefore raised an objection. However, separate from the formal application and pre-application, agents on behalf of the applicant had demonstrated to the approval of County Officers that the traffic impact of the proposed development would not result in any significant reduction of network capacity or increased delay.

“Having considered the relevant correspondence and submissions, I consider it would be unreasonable to maintain an objection. I recommend the objection is withdrawn subject to the conditions set out above being imposed upon any planning permission that may be granted.”

3.10 Ecology Planner: Comments as follows:

“The District Council should be seeking the advice of their in-house ecologist who can advise them on this application.

“In addition, the following guidance document on Biodiversity & Planning in Oxfordshire combines planning policy with information about wildlife sites, habitats and species to help identify where biodiversity should be protected. The guidance also gives advice on opportunities for enhancing biodiversity:

<https://www.oxfordshire.gov.uk/cms/content/planning-and-biodiversity>”

3.11 Planning Archaeologist: Comments as follows:

“In this case I would agree with the archaeological consultants appraisal that the site has a low potential for archaeological deposits and we would not be recommending any archaeological investigations ahead of or during this proposed development.”

3.12 Drainage Officer: Comments as follows:

“The proposals seem fine to me albeit an indicative proposal. Oxfordshire County Council Drainage team will need to see and approve a final drainage layout prior to the development commencing so that we are satisfied the proposals are in line with the indicative drainage strategy set out in the documents you have attached to your email.”

Other Consultees

3.13 London Oxford Airport: No objections subject to: control being exercised to ensure that any tree planted does not grow to height in excess of 20m; any cranes used during construction have to adhere to best practice; and the use of non-reflective material for any solar panels.

3.14 Environment Agency: Comments as follows:

The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size.

We note that a drainage statement has been produced but we wouldn't consider it detailed enough to be considered as a full FRA. We thus consider a full FRA **has not** been submitted in support of this planning application.

The West Thames Area (Environment Agency South East) is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response to you. If this advice is used to refuse a planning application, we would be prepared to support you at any subsequent appeal.

In order for the development to be acceptable in flood risk terms we would advise the following:

Surface Water Flooding:

Our flood risk standing advice contains guidance on what FRAs need to include. Key points for developments in Flood Zone 1 (cell F5) are:

- Surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)

- An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall (20% for commercial development, 30% for residential). See Table 5 of Technical Guidance for NPPF.
- The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

3.15 **Thames Water:** Comments as follows:

Waste Comments

“Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

“Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

“To the north of the site within the boundary of the proposed development site is Campsfield House (Kidlington) SPS. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development. On the Map a blue outlined box shows the assets, and the proposed development area is identified by a red outlined box.

“The calculated net peak flow increase from the proposed development will consume too much of the receiving sewage networks maximum flow capacity. Thames Water request that an impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaises with Thames Water Development Control Department (telephone 01923 898072) with regard to arranging an impact study.”

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

GB1: Development in the Green Belt

C2: Development affecting protected species

C4 Creation of new habitats

C7: Landscape conservation

C15: Prevention of coalescence of settlements

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C31: Compatibility of proposals in residential areas

ENV1: Development likely to cause detrimental levels of pollution

ENV12: Contaminated land

TR1: Transportation funding

Central Oxfordshire (Cherwell) Local Plan (1992)

GB1: Development in the Green Belt

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (2011 - 2031)

The Cherwell Submission Local Plan (October 2014) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The examination was suspended by the Inspector, shortly after commencing in June 2014 to allow further work to be undertaken by the Council. Modifications were required to meet the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA). The proposed modifications were subject to public consultation from 22nd August to 3rd October 2014. The examination reconvened in December 2014 and the Inspector's report is likely to be published in March 2015. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The following policies are considered to be relevant:

ESD5: Renewable Energy

ESD 13: Local Landscape Protection and Enhancement

ESD 14: Oxford Green Belt

Policy Kidlington 1

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History

- The Principle
- Very Special Circumstances
- Design/Landscape
- Neighbour Amenity
- Highway Issues
- Other Matters
- Planning Balance

Relevant Planning History

14/00344/F – First floor extension to plant/boiler room building to create sprinkler water tank housing

13/00692/F – Single storey extension to provide additional sports facilities (Permitted)

12/01762/F – Proposed 3no. single storey extensions to provide additional facilities to include closed visit interview rooms, extension to short stay unit, extension to Regime area and relocate a portable building (Permitted)

08/01942/F – New multi-faith education and workshop unit (Permitted – but not implemented)

04/01393/GD – Outline. Proposed extension to the IRC involving the erection of 2 no. new buildings (106 bed spaces) and utilising the existing access from the public highway (Objections against Officer recommendation). A non-statutory public inquiry was arranged but the HO ultimately decided not proceed with this course of action.

01/01434/GD – Erection of two temporary accommodation units (No Objections)

00/01684/GD – Demolition of 2 no. existing buildings and erection of single storey modular building together with extension of the existing lay-by to provide additional parking spaces (No objections)

97/02141/GD – Two additional storage units (No objections)

96/00911/GD – Erection of one temporary accommodation unit (Objections)

96/00853/GD – Erection of two temporary accommodations units (Objections)

95/00325/GD – Single storey extension to store building (No objections)

GD.CHS.1/93 – Accommodation block and visitor centre (No objections)

GD.CHS.6/92 – Replacement gatehouse and new reception building (No objections)

GD.CHS.5/92 – Change of use of young offenders detention centre into detention centre for the Immigration Service (No objections)

All planning history prior to 1992 relates to the young offenders detention centre.

The Principle

- 5.2 Unlike a large proportion of the built development accessed off Langford Lane, Campsfield House Immigration Removal Centre lies inside the Oxford Green Belt. As such the proposed development has to be assessed against saved Policy GB1 of the adopted Cherwell Local Plan (CLP), Policy GB1 of the Central Oxfordshire (Cherwell) Local Plan (1992) and Government guidance contained within the National Planning Policy Framework (NPPF). Other policy which, whilst not carrying Development Plan status, is of material consideration are Policies ESD14: Oxford Green Belt and Policy Kidlington 1 of the Submission Cherwell Local Plan (2011-2031) (SCLP).
- 5.3 The guidance in the NPPF relating specially to development in the Green Belt reflects the thrust of Development Plan and emerging Cherwell Plan policy. Paragraph 89 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they comply with one of a limited number of exceptions.
- 5.4 The proposed buildings do not accord with any of the exceptions identified. It is worth noting that if the structures were to be attached to the original building then the development could conceivably accord with one of exceptions which allows for *the extension or alteration of a building*. This criterion is however caveated with the requirement that such an extension or alteration *does not result in disproportionate additions over and above the size of the original building*. Given the scale of what is being put forward, the scheme would fail to meet this requirement.
- 5.5 Policy Kidlington 1 of the SCLP identifies two relatively small strategic tracts of land (off the Langford Lane and surrounding the Begbroke Science Park) which it is proposed should be considered for removal from the Green Belt in order to accommodate *high value employment needs*. Assuming that the Inspector does not amend/delete this policy, the land in question would still be the subject of a Green Belt Review. This would not only establish the principle but also clearly delineate the changes to the Green Belt boundary.
- 5.6 An added complication with the Policy Kidlington 1 maps is that the (double) lines on the maps showing the potential limits of the land under review do not follow established boundary lines making it impossible to demarcate the edge of the land under consideration. This ambiguity, particularly in respect of the double lines, makes it difficult to definitively say whether the application site lies inside or straddles the area under consideration.
- 5.7 Whatever the case, as the map is only indicative it does not follow that all the land identified is going to be removed from the Green Belt. Indeed, as the justification for the Green Belt Review is to release land for *high value employment needs*, it is entirely conceivable that Campsfield House along with the residential properties, the Ambulance Service facility and the rest of the MoJ controlled land will ultimately remain inside the Green Belt as the use of the land for current purposes is unlikely to change for the foreseeable future. It would therefore be premature to give this policy any weight in respect of this application.
- 5.8 On the basis of this assessment, it is therefore concluded that the proposals would compromise the openness of the Green Belt and by virtue of the site's relationship with the northern edge of Begbroke promote coalescence of two

settlements and thus run contrary to NPPF guidance contained within paragraphs 79 and 80.

- 5.9 However, as with previous Government guidance, the NPPF makes an allowance for schemes to receive approval within the Green Belt, which do not comply with the aforementioned guidance, if a compelling *very special circumstances* (VSC) case (in accordance with paragraphs 87 and 88 of the NPPF) is presented. As the applicants accept that their scheme is contrary to Green Belt policy a VSC case has been included as part of the Planning Statement.

Very Special Circumstances

- 5.10 The focus of the HO/MoJ's very special circumstances (VSC) case is that there is a pressing need to increase the capacity within the immigration removal system. Reference is made to a recent Government document entitled *Strategic Priorities of the Home Office*. This report cites the 2014 Immigration Act which it is argued should speed up the process of deporting illegal immigrants. It is further argued that the projected recruitment of 500 additional enforcement officers will result in the detention of more illegal immigrants on entry or once in the country.
- 5.11 The HO project that an estate of just over 5,000 beds is (current capacity approx. 4,000 beds) required to meet the estimated growth in the numbers of people being repatriated to their country of origin each year. The additional demand, it is argued, will be centred on increases in the number of longer term male detainees and former foreign national offenders (FFNO) that will be detained. This application would also help to partially meet this shortfall where it is most needed in terms of location (with easy access to airports in the south east); reduce the reliance on prison beds; and provide improved facilities.
- 5.12 In order to explain the rationale as to why the HO has chosen to extend Campsfield House to address part of the demand they have identified, the applicants' agent has produced a table of constraints (below) that informed their decision-making process.

	Stage 1 Home Office Ownership	Stage 2 Catchment Area (London Airports)	Stage 3 Space for a minimum 250 bed spaces	Stage 4 Value for money	Stage 5 All criteria met
Morton Hall (Lincolnshire)	X				
Dover (Kent)	X				
Haslar (Hampshire)	X				
The Verne (Dorset)	X				
Dungavel House (South Lanarkshire)	✓	X			
Tinsley House (West Sussex)	✓	✓	X		
Colnbrook (Middlesex)	✓	✓	X		
Harmondsworth (Middlesex)	✓	✓	X		
Brook House (West Sussex)	✓	✓	X		
Bicester (Oxfordshire)	✓	✓	✓	X	
Yarl's Wood	✓	✓	✓	X	

(Bedfordshire)					
Campsfield House (Oxfordshire)	✓	✓	✓	✓	✓

- 5.13 It is contended that any of the sites above outside the ownership of the HO have to be discounted given that it would be difficult to justify a significant financial investment without the security of either the freehold or a long term leasehold. Dungavel House in Scotland is ruled out because the demand for accommodation is greatest in the south east of England and most of the people being deported leave via the London airports. Proximity to these airports is considered to be important to minimise travel time, the stress for those being removed as well as keeping costs down.
- 5.14 Of the seven locations that pass these first two stages, four fail to clear the next hurdle which is the requirement to have the physical capacity to accommodate 250 extra bed spaces (any fewer than 250 spaces would bring the financial viability of the proposal into question according to the applicants). Those existing facilities that fail this test are all located in close proximity to Heathrow and Gatwick and are, unsurprisingly, physically constrained by other existing development abutting the site boundaries.
- 5.15 As Members may recall, in 2010, approval (08/02511/F refers) was given to build a new IRC just outside Piddington (referred to in the table above as Bicester and by the HO as Bullingdon). This permission is no longer extant. Whilst a new, purpose built, facility would be preferable, the applicants argue that given Government cutbacks there are not the resources available within the department's budget to fund such a project. Aside from ruling out the Piddington site, it precludes the construction of a new facility elsewhere in the south east.
- 5.16 Yarl's Wood is discounted on the grounds that this is a female only facility. Any expansion of the site would therefore result in a new IRC being built as none of the various functions that support the existing IRC could be shared.
- 5.17 Having eliminated all other possibilities, the result of this exercise is to demonstrate that the extension to Campsfield House is the only viable option open to increase capacity within the IRC system. An assessment of the VSC case will be made in the Planning Balance section of this report.

Design – Landscape Impact

- 5.18 As the Council's Urban Designer acknowledges the design of the accommodation block is very much function over form. The layout and appearance is not only dictated by the site constraints, including a line of poplar trees to the north of the proposed accommodation block, but it also reflects the specific requirements of an IRC. So whilst the design of the main building would benefit, for instance, from more proportionate fenestration, such a change would pose a potential security risk.
- 5.19 As the detailed floor plans of the various buildings are considered too sensitive to put in the public domain, it is obviously impossible for Officers to comment in any detail on the internal layout. It is however stated that each separate unit of bedroom accommodation will comprise two beds and a toilet facility. Although some objectors maintain that such conditions compromise the human rights of the detainees who are not convicted criminals, the right and wrongs of the layout is the remit of other legislation and it is not the responsibility of the

Council to provide critical analysis. Further reassurance was however sought from the HO:

Question: Does the layout meet guidelines for detention centres – e.g. toilets in cells without suitable privacy (objectors are concerned that there will be of a similar design to that at Harmondsworth)?

Answer: We have previously advised that the proposal will be designed to Prison Standards and the regime will comply with Detention Centre Rules (2001) and it can be confirmed that the WC's within the bedrooms will include a full height door with undercut for venting similar to other IRC's. This approach has been adopted to take account of the concerns raised.

- 5.20 It should also be noted that under Part 34 Class B of the GPDO the Crown, i.e. the HO and the MoJ, could alter the internal layout of the buildings without the need for planning permission.
- 5.21 Although the height of the accommodation block has attracted much criticism, there are obvious logistical advantages of having a more contained site with each bedroom within easy access of the central hub. Also if you accept the quantum of development that is required to make the scheme viable, then it is inevitable that a two storey building would have to encroach further into the Green Belt.
- 5.22 Notwithstanding its Green Belt status, the application site is not in a sensitive landscape position and there are no heritage constraints to take into account in the surrounding built environment. Furthermore the buildings would be a minimum distance of 220m from the closest properties in Begbroke and 160m from the closest property in Evenlode Crescent.
- 5.23 The Urban Designer observes in his summation that *the buildings shall not be used or experienced by members of the public, except by partial views from some distance*. Indeed they will only be visible in the public domain from sections of the A44, Langford Lane and footpath 124/6 which links the northern edge of Begbroke with the Oxford Canal.
- 5.24 The Council's Landscape Officer does however raise some misgivings about the lack of proposed planting on the southern boundary in order to soften the impact on the occupiers of properties on Willow Way and Begbroke Crescent (Landscape Officer mistakenly referred to Rowell Drive). He did however understand the limitations of what could be achieved and has not raised an objection to the scheme, subject to condition.
- 5.25 On the basis of the above, it is concluded that, given the specific circumstances of the case, the proposed development complies with Policies C7 and C28 of the CLP as well as Government guidance contained with the NPPF.

Neighbour Impact

- 5.26 None of the proposed buildings are physically close enough to any residential property to unduly affect their amenities in respect of loss of light or being perceived to have an overbearing effect. Neighbour concern from an amenity perspective is more focused on noise, light spillage and potential overlooking of gardens in Begbroke. The Council's Anti-Social Behaviour Manager has not queried noise and light spillage as being potential problems, although a condition would be required for a lighting plan. The distance from the accommodation block to the nearest properties in Begbroke is too great at

220m to warrant a reason for refusal on these grounds. The development is therefore considered to accord with Policies C31 and ENV1 of the CLP.

Highway Issues

- 5.27 The County's Highways Department initially objected to the scheme on the grounds that the Transport Statement and some of the supporting information were inadequate. Following discussions between the applicants' consultant and the County, the objection has been withdrawn. Whilst it is unfortunate that no revisions or additional information have been provided as part of the application, the County have held productive discussions with the applicants' consultant to resolve the issues in dispute.
- 5.28 The County's reluctance to sustain their objection is not unsurprising. The number of additional movements to and from the site would be relatively small when compared to the already approved Northern Gateway to the north of Oxford. Furthermore, as there are good vision splays at the junction of the access road and Langford Lane the scheme poses no significant highway safety implications. Officers therefore concur with the County that the recommended conditions are sufficient for the proposal to accord with Government guidance contained within the NPPF.

Other Matters

- 5.29 A number of neighbouring residents have commented on the potential problems identified by Thames Water regarding foul sewage. There is currently insufficient capacity in the local system to meet the additional demand that would be created. As with the housing development on the southern side of Cassington Road in Yarnton, that Members approved subject to a S106 last year (13/00330/OUT refers), this issue can be successfully addressed by condition. The onus would be on the applicants to identify and fund appropriate remedial works before the proposed facility could be occupied. Obviously, if it were discovered that it was impossible to rectify the situation, or the cost proved to be too prohibitive, then this proposal could not be implemented.
- 5.30 As the site is on a flood zone 1, the Environment Agency refers the Council to their standing advice rather than making an assessment of the applicants' flood risk assessment (FRA). The FRA and the drainage strategy were forwarded on the County's Drainage Officer who concluded that it was possible to agree an acceptable scheme.
- 5.31 The Council's Environmental Protection Officer was satisfied with the scope of the contaminated land survey as well as the report outlining the risk associated with unexploded bombs. RAF Kidlington was targeted on four separate occasions during the Second World War. Although most of the bombs dropped by the Luftwaffe are believed to have landed to the north of the airport there remains the possibility of an unexploded bomb being present on the application site as well as discarded ammunition from British aircraft awaiting repair. Conditions are therefore recommended by the Environmental Protection Officer to ensure that both these matters are dealt with appropriately.

Planning Contribution

- 5.32 Given the nature of the development, the only financial contribution that it is being sought is by the County who are seeking £1,250 to allow them to cover the cost of monitoring the Travel Plan for a period of five years.

Planning Balance

- 5.33 Many of the objectors to this proposal are opposed to any expansion of the immigration detention system on the grounds that as the detainees have not committed a criminal offence it is ethically and morally unacceptable to incarcerate them. Whilst some Members may sympathise with this viewpoint, the legitimacy of removing foreign nationals by this process is not a material planning consideration. The policy on immigration reflects the will of the elected Government and any changes to how the country deals with immigration is a matter for Westminster and ultimately the electorate.
- 5.34 In respect of a change in national policy, it has been pointed out that the Parliamentary Inquiry into the use of Immigration Detention in the UK is going to issue its findings imminently and that it would be premature to consider this application until the outcome of the inquiry are made public. Whilst it is agreed that the timing is unfortunate, if this application were to be approved and it were subsequently found to be surplus to requirements, the Government would find it difficult to justify committing public finances to a project which was concluded to be no longer required.
- 5.35 Another contentious issue for opponents of this scheme is whether the 'need' has been overstated by the Government. Using the Government's own statistics, it is argued that demand for detainee accommodation is actually falling. There is a frustration amongst the campaigners about the apparent reluctance of the HO to make public the methodology that informed their calculations. Officers asked the HO to provide further clarification on this point:

Question: What is the justification for the Home Office not releasing the methodology to calculate the need figures?

- 5.36 Although they provided information in respect of the other questions posed, at the time of writing, they were only in a position to state that the *Response is still under consideration*. Any further comment from the HO on this matter received prior to committee will be provided as an update.
- 5.37 The HO's apparent reticence in providing an explanation is unfortunate, but does not change Officers' approach in dealing with the issue of need. The Council's position was set out by the Council's Chief Executive in response to correspondence received from Nicola Blackwood MP and Andrew Smith MP. The main body of the letter reads as follows:

"It is not the role of the Council to question the validity of Government figures including those relating to 'need' within the immigration removal system. The applicants, unlike the Council, have access to the most relevant and up-to date information available and experts in the field to interpret and analyse the information. Any attempt to interrogate the numbers by the Council would therefore be unjustified and could be seen to infer that the Council was considering the possibility that Government policy on immigration, and the statistics that support it, were wrong.

"The position adopted by planning officers in accepting the 'need' at face value was confirmed to be the correct approach following discussions with the Council's Legal Team. The Council has, however, invited the applicants to submit details of the methodology used to inform their calculations. Any response received will become a matter of public record unless otherwise directed by the applicants."

- 5.38 Against this backdrop, the VSC case presented by the HO requires Members to accept that there are no other viable options open to HO to meet the need, and that assuming this hurdle is cleared, that the harm caused to the Green Belt would be outweighed by the more appropriate treatment experienced by detainees within an IRC rather than in the prison system.
- 5.39 Using the applicants' table (paragraph 5.11) the first criterion discounts any facility that is not within their ownership. Although this approach has been criticised by some of those objecting, it would appear to be an entirely reasonable requirement as it would not only be difficult to justify public expenditure on building works without a long-term occupancy guarantee, it would also make more political/financial sense to target resources at the HO's/MoJ's own portfolio of buildings.
- 5.40 Dungavel House in South Lanarkshire is ruled out on the grounds that it is too far from the airports in the south east. Although the logistics and cost of transporting detainees from this facility may preclude it from consideration, it is questionable whether the detainees would suffer any significant additional stress from a long journey to an airport in the south east. There a (32 beds) IRC at Manchester Airport (Pennine House), not referred to in the table, which is often used to provide a break in the journey for detainees leaving Dungavel House.
- 5.41 The IRCs that are in close proximity to Heathrow (Harmondsworth and Colnbrook) and Gatwick (Tinsley House and Brook House) are discounted on the ground that there is insufficient space to extend these facilities to provide an additional 250 bed room spaces. Aerial imagery of the sites reveals this to be the case.

Harmondsworth is to the immediate west of **Colnbrook**. A river prevents any extension to the west (airport beyond). The northern boundary of the sites abuts an industrial unit and a road (A4) is to the immediate south. Whilst part of the eastern boundary of Colnbrook abuts an agricultural field, even if the HO were to acquire this land, any new buildings would not relate well to the existing centre and there would be significant amenity issues relating to the close proximity of a hotel (south boundary of field) and housing estate (northern boundary of field).

Tinsley House is surrounded by roads to the north and south, an industrial unit to the west and a water course Crawter's Brook to the east (with a small area of mature woodland beyond).

Brook House is enclosed by roads to the north and south, an industrial unit to the east and a large car park to the west.

- 5.42 Although Yarl's Wood is a female only IRC, it was put to the HO that this shouldn't necessarily rule it out:

Question: Could Yarl's Wood become a male only facility and be extended (with the female detainees being relocated to another facility)?

Response: Yarl's Wood is the only female facility so to move the detainees to another would not be appropriate. The Yarl's Wood facility is also not considered suitable for housing male detainees long term since the fire in 2002, only males dropped off for screening are held, short term, in a discrete

part of the facility. Time and cost constraints do not allow Yarl's Wood to be replaced elsewhere.

5.43 The first part of the HO's response is not convincing or perhaps misses the point. It is quite obviously feasible to change one of the other existing IRCs into a female only facility. Also, unless there is something peculiar about Yarl's Wood, that requires further explanation, it is difficult to understand why this facility would be any more prone to arson than any of the other IRCs. These criticisms aside, there would be an added delay in carrying out such works and, alongside the disruption this would cause, there would be additional costs incurred. An aerial inspection of this site also reveals that any extension would require the co-operation of a number of adjacent land owners (the only opportunity to extend is to north).

5.44 A new IRC such as the one previously approved at Piddington was dismissed on cost grounds. To get a better appreciation of the financial implications of building a new centre, the HO was asked the following:

Question: Could you give ball park cost figures for the proposed expansion over the cost of a new facility of a similar size and the cost of building out the site at Piddington?

Response: It is estimated that – in capital terms - the Campsfield expansion will cost between 25% and 30% of developing the original Bullingdon proposal and some 40% of a similar (c400 bed) equivalent on a vacant brownfield site elsewhere. As part of a wider, existing site, it will also provide operational efficiencies on an ongoing basis.

5.45 Officers would not dispute that it is going to be considerably more expensive to build a new IRC rather than extending Campsfield House. However, whilst the additional funding required is going to be large, in terms of overall Government expenditure the difference could be met by redirecting a relatively small percentage of resources currently allocated to other Departments. Obviously given current budgetary constraints, which most analysts agree are likely to tighten further after the next election, it would be argued by the HO that there is not the flexibility, at this moment in time or indeed the next few years, to allow for such a reallocation of finances without unduly affecting other services.

5.46 Notwithstanding the above, such a debate is academic, in the same way that it would be inappropriate to question the issue of need, the Council is not in a position to run an audit of Government finances to verify whether additional monies could be made available to fund a new IRC outside the Green Belt.

5.47 Although a number of objectors are sceptical about the way in which the HO discounted other possibilities, Officers are satisfied that the criteria used in the process were relevant (certain sites would have failed more than one of the tests) and that the conclusion was in no way manufactured.

5.48 Whilst those opposing the scheme are critical of the way the IRC system operates there has been no suggestion from objectors that detainees would be better served if they were in the prison system.

5.49 If Members are therefore satisfied that the Campsfield House proposal is the only currently viable option to significantly increase capacity within the IRC system and that the proposed extensions would represent a substantial enough

improvement in conditions for those who would otherwise be accommodated in the prison system, then Officers believe that it is reasonable to conclude, in the absence of any other issues that compromise the acceptability of this proposal, that there is a sufficiently robust VSC case, on balance, to overcome the policy objection. This application is therefore recommended for approval.

Consultation with applicant

- 5.50 Good communications were maintained with the applicants' agent to ensure that the issues that arose during the application process, most notably the concerns raised by the Highways Officer were successfully dealt with.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.31;
- b) referral to the Secretary of State to ratify the decision to approve;
- c) the following conditions:
 - 1 That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following documents:

Application Forms;
Design and Access Statement;
Landscape and Visual Appraisal (15/10/14)
Tree Survey Report (01/14)
Transport Statement with Travel Plan Rev B (09/14)
Extended Phase 1 Habitat Survey (07/02/14);
Reptile and Great Crested Newt Survey Rev 1 (15/07/14);
Flood Risk Assessment (ref 55168.02 - 09/14)
Site Investigation Report (C13191 - 04/14)
Detailed Unexploded Ordnance Risk Assessment (31/01/14)
Drainage Strategy
Electrical Lighting and Control Strategy (09/14)
Archaeology Desk Based Assessment (09/14)
Construction Traffic Management Plan
Statement of Community Involvement (09/14)
BREEAM 2011 Pre Assessment Credit Report (26/03/14)
Energy Statement (29/08/14)
Zero Carbon Technology Study (29/08/14)

and the following approved plans: 02-P01; 02-P03; 02-P04 Rev B; 02-P05;

02-P06; 02-P07; 02-P08; 02-P09; 02-P10; 02-P11 and 02-P12.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

- 3 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 4 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 5 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 6 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the

approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan.

7 Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
- b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
- c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
- d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (e.g.: reduced dig systems, arboresin, tree grills)

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 8
- a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
 - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained

in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the Decision Notice.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 9 Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 10 Prior to the commencement of the development hereby approved, including any works of site clearance, the grass on site is to be cut to a height approximately 6 inches (15cm) on the first cut and thereafter maintained at a height of approximately 3 inches (7cm) up until the commencement of building works.

Reason - To prevent harm to hedgehogs or reptiles by discouraging them from being present on site and to comply with saved Policy C2 of the adopted Cherwell Local Plan.

- 11 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 12 Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of refuse, fire tender and pantechnicon turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 13 Prior to the first use or occupation of the development hereby permitted,

covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 14 Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 15 Prior to the commencement of development, a construction traffic management plan must be submitted to, and approved in writing by, the Local Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.

Reason - To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to comply with Government guidance contained within the National Planning Policy Framework.

- 16 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 17 Prior to the commencement of the development hereby permitted, an Operational Unexploded Ordnance Risk Management Plan should be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the plan. The development shall be undertaken in accordance with the approved plan with a copy retained on site during the development for site workers reference.

Reason - To ensure that risks from unexploded ordnance to site workers and future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without

unacceptable risks from unexploded ordnance.

- 18 Prior to the commencement of the development hereby permitted, to address the contamination identified in submissions accompanying this application, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 19 The development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 20 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Please be aware however that if cranes are used during demolition or construction, there may be a need for the developer to liaise with the Airport in accordance with the British Standard Institute Code of Practice for the Safe Use of Cranes (BS7121).

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.