

[06.] Full Planning Permission

N/132/01733/ 24

APPLICANT: Mr. & Mrs. M. D. Horner,

VALID: 14/11/2024 **AGENT:** Andrew Clover Planning and Design,

PROPOSAL: Planning Permission - Erection of a house.

LOCATION: LAND OFF SOUTH ROAD, NORTH SOMERCOTES

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 This application is considered appropriate for consideration by the Planning Committee following request by Councillor McNally as Ward Member in recognition of the apparent local support for the application. It should be noted that the proposal, if granted planning permission, would constitute a departure from the development plan for the district.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site is located in the large village of North Somercotes, to the southeast corner of the South Road Industrial estate, which is to the southwest of the village centre. The site is currently a large, grassed area with a tall mature hedge forming the southern boundary with a small group of trees and shrubs on the eastern side, alongside the main road. A range of small industrial units are located to the north and west and are all within the ownership of the applicant. The land to the south is agricultural. On the adjacent side of South Road planning permission is in place for the construction of 5 no. commercial units (application reference N/132/01916/20). To the rear there is a further approved development, this time for the siting of 10 no. static caravans (application ref. N/132/01100/22). The site lies in the coastal part of the district in a high flood risk area.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 Planning Permission - Erection of a house.

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised, and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

4.2 The application has been advertised by means of a site notice and neighbours have been notified in writing.

Consultees

- 4.3 PARISH COUNCIL -Support.
- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - No objection.
- 4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No comments received at the time of writing this report.
- 4.6 ENVIRONMENTAL SERVICES (Drainage) - No comments received at the time of writing this report.
- 4.7 ENVIRONMENTAL SERVICES (Contamination) - Phase 1 report requested, following this an asbestos survey and a phase 2 required. The asbestos survey and removal of any asbestos must be completed before phase 2.
- 4.8 ENVIRONMENT AGENCY - Standing advice applies.
- 4.9 DRAINAGE BOARD - Advisory's given
- 4.10 HOUSING STRATEGY OFFICER - Guidance given on requirements for single plot exception to apply.
- 4.11 ECONOMIC DEVELOPMENT- Reluctant to see loss of employment land.

Neighbours

- 4.12 16 representations received in support on the grounds of:

- Security for the industrial estate.

NB It appears that these representations were effectively solicited to accompany the application as opposed to having been submitted as a consequence of publicity for the application.

- 4.13 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

- 5.1 None relevant

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the

Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - Sustainable Development
SP2 - Sustainable pattern of places
SP3 - Housing Growth and Inland Housing
SP10 - Design
SP16 - Inland Flood Risk
SP17 - Coastal East Lindsey
SP18 - Coastal Housing
SP21 - Coastal Employment
SP22 - Transport and Accessibility
SP24 - Biodiversity and Geodiversity

National Planning Policy Framework

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 The main planning issues in this case are considered to be:

Principle of Development

Flood Risk

Impact of the proposal upon the character of the area

Other Matters

Principle of Development

7.2 SP1 of the Councils Local Plan sets out the settlement hierarchy based on the range of services, facilities and employment available in them. Settlements are defined as either towns or large, medium or small villages with the remainder of the district including hamlets being open countryside. SP2 of the Councils Local Plan sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF unless material considerations indicate otherwise. SP3 of the Councils Local Plan sets out the overall district wide housing requirement for the plan period and outlines in broad terms where housing should be located.

7.3 The application site lies within Flood Zone 3 and within the Environment Agency's Hazard Mapping Zone of 'Danger for most' and as a result the site is within the coastal zone of the district, where SP18 is relevant. SP18 allows open market housing only in very limited circumstances. For this site, there is no extant permission for housing such the relevant policy context is one where *'The Council will support open market housing on sites in towns, large and medium village providing they meet the*

following; the site is a brownfield site; the site has become disused, empty and/or the building on it have become damaged and are causing unacceptable harm; the site has been actively marketed for wither a community or economic or leisure use as an appropriate price for a period of 12 months; and is not viable for development for either a community, economic or leisure use.' The site, however, is not considered to be brownfield land, is not causing unacceptable harm and has not been actively marketed as required. As a matter of principle, therefore, the proposal would be contrary to adopted policy.

- 7.4 The applicant's agent has suggested that SP9 (Single Plot Exceptions) which provides support for single plot development for affordable housing in the towns, large, medium, and small villages of the Coastal Zone is of relevance. That policy aims to allow an applicant to remain in a settlement where they are currently living (or have a very strong local connection) when they are unable to afford to purchase a property on the open market. If the plot is acceptable for development in principle, then they would need to demonstrate that they are unable to afford a suitable home currently available in the parish (proof of income, savings etc) as well as local connection. The policy is focussed on satisfying affordable needs and as a consequence where in compliance with policy, any approved scheme is restricted at 80% of market value in perpetuity and the criteria remain in force for any future resale.
- 7.5 The applicant's agent has stated that "the applicants can demonstrate a clear local connection to the parish having lived there for many years and having their business based on the industrial estate that they also own". It is also understood that the dwelling has been designed specifically for the applicants needs and with mitigation against flooding. It is accepted that the site is clearly within/adjacent the established form of the settlement and not isolated or sporadic development. However, not only has no evidence been submitted to demonstrate that the applicant is unable to afford a suitable home currently available in the parish, the dwelling would also exceeds the 110m² internal floor area limit (the internal ground floor area is 153m²) and in essence will not be an 'affordable dwelling'. Consequently, it does not meet the criteria for acceptance as a single plot exceptions site and would not satisfy SP9.
- 7.6 In addition to the above, the site lies within the South Road Industrial estate, an area identified as 'Existing Employment Land' within the Local Plan. Although the policy doesn't specifically mention housing on such land the policy's aim is to clearly protect existing employment land. Colleagues in the Economic Development department have stated that they would be reluctant to see the loss of such land in this location, as "the small industrial estate appears to be well used and be home to a number of businesses". They also considered that it is a worthwhile location for an estate and that as it is a 'large village' with a range of

services as a small industrial estate, it does add to this and provides opportunities for local people to gain employment or start up a company. Economic Development also considered that it could also provide a location that services neighbouring areas."

- 7.7 In conclusion, the application seeks permission for the erection of a dwelling in a Coastal Zone location contrary to adopted policy. No evidence or justification has been provided to outweigh that policy position or the potential harm to the Council's housing strategy or loss of existing employment land. As such the provision of a new dwelling in this location would not constitute sustainable development and would be clearly contrary to adopted policy at both local and national levels.

Flood Risk

The site also falls within Flood Zone 3 and within the Environment Agency's Hazard mapping zone 'Danger for most'. The Council's broad strategy to flood risk management is to guide development away from areas that are identified as being at high risk through a sequential approach to the identification of more suitable/less risk sites.

- 7.8 The NPPF also states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. It then goes on to state that all plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change and that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now, or in the future, from any form of flooding. The aim of this is to steer new development to flood zone 1, where there are no reasonably available sites in flood zone 1. Local Planning Authority's should take into account the flood risk vulnerability of sites in flood zone 2. Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of sites in flood zone 3 be considered, taking into account the vulnerability of the land uses and applying the exceptions test where appropriate.
- 7.9 The NPPF further states that development should not be permitted if there are "reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding".
- 7.10 The Council's adopted Local Plan policies in relation to the flood risk area of the coastal zone, recognise the necessary sequential test requirements for development proposals and so by reference to Annex 2 of the Local Plan confirms the type of development that can be considered as sequentially appropriate within the Coastal zone. Open market housing such as this proposal does not pass that sequential test requirement, other than in circumstances as outlined in SP18. The applicant's agent has suggested that the site

area be reduced to this site alone, given that the applicant also owns the industrial estate, and for security reasons. However, it is not considered that such a reduction in the search area is at all justified and as such a district wide search approach inline with the Council's Strategic Flood Risk assessment (SFRA) would be appropriate.

- 7.11 Therefore, it is considered that there are sequentially preferable sites available, and as a result the proposal fails the sequential test, there is therefore no requirement to apply the exception test.
- 7.12 It should be noted that even if the sequential test could be passed, there is requirement for consideration against an exceptions test. ie a requirement to show that before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test that:
1. development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
 2. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

It should also be noted that as stated in national Planning Practice Guidance (PPG) the Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified.

- 7.13 There is no identified wider sustainability benefit for the community of any weight that is considered could arise from this proposal.

Impact of the proposal upon the character of the area

- 7.14 SP10 of the East Lindsey Local Plan Core Strategy relates to the design of new development. It sets out criteria by which the Council will support well-designed sustainable development which maintains and enhances the character of the district's towns, villages and countryside. This advice is reiterated in the National Planning Policy Framework.
- 7.15 As previously described, the site is currently a large, grassed area with a tall mature hedge forming the southern boundary with a

small group of trees and shrubs on the eastern side, alongside the main road. The site is considered to be that bridge between the built-up form on this side of South Road and the open countryside beyond.

- 7.16 It is proposed to erect a large, detached dwelling, made up of a ground floor open plan living, dining and kitchen space, separate lounge and snug and a utility, shower and cloak room. At first floor level there will be three en-suite bedrooms. The palette of materials suggested are considered acceptable and comprise of brick, dark timber cladding and slate a roof. There will be a private amenity space to the rear, with ample room for parking and turning to the front of the property. The site benefits from existing mature landscaping and boundary treatments which will help to integrate the development into its surroundings.
- 7.17 Developing the site to provide a single dwelling would not affect the core shape and form of the settlement. As the site is currently allocated for employment use it could have been used for a large industrial building it is reasonable to say that the erection of a single dwelling will have no harmful effect on the character and appearance of the settlement. Likewise, there would be no effect on the countryside or the rural setting of the village. It is therefore considered that the proposal would be acceptable in design terms and complies with SP10 of the Local Plan.

Other Matters

- 7.18 SP10 of the Local Plan states that development will be supported if it does not, amongst other matters, unacceptably harm any nearby residential amenity. Paragraph 135 of the NPPF states that developments should ensure a high standard of amenity for existing and future occupants.
- 7.19 The only neighbouring properties are the industrial units to the north, which are also within the applicant's ownership. Given the nature of the uses of the site it is considered that the two uses would be compatible with one another and not cause harm to one another in accordance with saved SP10 that is also consistent with the aims of paragraphs 135 of the NPPF that seek to ensure a good level of amenity is achieved for current and future occupants.
- 7.20 SP22 of the East Lindsey Local Plan Core Strategy sets out the criteria for transport and accessibility for development within the district. Lincolnshire County Council's highways department have been consulted and have raised no objections to the proposal.
- 7.21 The proposal is exempt from the 10% biodiversity net gain requirement, as the dwelling is a self-build development. The applicant has also suggested that significant weight should be given to this aspect. This is not accepted, however although there is a duty for relevant authorities to give suitable development permission to enough suitable serviced plots of land to meet the

demand for self-build and custom house building in their area, there is no evidence to suggest this and this is not the case in East Lindsey. Consequently, only limited weight can be given to that outcome and furthermore, even if considered of benefit, it is not considered to be a benefit that would outweigh the serious issue of flood risk.

- 7.22 For completeness, as members are aware, the NPPF sets out the Government's planning policies for England and how these should be applied. It is also confirmed as a material consideration in planning decisions. The NPPF was recently updated (December 2024) and amongst other things advised that 'to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed'. Furthermore, 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance'. The revised NPPF and associated Planning Practice Guidance (PPG) confirms a new standard method of calculation for determining local housing need requirements. Together with the issue of the revised NPPF and the publication of the Government's response to the consultation of the proposed reforms, clarification was given of revised indicative local housing needs based on the revised standard calculation methodology. For East Lindsey, that indicative figure suggests an increase in requirement to 1009 per annum (the current Local Plan requirement is for 558 dwellings per year). That revised, and likely significant housing need increase is therefore, also considered as a material consideration.

However, in this case, although the delivery of an additional dwelling is a benefit, it is a very limited benefit and not considered to be of sufficient weight to outweigh the policy and flood risk concerns that presume against the proposed development.

- 7.23 Given the proposal is for a residential dwelling which is considered a sensitive end use and given the industrial nature of the area, Environmental Health requested a Phase 1 report be submitted. The report was submitted and following this an asbestos survey and a phase 2 report is required. This could be controlled via condition, however.

8.0 CONCLUSION

- 8.1 In conclusion, the application seeks permission for the erection of a dwelling in a Coastal Zone location which is at a high risk of flooding. No evidence or justification has been provided that is considered to outweigh the overall harm caused to the Council's housing strategy or loss of existing employment land. Furthermore, given the location of the site within a high flood risk area the proposal fails to comply with the requirements of the Flood risk sequential and exceptions tests. The proposal is

therefore contrary to SP1, SP2, SP3 and SP18 of the East Lindsey Local Plan and the National Planning Policy Framework.

9.0 RECOMMENDATION

9.01 Planning permission be refused.

RECOMMENDATION: Refuse

for the following reasons:

- 1 The application seeks permission for the erection of a dwelling in a Coastal Zone location which is at a high risk of flooding. No evidence or justification has been provided that outweighs the overall harm caused to the Council's housing strategy or loss of existing employment land. Furthermore, given the location of the site within a high flood risk area the proposal fails to comply with the Flood Risk sequential and exceptions test. The proposal is therefore contrary to SP1, SP2, SP3 and SP18 of the East Lindsey Local Plan and the National Planning Policy Framework.