

Development Management Delegated Decision Report

B/21/0373



SUMMARY OF APPLICATION

Application Reference	B/21/0373		
Application Type	Full Planning Permission		
Proposal	Erection of a modular building for a new learning space and an emergency generator compound		
Location	North Sea Camp, Croppers Lane, Freiston, Boston PE22 0QX		
Applicant	Mr Nigel Locke, Ministry of Justice		
Agent	Mr Sergio Cavadas, TP Bennett		
Received Date:	09-Aug-2021	Consultation Expiry Date:	31-Aug-2021
Valid Date:	09-Aug-2021	Statutory Expiry Date:	04-Oct-2021
Date of Site Visit:	23-Sep-2021	Extension of Time Date:	---
Objections received?	None		
5 day notification record:	Not applicable		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Planning Permission		
Report by:	Simon Eldred		
Date:	23 rd September 2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located at the north-western corner of the estate of HMP North Sea Camp. The site contains two existing buildings, and an area of land where footings were being dug at the time of the site visit. The site is located in a countryside location, with agricultural fields to its north and west, and other parts of the prison premises to its south and east.

DETAILS OF PROPOSAL:

It is proposed to erect:

- a single-storey, flat-roofed, pre-fabricated modular building towards the northern end of the site. The building will be used for education, and will measure approximately 3m x 12m in plan and stand approximately 3.5m in height. The finished floor level of the building will be 23cm above the existing ground level and access to the entrance door in its southern elevation will be provide by a concrete ramp with painted metal railings.



The building will have windows in all four elevations, and an external air-conditioning unit on its eastern elevation; and

- an LPG tank and emergency generator compound towards the western end of the site. The compound will be uncovered, will measure 9m x 3m in plan, and will be surrounded by a security fence.

RELEVANT HISTORY:

B/01/0532 – notification of telecom development (erection of an 8m high steel column supporting a 0.3m diameter dish antenna and a small equipment module).

B/02/0195 – consultation under Circular 18/84 (construction of 2 two-storey 40 place modular living units).

B/08/0489 – full planning permission was granted for alterations and extensions to existing potting shed.

B/09/0047 – full planning permission was granted for the erection of wooden outbuildings.

B/20/0478 – full planning permission was granted for part demolition of existing store building and construction of a new single-storey building with a double-pitched roof to accommodate a new SAU (Secure Accommodation Unit) and CCTV control offices. Also construction of new fenced exercise yard.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the application site as being within the Countryside, approximately 3km from the nearest Settlement Boundary (Fishtoft), but no particular allocations or designation apply. The relevant Policies of the Local Plan are:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development; and
- Policy 4 – Approach to Flood Risk.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 4 – Decision-making;
- Section 12 – Achieving well-designed places; and
- Section 14 – Meeting the challenge of climate change, flooding and coastal change.

CONSULTATION RESPONSES:

Freiston Parish Council indicates that it has no objections.

The Environment Agency indicates that the proposal can be classified as 'minor development' in relation to flood risk, and that it was therefore unnecessary for them to be consulted.

The Witham Fourth District Internal Drainage Board indicates that:

- the Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped);
- a surface water development contribution (SWDC) will be charged on all rates of discharges. Please contact the Board for more information; and
- if there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations with regard to this application are: matters of principle; impacts on the character and appearance of the area; impacts on neighbours' amenity; and flood risk.

Principle

Policy 1 of the Local Plan identifies that, in the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The Policy essentially sets out two alternative tests as to whether a development is appropriate in the countryside. The first is whether the development is 'necessary to such a location'.

The building and compound are proposed to be used as part of the existing prison estate, and it is therefore considered that they are necessary to the location – thereby satisfying Policy 1's requirements.

Character of the area

Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area.

The proposed building and compound are proposed to be located close to the boundaries of the prison premises, where they will be visible from the north (from Croppers Lane). However, given that:

- they are both modest in scale;
- although the building is utilitarian in design, it is proposed to be finished in a muted colour-scheme – grey walls and doors and white window frames; and

- they will be seen against the backdrop of existing, larger buildings

it is considered that they will assimilate successfully within the existing prison estate, and that their impact on the wider character of the countryside will be very limited.

In all, it is considered that the proposal is in keeping with the character of the wider area, will not harm its appearance, and meet these requirements of Policy 2.

Neighbours' amenity

Policies 2 and 3 of the Local Plan require the amenity of neighbouring land users to be protected.

Given the remoteness of the prison estate, it is anticipated that the proposal will have no effect on neighbouring land users. In all, therefore, it is considered that the proposal will not harm the amenity of neighbouring land users, and that they meet these requirements of Policies 2 and 3.

Flood risk

Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered, and sets out particular requirements for certain types of applications.

The site falls within Flood Zone 3a, and a Flood Risk Assessment has been submitted with the application. However, given that the proposed building and compound will be part-and-parcel of the wider prison estate, measures for safe refuge and evacuation will be in place which would cover the proposal.

As such, it is considered that flood risk is acceptable, and that the requirements of Policy 4 have been met.

CONCLUSION:

The proposal:

- will have no unacceptably adverse impacts on the character and appearance of the area;
- will have no unacceptably adverse impacts on the amenity of nearby land users;
- are acceptable in flood risk terms; and
- meet the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2011-2036.

RECOMMENDATION:

GRANT Planning Permission subject to the following conditions and reasons:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:

1.	<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in strict accordance with the application received 09-Aug-2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> • Drawing Number 534748-2678-TPB-MB-RF-DR-A-1040-S2-01-D0100 Rev Ref 01: Modular Building – Location Plan; • Drawing Number 534748-2678-TPB-MB-RF-DR-A-1041-S2-02-D0100 Rev Ref 02: Modular Building – Site Plan; • Drawing Number 534748-2678-TPB-MB-01-DR-A-1042-S2-02-D0100 Rev Ref 02: Modular Building – Ground floor plan; • Drawing Number 534748-2678-TPB-MB-RF-DR-A-1043-S2-02-D0100 Rev Ref 02: Modular Building – Roof Plan; • Drawing Number 534748-2678-TPB-MB-XX-DR-A-3040-S2-02-D0100 Rev Ref 02: Modular Building – Elevations. <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2011-2036.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	
<p>The Witham Fourth District Internal Drainage Board indicates that:</p> <ul style="list-style-type: none"> • the Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped); • a surface water development contribution (SWDC) will be charged on all rates of discharges. Please contact the Board for more information; and • if there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements. 	