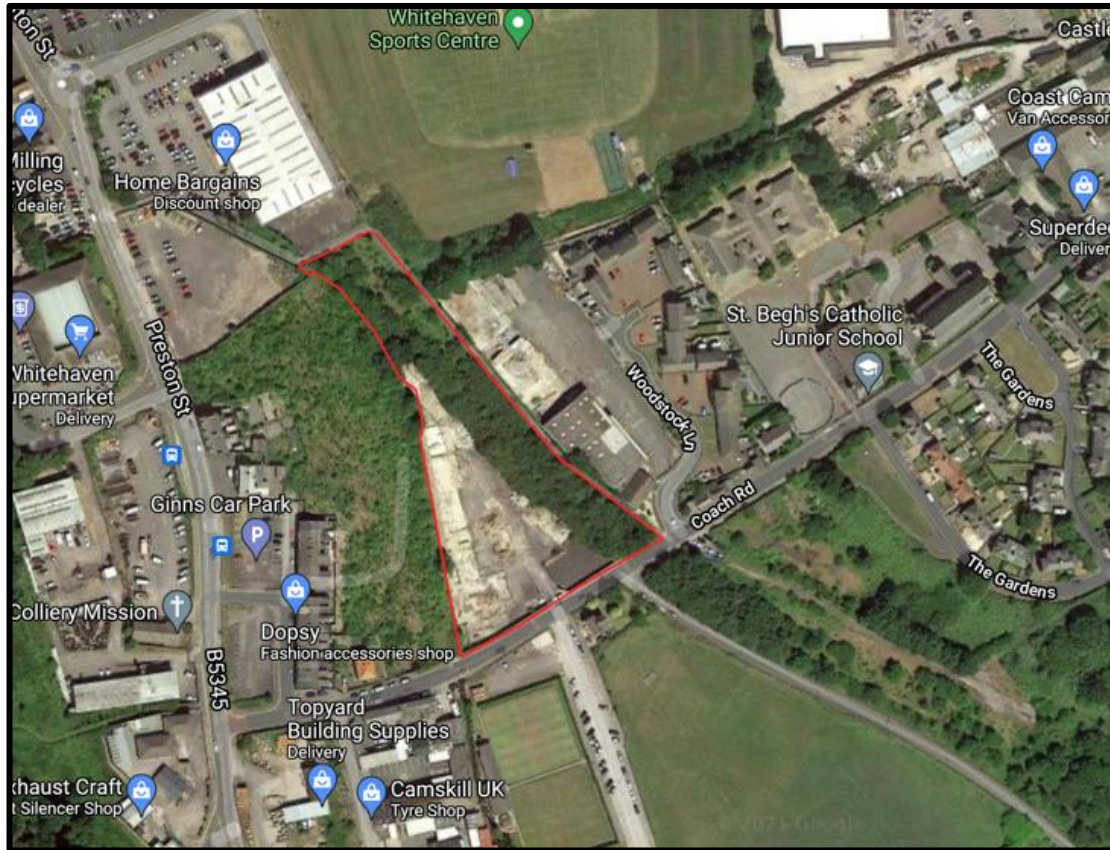


Sequential Test Report – Land at Coach Road, Whitehaven, Cumbria

Proposal: Full Planning Application for residential development consisting of 41 terraced and semi-detached dwellings



Applicant:

Recoup Capital

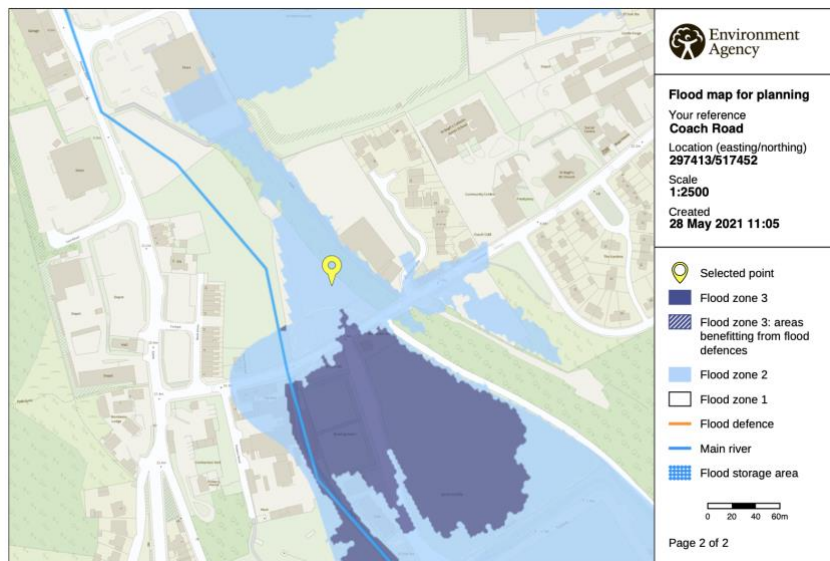
November 2022

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1.0 Introduction

- 1.1 This sequential test report has been prepared on behalf of the applicant in support of a planning application for a residential development on land at Coach Road, Whitehaven.
- 1.2 The planning application is submitted in full, with details supplied for all parts of the proposal. The proposed site was the subject of a previous planning application for a residential care home facility, which was approved in 2014.
- 1.3 The existing site is a vacant brownfield site, which has been vacant for a long period of time. It was last in used as a builder's yard for Border Construction and was historically a timber yard.
- 1.4 A copy of the Environment Agency's Flood Map covering the site is included below:



2.0 Planning history

- 2.1 A previous planning application for residential redevelopment of the site was approved in 2014 by Copeland Borough Council, as mentioned above:
 - 4/14/2124/001 – Extra Care and Dementia Facility comprising 56 Apartments and 4 Bungalows – Land to the north of Coach Road, Whitehaven - approved
- 2.2 No other nearby applications are considered relevant to the proposal.

3.0 Policy Background

- 3.1 The National Planning Policy Framework (NPPF) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. When considering new development, the NPPF is clear in stating that a sequential, risk-based approach to the location of development should be taken to avoid

where possible flood risk to people and property and manage any residual risk, taking account of the impact of climate change, by:

- Applying the Sequential Test;
- If necessary, applying the Exception Test;
- Safeguarding land from development that is required for current and future flood management;
- Using opportunities offered by new development to reduce the causes and impacts of flooding.

3.2 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding, The NPPF is clear in stating that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The starting point for the application of the test is the Strategic Flood Risk Assessment, a sequential approach should be used in areas known to be at risk from any form of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

3.3 For the Exception Test to be passed it must be demonstrated that:

- the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and,
- a site-specific flood risk assessment must demonstrate that 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. Both elements of the test will have to be passed for development to be allocated or permitted.

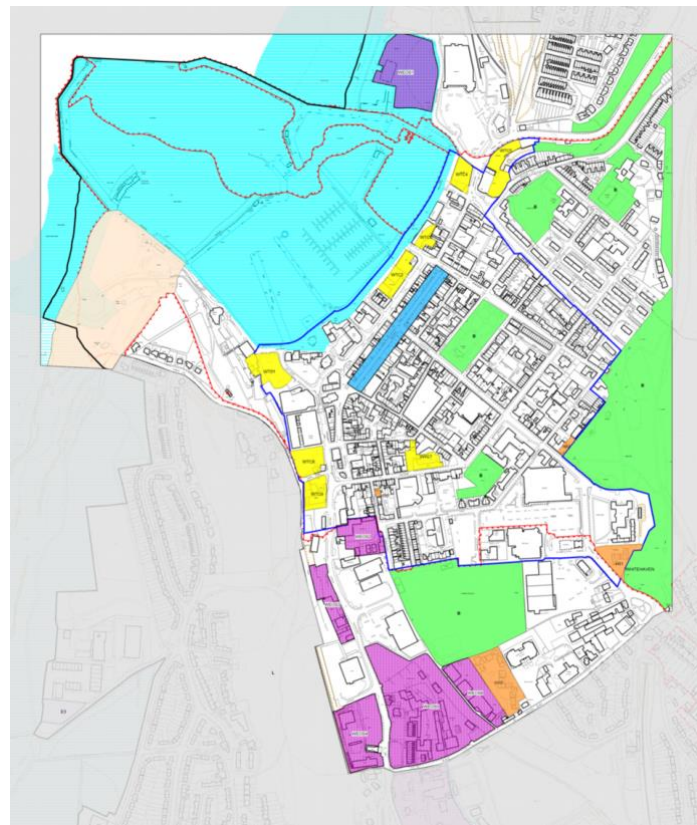
3.4 Finally, specifically when determining planning applications, the NPPF states that LPA's should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, and it gives priority to the use of sustainable drainage systems.

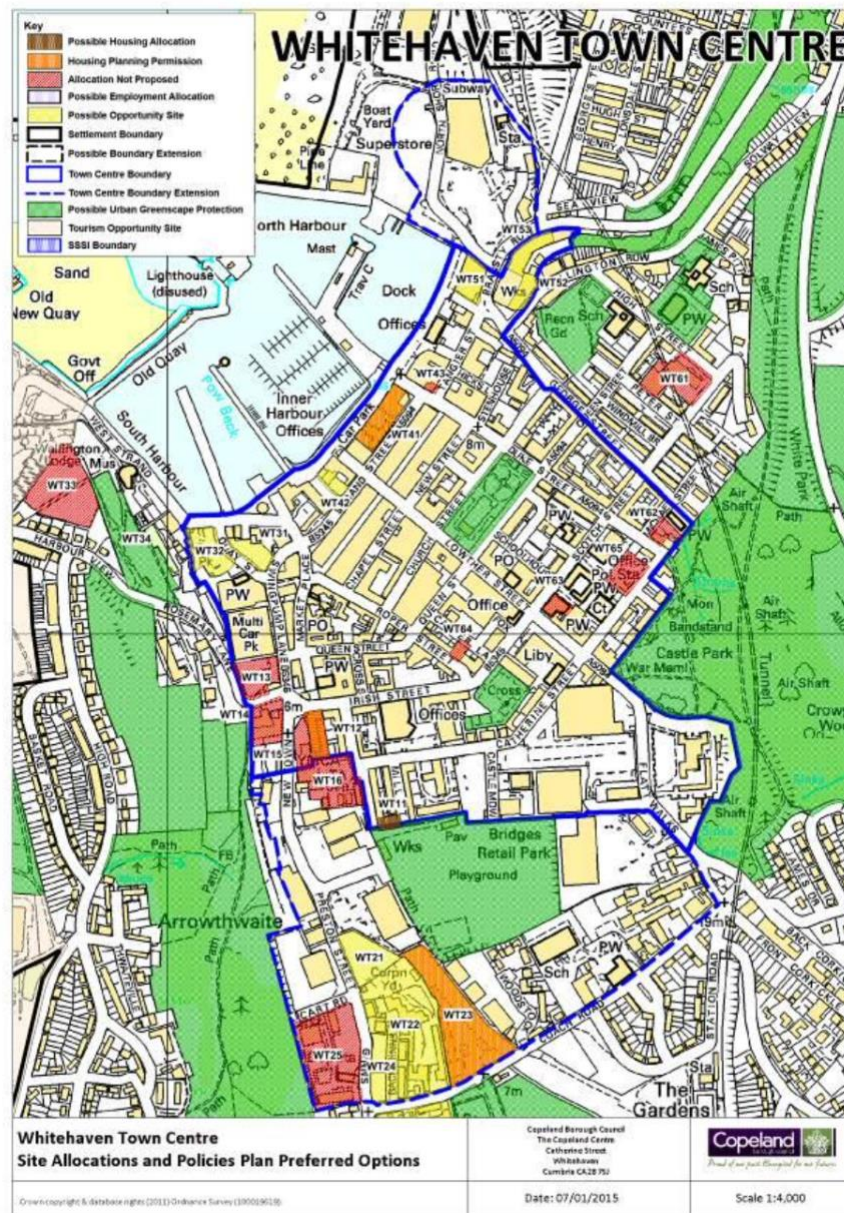
The Development Plan

3.5 The following policies from the Core Strategy and Development Management Policies DPD (December 2013) ("Local Plan") are considered relevant to this proposal: -

- 3.6 **Policy SS1** seeks to improve the housing offer of the borough by, amongst other things, enhancing the surrounding residential environment. The site is within the vicinity of a number of residential properties. The proposed residential use built to a high standard will have less impact on local amenity and improve the borough's housing stock.
- 3.7 **Policy SS2** aims to have a development density suitable to the character of the surrounding area, which it is considered that the proposed scheme relates well in density terms to the immediate vicinity and wider Whitehaven area.
- 3.8 **Policy ST2** aims to restrict development outside the Council's defined settlement boundaries to that which has a proven requirement for such a location or to land use characteristically located outside settlements. The proposed development site is located in the settlement boundary for Whitehaven.
- 3.9 The site is generally considered within the Town Centre, and was included within the Town Centre Map Inset of the Copeland Local Plan 2013 – 2028 as detailed below:



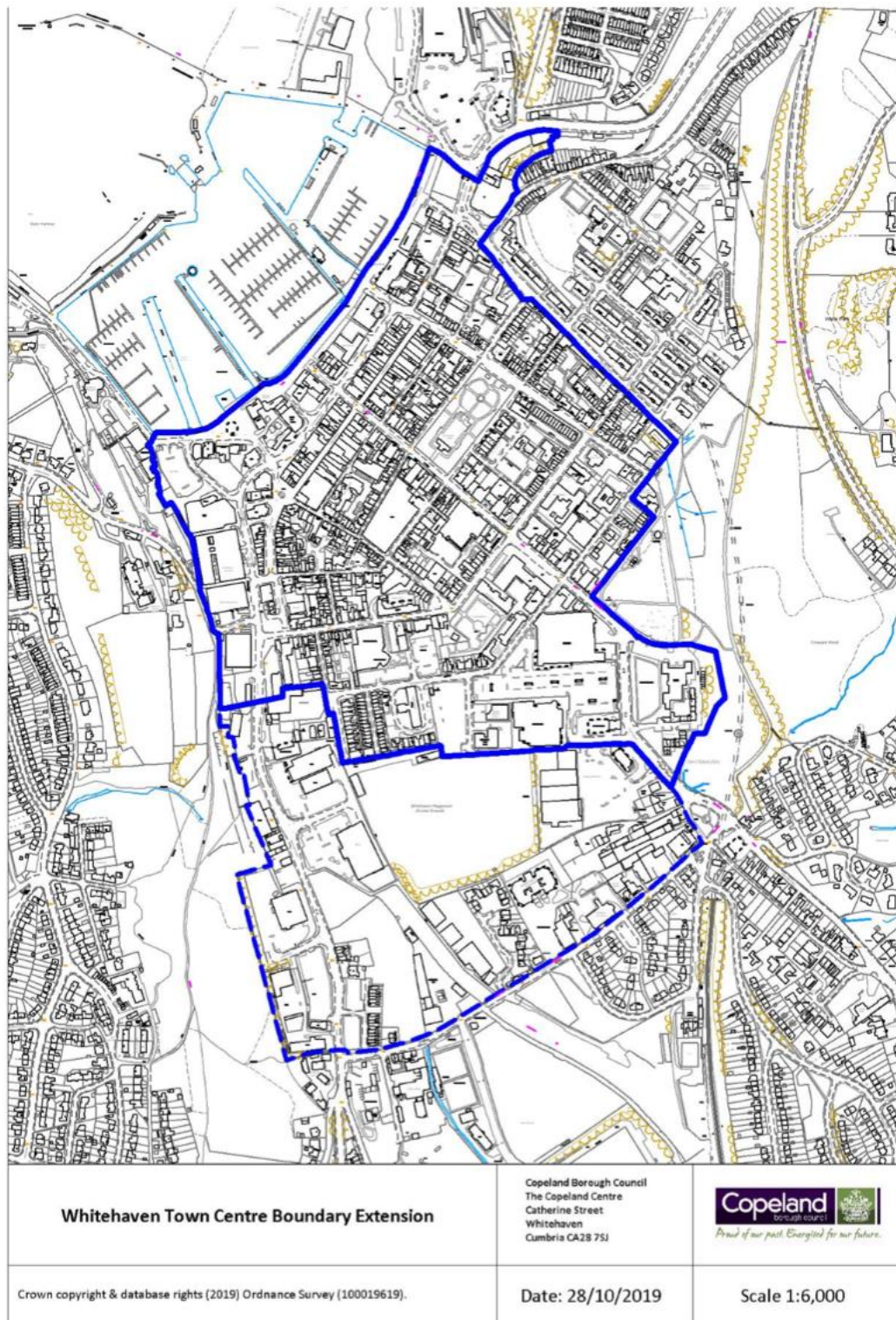
- 3.10 In the preferred options document in 2015 from Copeland Borough Council, the site was again included within the Town Centre map and within an area proposed as a Town Centre extension area as detailed below:



- 3.11 The site is also within an extended Town Centre boundary within the recent Preferred Options document:

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3.12 Proposed Copeland Local Plan 2021 - 2038

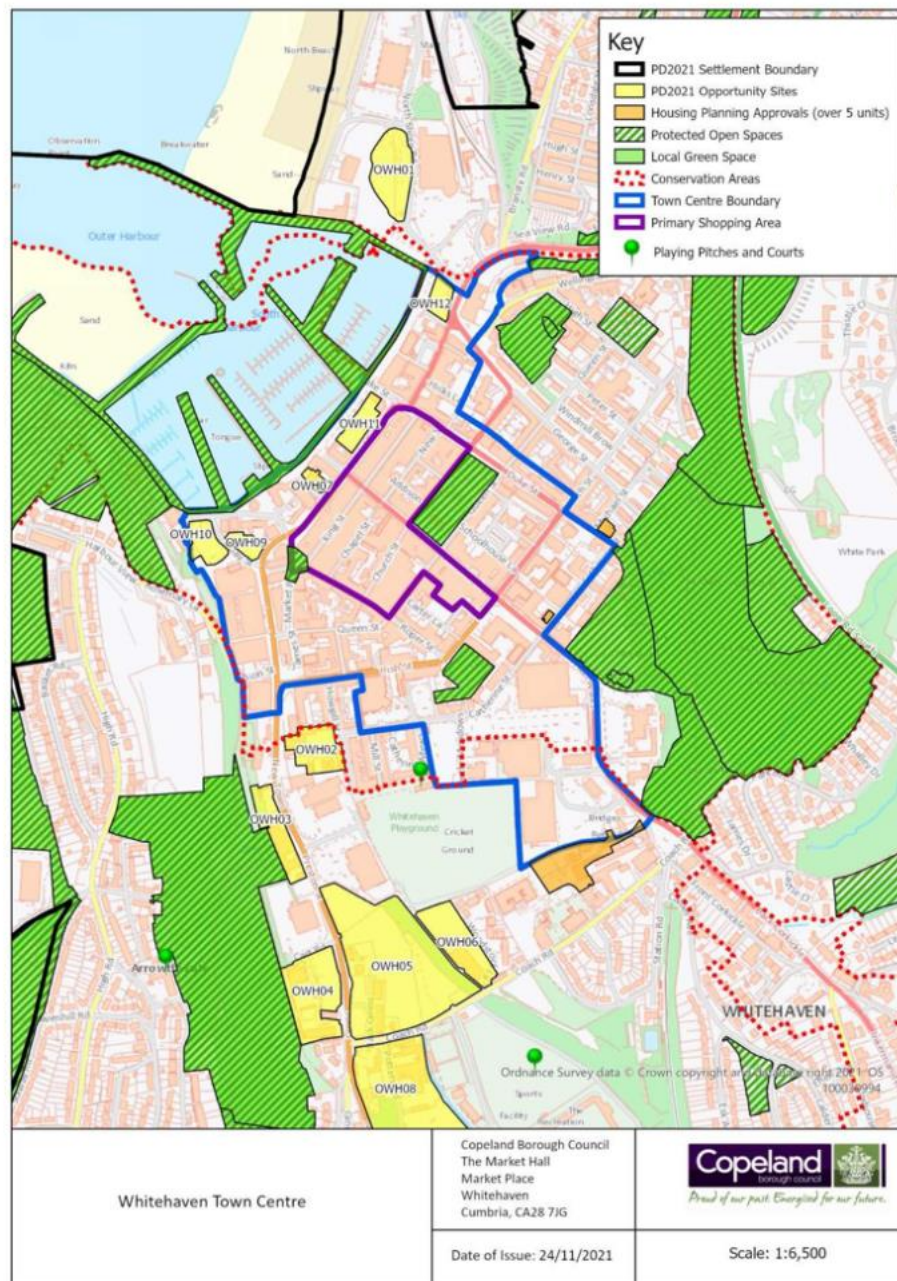
The proposed Copeland Local Plan 2021 – 2038 is not yet adopted but involves detail relevant to residential development planning applications. It has been submitted to the Planning Inspectorate for examination, but having not undergone examination, currently

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should be afforded very little weight in the decision-making process for current applications submitted to Copeland Borough Council. However, given that this will likely be adopted at some point in the future, it is considered sensible to include and reference the proposed policy within.

3.13 The proposed Copeland Local Plan map for Whitehaven is detailed below:



3.14 The site is noted on the above under allocation OWH05, which means it is an opportunity site. The text extract for this from the proposed local plan allocation is below:

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Appendix C: Opportunity Sites

Local Plan Ref.	Site Name	Settlement	Area (ha)	Suitable/Preferred Uses	Use Classes
Whitehaven					
OWH01	Old Dawnfresh Factory	Whitehaven	1.23	Employment uses are preferred, but suitable for all town centre uses	E, F and Sui Generis (town centre appropriate) uses
OWH02	Jacksons Timber Yard	Whitehaven	0.47	Employment uses are preferred, but suitable for all town centre uses	E, F and Sui Generis (town centre appropriate) uses
OWH03	Preston St Garage	Whitehaven	0.45	Employment uses are preferred, but suitable for all town centre uses	E, F and Sui Generis (town centre appropriate) uses
OWH04	BT Depot	Whitehaven	0.92	Employment uses are preferred, but suitable for all town centre uses	E, F and Sui Generis (town centre appropriate) uses
OWH05	Land at Ginns	Whitehaven	2.98	All town centre uses. Also suitable for employment uses	B, C, E, F and Sui Generis (town centre appropriate) uses

- 3.15 The above clearly states that all town centre type uses will be appropriate on the site, including use class 'C', which covers residential development.

Principle – National Planning Policy Framework ("NPPF") (as revised July 2021)

- 3.16 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that sustainable development has three objectives social, economic and environmental.

- 3.17 The social and economic are as follows:

"a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. "

It is noted in the above that a central aim of the NPPF is to ensure that the right type of land is available in the right areas, to ensure that the correct housing is available to meet the needs of present generations. As previously mentioned in the above text, the site has previously received planning permission and therefore has been considered the correct location for residential development.

- 3.18 Paragraph 11 covers the issue of the application of the presumption in favour of sustainable development.

"For decision-taking this means:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 3.19 Paragraph 49 in the revised NPPF now states “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission.”
- 3.16 Paragraph 62 states that *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*
- 3.17 Paragraph 73 of the NPPF covers maintaining supply and delivery of housing. This states Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the planned supply.
- 3.18 Therefore it is not enough to state whether the proposed development complies with the Council’s Local Plan, specifically **Policy ST2**, but whether there is significant and demonstrable harm caused by the development that outweighs the benefit of the proposed scheme.
- 3.19 Paragraph 104 is regarding promoting sustainable transport, which is relevant to this proposal. *“Opportunities to promote walking, cycling and public transport use are identified and pursued.”* This continues in paragraph 105 stating *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*
- 3.20 Ultimately when assessing the proposal there is a need to balance any harm caused by the proposed development with the contribution to the supply of housing, and the provision of housing which will meet the needs of the local demographic. The contribution to the supply of housing would be relatively significant in terms of overall numbers, especially measured against the identified need and shortfall in housing supply. It is also considered that the principle of development is in accordance with local and national policy on the supply of housing.

4.0 The Sequential Test

- 4.1 The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones are identified within the Strategic Flood Risk Assessment (SFRA) for the area, which provide the basis for applying the Test.
- 4.2 As identified within the National Planning Practice Guidance (NPPG), the aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

The Sequential Test and the Proposed Development

- 4.3 The majority of the proposed site is shown on the government web-based Flood Map for Planning (see page 3) to lie within Flood Zones 2, however a very small area adjacent to the southern boundary is Flood Zone 3, as also outlined in the FRA which supports the planning application. Flood Zone 3 is the area described as having a 1% or greater annual probability of fluvial flooding or a 0.5% or greater annual probability of tidal flooding.
- 4.4 The sequential test, the aim of which is to steer new development to the areas with the lowest probability of flooding, is required to be passed for developments proposed in Flood Zones 2 and 3.
- 4.5 As the site lies partly within Flood Zones 2 and 3, and in accordance with the NPPF, development should not be permitted if there are reasonably available sites appropriate for the proposed development in Flood Zone 1. As outlined within the NPPG, the first stage in carrying out the sequential test is to define a search area. As this proposal is for sustainable housing development, designed for the location it is within, the catchment area for this type of development is centred on Whitehaven itself and examines sites of a similar size in the valley bottom of the town/within walking distance of the centre, or immediately adjoining the development framework boundary, and which are located in Flood Zone 1 and available for housing development. Whitehaven itself is viewed as specifically appropriate as it has got a settlement boundary as designated by the Copeland Local Plan and is the principal centre of the Borough and therefore the housing market of the area.
- 4.6 This is in accordance with the approach outlined within the NPPG. Specifically, para 33 states that:

“For individual planning applications.....the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For

example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.”

- 4.7 The next stage is to identify ‘*reasonably available*’ alternative sites that could meet the functional requirements of the proposed development, at a lower probability of flooding. Paragraph 33 goes on to say that, “*when applying the Sequential Test, a pragmatic approach on the availability of alternative should be taken*”.
- 4.8 In terms of reasonable alternative sites, it is important to consider two elements of the design proposals. Firstly, the scheme is located within the existing built-up area of the town, close to the services and amenities, including many employment area and sustainable travel links to the wider Borough and County. Therefore, the area to consider in terms of alternative sites should only relate to sites within walking distance of Whitehaven town centre as this is, rather than the edges of the Whitehaven settlement.
- 4.9 The plans below highlight sites that have been identified adjacent to or within the settlement boundary of Whitehaven that could provide housing development and are generally comparable in terms of size. They have been separated into areas of, Whitehaven North, Whitehaven West/Town Centre Whitehaven East and Whitehaven South.



Site Ref.	Location	Suitability
1	Land at Brisco Bank Farm	This is the main approach into Whitehaven and the grassed area contributes to the pleasant and open feel, and development thus may be contrary to policy ENV5 (landscape). It would also potentially be contrary to the strategic principles expressed in policy ST1C and D. It is outside of the existing and proposed settlement boundary.
2	Land adjacent to Loop Road and Rannerdale Drive	This is the main approach into Whitehaven and the grassed area contributes to the pleasant and open feel, and development thus may be contrary to policy ENV5 (landscape). It would also potentially be contrary to the strategic principles expressed in policy ST1C and D. Most recently proposed for protection in the Local Plan for its amenity value.
3	Land west of Bransty Road	Fields running between Bransty Road and cliff edge – likely difficult to develop. Outside of Local Plan settlement boundary. Recently described in the Copeland Landscape Appraisal as a prominent hillside and there likely

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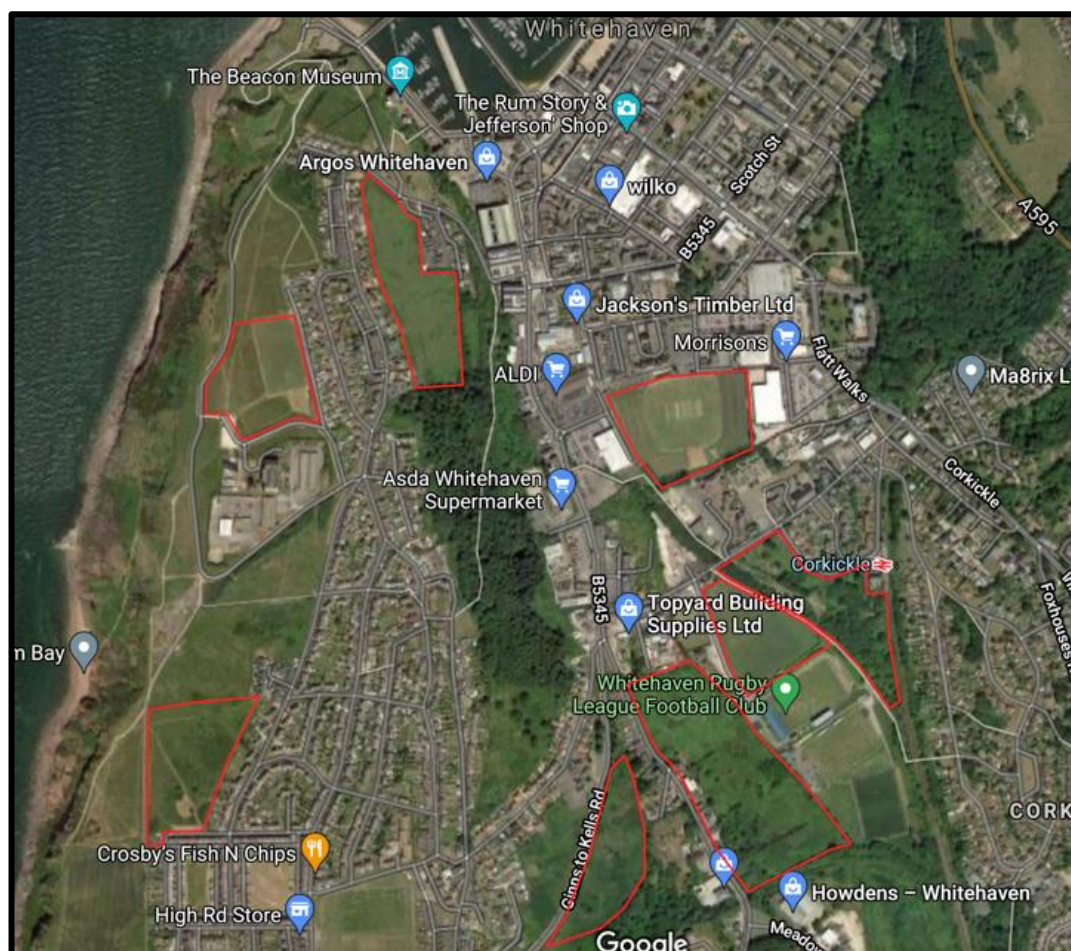
		unsuitable for development. Outside of the existing and proposed settlement boundary for Whitehaven.
4	Land to the east of Victoria Road	Recently refused planning permission by Copeland, allowed on appeal. Access requires improvement with 3 rd party land. Visible site so will require landscape justification.
5	Land to the west of Harbourview, Bransty Road	Poor access through a garage site. Outside of settlement boundary. Part Football pitch for Bransty FC. Area of Protected Open Space in the proposed Copeland Local Plan.
6	Land east of Ladypit Terrace	The land is described in the Copeland Landscape Appraisal as 'Prominent hillside, visually defines edge of Whitehaven and connects countryside to town.' Outside of the current settlement boundary. It is therefore unlikely to be acceptable for development.



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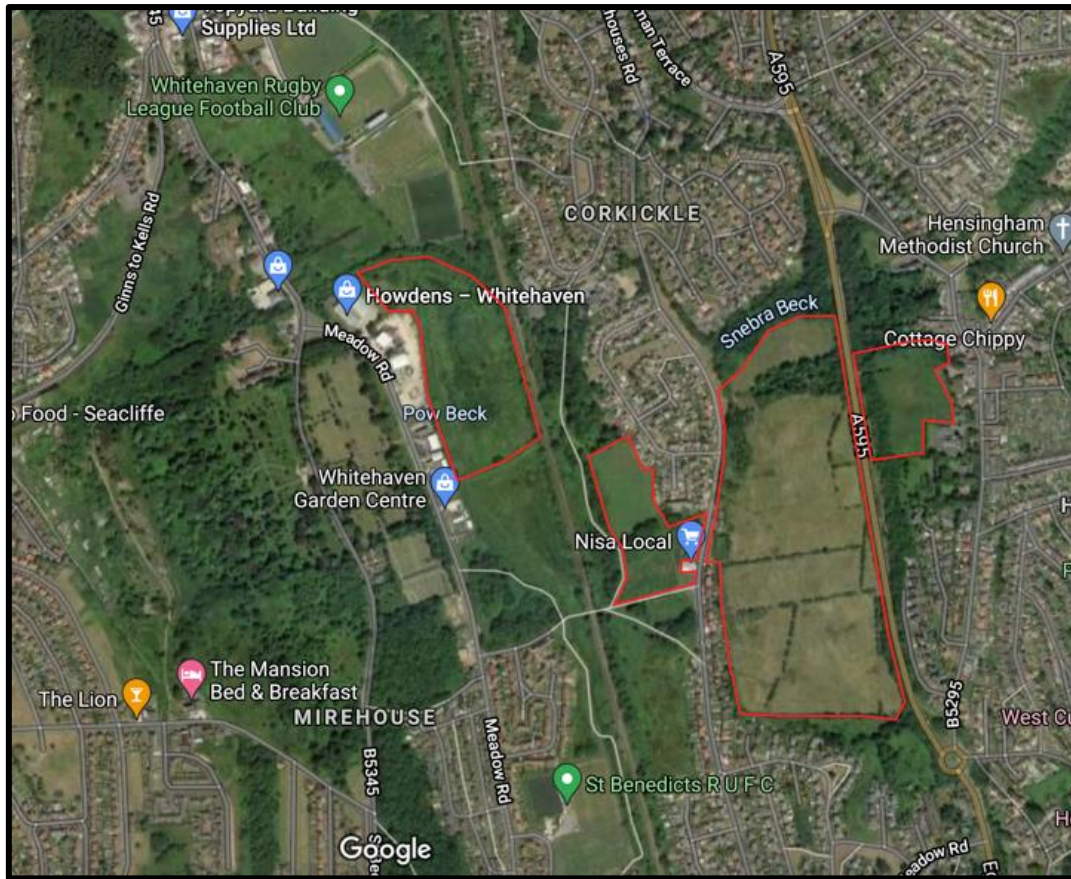


Site Ref.	Location	Suitability
1	Land between Loop Road and Highlands	Considered as an important landscape feature in the original. Urban green space protection area within the proposed Local Plan.
2	Land between Highlands and Midgely Wood	Part of a wider site promoted by Homes England and subject to a recent planning application, which the Planning Panel members determined to refuse the proposed development due to access issues. Protected open space within the proposed Local Plan.



Site Ref.	Location	Suitability
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1	Land off Rosemary Lane	This is a significant area of grassed land in Whitehaven and the area contributes to the pleasant and open feel, and development thus may be contrary to policy ENV5 (landscape).
2	Land to the north of Haig Pit	Noted in the Copeland Landscape Appraisal as opportunities for landscape enhancement to define the edge of the settlement and enhance links between coast path and the town. Most recently proposed for protection in the Local Plan for its amenity value.
3	Whitehaven Playground	Playing pitch for both Whitehaven Cricket Club and Whitehaven RUFC. Protected in the Local Plan due to this. Relocation for both would be required.
4	Old railway sidings adjacent to Corkickle Station	Contaminated land due to previous use. Still within the ownership of network rail and not currently for sale.
5	Land to the south of Coach Road	Land is within Flood Zones 2 & 3. Is also currently in use partly as football pitches.
6	Land east of Ladypit Terrace	The land is described in the Copeland Landscape Appraisal as 'Prominent hillside, visually defines edge of Whitehaven and connects countryside to town.' Outside of the current settlement boundary. It is therefore unlikely to be acceptable for development.
7	Land at North Row	Development here is contrary to Core Strategy policy ER10, the land being within the Whitehaven Coastal Fringe Tourism Opportunity Site and house building not being conducive to tourism promotion. The safety of development here is also questionable, given its proximity to the cliff top.
8	Land at Meadow View	Partly within Flood Zones 2 and 3. Previously identified as an Opportunity site, would need a full area redevelopment to provide appropriate access arrangements and improvements.
9	Land east of Ginns to Kells Road	Previously identified as an area of urban greenspace protection. Area of high landscape impact and previously viewed as not appropriate for development.



Site Ref.	Location	Suitability
1	Land at Pow Beck, Meadow Road	Also a Flood Zone 2, but primarily the site is a Flood Zone 3. Therefore, no more suitable for development than the application site. Previously identified as an area of urban greenspace protection.
2	Land adjacent to Nisa, Whinlatter Road	Also a Flood Zone 2, but primarily the site is a Flood Zone 3. Therefore, no more suitable for development than the application site. Proposed area of Protected Open Space in the Copeland Local Plan.
3	Land west of A595	Fields running between Whinlatter Road and A595 – likely difficult to develop due to access and topography. Previously identified as an area of urban greenspace protection.
4	Land to the east of A595	Fields running between Egremont Road and A595 – likely difficult to develop due to access and topography. Previously identified as an area of urban greenspace protection.

- 4.10 In accordance with this thorough analysis of all alternative sites located within and next to the built up area of the town, the application site has been proven to be the next most appropriate location for this type of residential development in Whitehaven. The proposed allocation acknowledges that it is suitable for development.
- 4.11 There are certainly no alternative available sites within or closer to the Town Centre area. They are either in use which would need relocated, are also at risk from Flooding to a similar degree or are important within the local landscape and have been identified as such. Further sites out from this within the Whitehaven settlement have been identified above in this report, but do not actually share the characteristics of the proposed site. The application site is within the valley bottom of the settlement and within walking distance of the town centre and the facilities and sustainable transport this offers.
- 4.12 However the further sites are listed in the north, east and west areas and are commented on above. Again, the majority have not previously been developed out for particular reasons, which are either the potential landscape impact or access issues. The other sites also are usually not brownfield like the application site, and not suitable for a high-density scheme such as that proposed.
- 4.13 The above analysis therefore demonstrates that there are no sequentially preferable, available sites in Flood Zone 1 adjacent to or within the town centre of Whitehaven for this development.

5.0 The Exception Test

- 5.1 The 'exception test' is also required to be passed for certain types of development proposed in Flood Zone 3. The first part of the 'exception test' should consider whether the sustainability benefits of the proposals to the local community outweigh the flood risk. The second part of the 'exception test' needs to demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of its users, and that it will not increase flood risk elsewhere.
- 5.2 The planning application is accompanied by a Flood Risk Assessment (FRA), which deals with the second part of the exception test, showing the proposed development will be safe for its lifetime and will not increase flood risk elsewhere.
- 5.3 In terms of the first part of the 'exception test', it is considered that there are significant economic and social benefits to the proposals. In the short term, the economic benefits would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. The provision of housing in this location would increase the proportion of sustainable travel to both employment sources in Whitehaven Town Centre, such as Albion Square, and also the Sellafield site due to the train station access, which is the area's largest employment source.
- 5.4 The proposed development would also provide a clear public benefit in helping to meet the current housing targets in the Copeland Borough. The site would deliver 41 dwellings, 2, 3 and 4 bed, in accordance with the Council's proposed housing policies. The applicant fully intends to build-out the development as soon as a commencement can be made once planning permission is granted and the pre-commencement conditions have been cleared,

after a long period of the site being derelict. Weight should therefore be afforded to this benefit in the decision making process.

- 5.5 The site is located within 500 metres of the Town Centre, Corkickle Train Station and is within walking and cycling distance of all of the services and facilities in Whitehaven. This is the most sustainable settlement in the Borough.
- 5.6 It is therefore considered that the proposals include significant positive elements which will enhance sustainability. It is therefore considered that the proposals achieve the definition of sustainable development as set out in the NPPF, and that provided the development can be made safe from flooding and will not increase flood risk elsewhere, as anticipated by the FRA, then the exception test can also be considered to be passed.

6.0 The Proposed Development

- 6.1 The application is accompanied by a detailed Flood Risk Assessment (FRA) as the site is identified as being within Flood Zones 2 and 3 but primarily in Zone 2.
- 6.2 The proposed development is for residential use – 41 dwellings – and applying the Flood Risk Vulnerability Classification in Table 2 of the NPPG, the proposed use of the land and buildings falls within the “more vulnerable” uses of land, as outlined in the NPPG.
- 6.3 The site is shown on the government web based Flood Map for Planning to lie within Flood Zones 2 and 3 (medium and high risk). Flood Zone 3 is the area described as having a 1% or greater annual probability of fluvial flooding or a 0.5% or greater annual probability of tidal flooding. Flood Zone 1 (low risk) is shown towards the south of the site.
- 6.4 The Sequential Test, the aim of which is to steer new development to the areas with the lowest probability of flooding, is required to be passed for developments proposed in Flood Zone 3. The existing site is only partly in Flood Zone 3 however, there are no alternative sites at lower risk of flooding and the proposals will ensure that the site is safe.
- 6.5 The alternative site analysis undertaken in section 2 of this report, demonstrates that there are no suitable alternative sites available at a lower risk of flooding, and that therefore the Sequential Test is considered to be passed. The Exception Test is also required to be passed for certain types of development proposed in Flood Zone 3, of which only a minimal part of the site is. The FRA that forms part of the planning application deals with the second part of the Exception Test showing the proposed development will be safe for its lifetime and incorporate mitigation measures.
- 6.6 The site is therefore appropriate for residential development in accordance with the FRA submitted with the application and has previously been considered suitable for residential development by Copeland Borough Council on this basis.

7.0 Conclusion

- 7.1 In relation to the Sequential Test, the FRA that has been prepared to support the planning application for 41 dwellings on the site at Coach Road Whitehaven, confirms that the test is passed. In addition, the FRA also confirms that the proposed development would be safe for

its lifetime and not increase flood risk elsewhere, providing that the mitigation measures described in the FRA are implemented.

- 7.2 This report considers the Sequential Test in terms of alternative sites located in or adjacent to the town centre and concludes that it is not possible for the proposed development to be located in zones with a lower probability of flooding. In addition, the proposed development provides wider sustainability benefits to the community in the form of an urban development form in accordance with the requirements of the Copeland SHMA (Strategic Housing Market Assessment) that outweigh any flood risk.
- 7.3 There are significant economic and social benefits to the proposals. It is considered that the proposals include significant positive elements which will enhance social sustainability. These include the provision of necessary housing within the development and an improved frontage onto Coach Road. The shared boundary to the C2C route will also benefit from this site being developed. It is therefore considered that the proposals achieve the definition of sustainable development as set out in the NPPF, and that the development can be made safe from flooding, as detailed in the FRA.
- 7.4 For all of the above reasons, the proposed development therefore successfully passes both the sequential test and the exception test.

Simon Blacker MRTPI