

Examination of the East Lindsey Core Strategy and the East Lindsey Settlement Proposals Development Plan Document (DPD)

Inspectors' matters, issues and questions (MIQs)

Stage 1 – Core Strategy

26 May 2017

Note: The MIQs for Stage 2 relating primarily to the Settlement Proposals Development Plan Document and 5 year supply of housing will be made available separately. Some cross-cutting issues relating to both plans will be considered in Stage 1.

Abbreviations:

ADM – additional minor modification proposed by the Council

CS – Core Strategy

Framework – National Planning Policy Framework

Regulations – The Town and Country Planning (Local Planning) (England) Regulations 2012

The Council` s answers are in italics with any suggested modifications in red italics

Matter 15 - Coastal East Lindsey (Policies SP18-21)

Main issue: Assuming that the general policy of restraint on market housing in the Coastal Zone is justified, are the exceptions proposed in Policy SP18 for market housing on brownfield sites, housing for minority groups and affordable housing then justified? Is Policy SP18 clear and effective?

Questions

SP18: Coastal Housing

1. Does the need for people in vulnerable or minority groups, or people requiring affordable housing to remain in their communities justify the approach taken? Have these matters been appropriately balanced in preparing the Core Strategy?

The Council believes that it would be inequitable to not provide housing for people in vulnerable or minority groups or people requiring affordable housing in the Coastal Zone. These people already live in the Coastal Zone and providing new housing for them would, if they moved out of older housing mean that they would in effect be moving to safer housing designed with flood mitigation.

2. Is it intended that people in vulnerable and minority groups should have to demonstrate a local connection to the area in order to qualify for new housing in the Coastal Zone in the same way as those in need of affordable housing? Will Clause 3 achieve this?

The way that people in vulnerable and minority groups should demonstrate their local connection would be through Annex 1 of the Local Plan. The Council has been using a local connection criteria in the Coastal Zone for some considerable time and there have been no issues with it that have been brought to the Council's attention. It does mean that those in need who are already residing in the Coastal Zone are able to access housing that they need and it means that the Council is not supporting the movement of vulnerable groups from safer areas outside flood risk to be housed in an area of high risk.

3. Are the vulnerable and minority groups in Annex 1 taken directly from the Housing Strategy 2013 – 18? If so, are they all applicable and/or closely enough defined in light of the aims of the policy? For instance, is it justified to provide "exception housing" for all people in black and ethnic minority groups, migrant workers, older or young people, when most might be capable of living elsewhere? Should people with mental health problems be regarded as vulnerable as well as those with physical disabilities or learning difficulties? Should Gypsies and Travellers and those in need of affordable housing be included in the definition of vulnerable and minority groups given that there are other policies in the plan which seek the provision of accommodation specifically for them?

The types of vulnerable and minority groups are set out in the Housing Strategy 2013 – 2018, at Chapter 9. The Council believes it is clear, the list is set out in the second paragraph of Annex 1. The Council acknowledges that the Housing Strategy only runs to 2018 and could change, thus making the policy out of date. The Council would be content to remove reference to the Housing Strategy and list the groups at paragraph 7 of the policy instead adding in the Housing Strategy into the list of evidence which appears at the beginning of the Coastal Policy. The list could remove black and minority ethnic groups because there has been no take up of this as far as the Council is aware in the last five years and the need is small as evidenced in the Housing Strategy. It could add on mental health disability as this is a legitimate additional need not mentioned in the Housing Strategy. With regard to Gypsies and Travellers, this would only apply to those that already lived in the Coastal Zone but wanted to move into bricks and mortar housing. This is because caravans are classed as vulnerable development and the same criteria needs to be applied to them as to all other caravans with regard to flood risk.

Perhaps what is not clear is how the Council sees this type of housing coming forward because it would not always be single dwellings or groups of dwellings but more likely for some groups a block of supported housing. The second paragraph of Annex 1 could be reworded to make it clearer as follows;

Vulnerable groups in this instance are, migrant workers, properties associated with domestic abuse, older persons, physical disabilities, substance abuse, rough sleepers, young people, Gypsies and Travellers, learning disabilities, teenage parents. These people already live, work and have their social networks in the coast and to reinforce this with regard to new housing development, all housing connected to these groups will be subject to a local connection criteria restricting occupancy to those that already live in the coast. This connection criteria will also apply to affordable housing. Set out below is a short overview of the types of housing for each group would could come forward;

Migrant workers – A hostel or house housing migrant workers who live and work in the coast but need improved living conditions.

Older persons – specialised housing is covered by policy SP5 but a small group of adapted interlinked or separate older persons housing linked to an existing care facility or extra care facility but allowing independent living.

Physical disabilities – adapted housing for those with physical disabilities.

Substance misuse – Hostel or house in multiple occupation with attached support for residents either on or off site.

Ex-Offenders –Hostel or housing in multiple occupation with attached support for residents either on or off site.

Rough sleepers – Hostel or housing in multiple occupation with attached support for residents either on or off site.

Teenage parents – Hostel or housing in multiple occupation with attached support for residents either on or off site or a small group of independent units.

Members of the Armed Forces – the Council has signed the Armed Forces Covenant and this means that the Armed Forces Community should not face disadvantage because of its military experience. This means giving special consideration to those who live in the Coastal Zone with regard to housing.

Learning disabilities - Hostel or housing in multiple occupation with attached support for residents either on or off site or a small group of independent units to allow for independent living with some support.

Mental health disabilities - Hostel or housing in multiple occupation with attached support for residents either on or off site or a small group of independent units to allow for independent living with some support.

Young People – this covers 16 – 25 years emergency housing and support and could be a Hostel or housing in multiple occupation with attached support for residents either on or off site or a small group of independent units.

Gypsies and Travellers – this would only apply to those that already live in the Coastal Zone but wished to move into bricks and mortar housing.

4. What is the justification for supporting open market housing on brownfield and disused/empty sites etc (subject to criteria) as an exception to the overall policy of restraint?

The justification for supporting brownfield and disused/empty sites as an exception is that these sites can become run down and cause blight in an area. There are already a few sites like this in the coast, one of which is the old Kwiksave site in Skegness and a policy was felt to be appropriate in this regard in order to try and give a measure of protection to local amenity and character.

5. Should Clause 2, bullet point 3 also refer to affordable housing?

The Council agrees that Clause 2, bullet point 3 could include affordable housing, this would then tie in with the policy direction of the rest of the policy. The Council would be content with a modification adding this onto the bullet point. It would then read as follows;

It must be demonstrated that the site is not viable for development for either a community, economic, leisure or affordable housing use.

6. In Clause 4, should ground floor sleeping accommodation always be prohibited, or should this be determined on a case by case basis by reference to site-specific Flood Risk Assessments?

The Council worked with the Environment Agency on the wording of the Coastal Policy and it was felt appropriate by both organisations that there should be no ground floor sleeping accommodation in housing development. Sleeping on the ground floor means that in a flood event, occupants of that development could be at greater risk from flooding. At least on the first floor

of a property they would not be suddenly inundated with flood water and would be in a safer place to await rescue or subsidence of flood waters. Both the December 2013 and January 2017 event occurred partly during the night when people are sleeping. This still allows for chalet bungalows with bedrooms in the roof space and any other type of housing, excepting single storey bungalows or ground floor flats. The Council is satisfied with this aspect of the policy.

Main issue: Will Policies SP19, SP20 and SP21 achieve the aims set out on page 81 of the Core Strategy to give the Coast a strong, diverse, growing economy and business sector; and to enable all year round tourism?

Questions

SP19: Holiday Accommodation

7. Does the Core Strategy aim to provide any specific level of growth in the different types of holiday accommodation? Will the Local Plan deliver the necessary scale of growth?

The Local Plan does not set specific targets for growth for different types of holiday accommodation, it gives broad support for all types. In 2016, the Council granted planning permission for 666 (net) new caravans to be sited in the Coastal Zone. With regard to hotels, permission was granted for the change of use of 4 hotels into other uses and 2 new hotels, therefore there was an overall loss of 2 hotels. 12 new holiday cottages were granted permission and 1 caravan site was granted permission which fell into the 20 year occupancy conditions, so they can open all year. The Council believes that having a reasonably flexible approach to holiday accommodation should see growth within an already buoyant market and will monitor this over the 5 year review period.

8. Is the proposed restricted occupancy period for the relevant development of between 15 March and 31 October justified by a robust analysis of flood risk vs. the economic objective to extend the length of the holiday season? Has adequate account been taken of the protection offered by flood defences, early warning systems and evacuation plans? Will it be difficult for newer businesses subject to the condition to compete with older ones without it? Is the occupancy limit consistent with national policy which indicates that holiday caravans for year round use are capable of passing the Exception Test?

CD62 in the evidence base sets out the evidence showing that a flood risk event is more likely to occur between the months of November to March, with 66% of tide levels being over 4.3ODN which is the level at which flood warnings are considered. This is backed up by the fact that both recent flood events

occurred within this time period (5th December 2013 and 17th January 2017). Therefore this is a real and present danger and could happen in any year.

Overall there is no evidence to date that restrictions in terms of winter opening times is having an impact on the coastal economy. From the 2015 STEAM report at CD52 and CD53 it shows that there is a rise in economic growth along the coast particularly in tourism. In 2015 visitor numbers in East Lindsey were up to 4.53m from 4.27m in 2014 and the economic value of tourism increased from £555m in 2014 to £584m in 2015. Employment also increased in tourism from 7631 in 2009 to 8344 in 2015. These reports are produced yearly so a trend analysis is possible over the 5 year review period of the local Plan and looking at the impact of policy on the Coast. Caravans have been restricted in their occupancy in the District for a long period, only the very old sites from the 1960`s do not have any restrictions on them at all, yet the tourism industry still continues to show positive signs of growth.

The other matter the Council is concerned about is the impact all year opening of caravan sites will have on the serviced holiday accommodation, an unknown number of the residents of caravan sites move into bed and breakfast or hotels during the closed period. Given that the Council estimates that 6,000 people live in caravans on the coast and most sites have some kind of restriction on them, there must be some movement of residents between these two different types of holiday accommodation during the winter. This is one of the matters the Council wishes to explore further during the 5 year review period of the local plan. In the main the caravan sites do comply with their opening restrictions so the occupants must be going somewhere.

There are approximately 27,000 caravans along the East Lindsey Coast and whilst there is a good level of warning and informing procedures in place, the main danger is not during the summer when the majority of caravan sites are in operation it is during the winter months. Coupled with the resident population this could make for an unspecified increase in the number of residents during the more dangerous winter months.

The Council would have no control over the numbers of caravans being occupied in the winter months. Neither the Council, the Environment Agency, Emergency Planning Services can force occupiers out if there was an event in the winter and events do appear to occur at night and in the winter this would be in the dark and cold. The Council could not impose planning conditions or S106 agreements because of the short lead in time of an event and taking action. A flood event is not going to wait for the service of a notice or the Council to take action through the courts to ensure occupiers remove themselves from the area of danger.

Whilst there are given time periods for evacuation, many holiday makers come by train and have no access to escape by road, there are minimal if any late train services or in the early hours of the morning and how would they get to the station to evacuate? Overall there are too many unanswered questions with regard to allowing a free for all with regard to caravan occupancy in the Coastal Zone and the dangers it poses to occupants.

With regard to the Sequential and Exception Test, the Council is only agreeing that these tests are passed for caravan sites as set out in Annex 2 of the plan because of the occupancy period restriction. The Council wishes to support caravan sites, prior to the details being set out in Annex 2 the Council found that in reality caravan sites do not support wider sustainability benefits to the community that outweigh the risks of flood risk as set out above and only the larger sites could provide any evidence of providing wider community benefit because of their size and the ability to provide other opportunities for the wider community with smaller sites being unable to do so.

The Council is in the process of setting up a reference group with the caravan industry, Environment Agency, Emergency Planning and Lincolnshire County Council to try and see if there is a way that all can agree to work toward providing evidence to support a longer opening period for sites so that everyone can be satisfied that occupants are going to be safe, can be evacuated and that the risk of increased numbers of people on the coast during the winter months is not going to pose a greater risk to those persons already living there. This work is going to feed into the five year review of the Plan.

9. Is Clause 8, which would permit year round occupancy of holiday accommodation in certain areas for a specified period of 20 years, justified? Is it sufficiently flexible to respond to changing circumstances at the end of that period? Is it otherwise effective in informing potential developers about where its provisions apply and should the plan identify the designated areas?

The Council believes that the conditions set out in Clause 8 are justified. The details of the wording were worked out with the Environment Agency who are content that this satisfies flood risk for a 20 year period. The areas are relatively small but there are some sites in them that could benefit. The matter is being monitored in the same way the Council monitors all planning conditions and it allows for a reassessment against climate change in the long term. The Council did consider putting in a map in the Local Plan but the areas are not in one constrained place on the Coast and in some cases are quite small, a map would have been unwieldy and would not have shown the detail necessary. The maps have therefore been included in the Councils` Strategic Flood Risk Assessment. The Council would add a modification to make the direction to finding the maps clearer by changing the wording of paragraph 10 at the last sentence to say the following;

The Strategic Flood Risk Assessment (SFRA) sets out the areas which are not currently shown to be impacted by flood risk. These can be found on the Councils` website in the SFRA at www.e-lindsey.gov.uk

10. Should new hotels and bed and breakfast accommodation constructed under Clause 1 be subject to the same restriction in respect of no ground floor sleeping as similar accommodation provided as a result of a change of use under Clause 3? If not, why, and is it justified to apply it to changes of use?

The Council agrees that it is inequitable that new build and change of use are not treated in the same way with regard to hotels and bed and breakfast accommodation. Hotels and bed and breakfast accommodation tends to have its service rooms such as reception, cleaning, lounge, kitchen, utility and dining rooms on the ground floor of the premises. The Council would therefore suggest a modification to rectify this by adding onto the end of clause 1 as follows;

, providing proposals do not have any ground floor sleeping accommodation.

11. Are the protected open spaces between Chapel St Leonards, Ingoldmells and Addlethorpe justified by up to date evidence of the harmful impact that caravan development would have? Has adequate account been taken of how the three relevant settlements function as a group? How are these spaces affected by a recent grant of planning permission?

Planning permission was determined on 6/4/17 for a hybrid application consisting of an outline planning application for the erection of a petrol filling station, a hotel, a family pub, a fast food outlet, a business centre, and a visitor centre and sales area for the sales of static caravans and associated items, sports facilities and reception and a full application for the change of land for holiday accommodation in the form of 449 no. static caravan plots, 30 no. lodges, camping pitches, approx. 540 no. touring caravan pitches, excavation of lakes, the provision of a cross country track and provision of roads. The decision has not yet been issued because the Council is waiting for the sign off of a Section 106 agreement. This permission reduced the area between Chapel St Leonards and Ingoldmells to a much smaller area to the north of the red outlined site as shown on the plan below;



The Council would suggest a modification to remove reference to this area from the Plan leaving the area between Addlethorpe and Ingoldmells intact.

With regard to Addlethorpe, this is a small, quite compact village with limited services and facilities that is in danger of being dominated and swamped by caravan development and ultimately merging with Ingoldmells as one large caravan site with no local distinctive character. The village of Addlethorpe in their Parish Plan stated that they did not wish to see this happen and that there should be some restriction on caravan development.

12. Should the purpose of the Serviced Holiday Accommodation Areas be defined in paragraph 2, page 87?

The background to this part of the policy stems from the old Adopted 1995 Local Plan which had a similar area in it. This was put in because at the time of its formation the Coast was losing hotels and bed and breakfast

accommodation to houses in multiple occupation and this policy did make a difference to that loss. Given that the tourism industry takes a high priority on the coast it was felt necessary to continue with this part of the policy. The Council could define the purpose of the Serviced Holiday Accommodation Area by a modification to the paragraph by insertion of two additional sentences at the beginning which could read as follows;

The areas which have the greatest predominance of hotels and bed and breakfast accommodation are called the Service Holiday Accommodation Areas. It is important to protect these areas as they support the tourism industry as a whole providing valuable holiday overnight stay provision.

SP20: Visitor Economy

13. Is Clause 2 intended to apply only to Skegness? If so, should this be clearer? What is the rationale for applying slightly different criteria to each of the three relevant foreshores? Will the policy be effective in guiding development on the Mablethorpe and Sutton-on-Sea foreshores where the provisions are less specific than for Skegness?

Clause 2 does refer to Skegness, the Council would concur that this is not clear and would suggest a modification which adds the word Skegness into the first sentence so it reads as follows;

A1 (non-food) retail may be supported where it involves ancillary uses to uses on the Skegness Foreshore.

The three foreshores are treated slightly differently because Skegness is the largest with the most uses on it with Sutton on Sea being more gentle and sedentary than either Mablethorpe or Skegness. The Council felt it was important to ensure that retail did not become a dominate use on the Skegness Foreshore because of its size and the potential harm it could cause the town centre.

SP21 Coastal Employment

14. Should the policy, Clause 2 in particular, include provisions to require new uses to be compatible with the character of the surrounding environment and with the nature of the existing farm use?

This is the same clause wording as clause 5 in policy SP13 (Inland Employment). The Council wanted to be sure that for some matters the Coast and inland East Lindsey were treated the same and this was one of those matters.

The Council were trying to be flexible in the policy wording, given the high level of agricultural holdings in the District. The Council are satisfied with the policy wording it allows farm diversification to other uses apart from farming or compatible with farming but still ensures those uses are subordinate to the main farm use. Other policies in the Plan ensure good design, heritage, biodiversity and landscape protection.