

## **Sequential Test Report – Land at How Bank Farm & former Orgill Junior School, Egremont**

**Proposal:** Full Planning Application for residential development consisting of 105 dwellings



**Applicant:**

*homes by*  
**gleeson**  
builders for generations

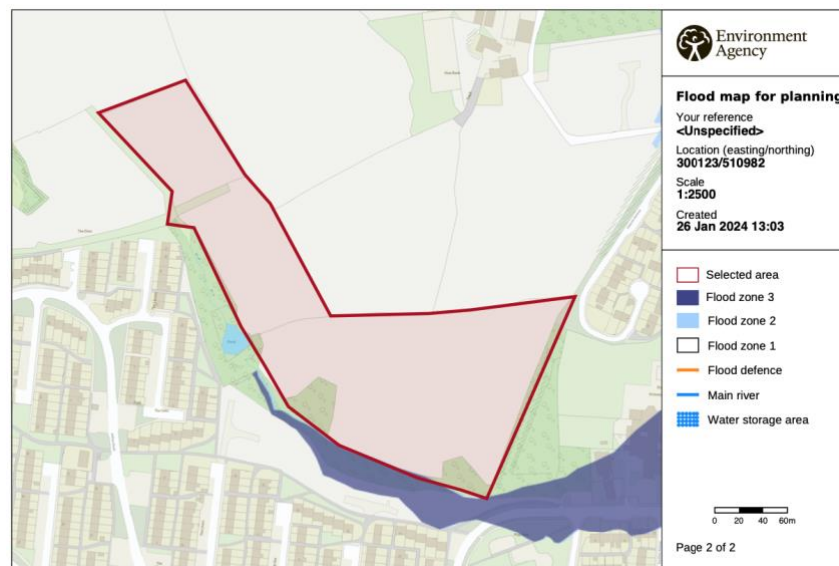
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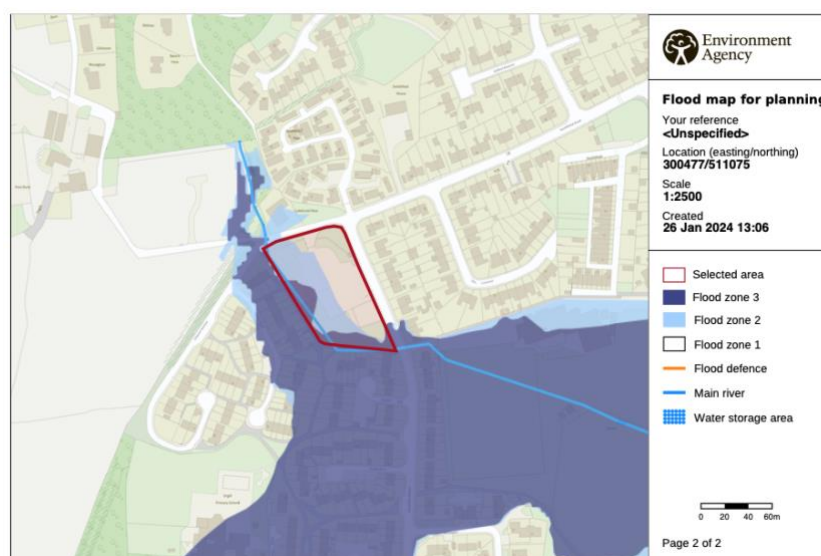


## 1.0 Introduction

- 1.1 This sequential test report has been prepared on behalf of Gleeson Homes in support of a planning application for a residential development on land on land at How Bank Farm and the former Orgill Juniors School, Egremont.
- 1.2 The planning application is submitted in full, with full details supplied for all parts of the proposal.
- 1.3 The existing site consists of an area of grassed agricultural land, and the previously developed land of the former Orgill Infants School.
- 1.4 A copy of the Environment Agency's Flood Map covering the How Bank Farm application area of site is included below:



- 1.5 A copy of the Environment Agency's Flood Map covering the former Orgill School application area of site is included below:



## 2.0 Planning history

### How Bank Farm:

- 2.1 A previous planning application for flood storage areas on a small area of the site was approved in 2019 by Copeland Borough Council:
- 4/19/2044/0F1 – Creation of three flood storage areas, landscaping and associated works – Land at How Bank Farm, Whangs Beck, Falcon Club, West Lakes Academy and West of Croadalla – Approved
- 2.2 No other planning applications have previously been submitted on the application site.

### Former Orgill School:

- 2.3 The above previous planning application for flood storage areas also covered part of the site was approved in 2019 by Copeland Borough Council:
- 4/19/2044/0F1 – Creation of three flood storage areas, landscaping and associated works – Land at How Bank Farm, Whangs Beck, Falcon Club, West Lakes Academy and West of Croadalla – Approved
- 2.4 The following application for residential development on the site was submitted in 2016 but withdrawn prior to a decision:
- 4/16/2121/001 – outline application for construction of 27 dwellings and 5 detached garages – Former Orgill School Site, Croadalla Avenue, Egremont – Withdrawn

## 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 Cleator 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 Cleator.

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

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3.9 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.

3.10 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 housing development.

3.11 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."*

3.12 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."

3.13 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)."*

3.15 Paragraph 74 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

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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 plan<sup>38</sup>, 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.

- 3.16 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.
- 3.17 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."*
- 3.18 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. 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 proposed How Bank Farm site is shown on the government web-based Flood Map for Planning (see page 3) to lie within Flood Zone 1. The access to the site, which is under a separate application (reference 4/23/2172/OF1) is within Flood Zone 3. The proposed former Orgill School site is shown on the government web-based Flood Map for Planning (see page 3) to lie within Flood Zones 1,2 and 3. Flood Zone 1 (low risk) is shown towards the eastern are of the site. The Flood Zone 2 area is the central to western area, and the Flood Zone 3 area is a section to the west boundary and a section to the southern boundary.
- 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. Although the existing site is partly within Flood Zone 3, as shown by the modelling work undertaken as part of the submitted FRA, this document also demonstrates that the site would not be at risk of flooding with recommendations.
- 4.5 As the former Orgill school 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 on previously developed land, designed for the location it is within, the catchment area for this type of development is centred on Egremont itself and examines sites of a similar size within the town and available for housing development. Egremont itself has been specifically chosen as it is a recognised as Key Service Centre as designated by the Copeland Local Plan.
- 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 town centre and within the settlement boundary of the Local Plan. Therefore, the area to consider in terms of alternative sites should only relate to sites in the settlement itself. In addition, it is previously developed land, so that is considered appropriate for alternatives.

- 4.9 The plan below highlights sites that have been identified adjacent to or within the settlement boundary of Egremont that could provide housing development and are generally comparable in terms of size.



Site Ref.	Location	Suitability
1	Former Castle Cinema Site	Has a previous residential planning permission; Assumed know developer interest. Also within a Flood Zone 3.
2	Land at East Road	Land has previous received planning permission for residential development multiple times (latterly for 24 apartments), with no development progress.
3	Site of former East Road garage	Former petrol station, car showroom and repair garage. Given location and previous use, likely more appropriate as a commercial site in the future.
AS	Former Orgill School site	Application site

- 4.10 In accordance with this analysis of all alternative sites within the built-up area of the town, the former Orgill Juniors school site has been proven to be the next most appropriate location for a residential development in Egremont given that the alternative sites already have planning permission on a small scale and are likely to be developed in the near future or have previously been discounted by developers. The analysis also demonstrates that there are no sequentially preferable, previously developed available sites in Flood Zone 1 within the town development framework boundary.

## 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 FRA that has been submitted as 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 will not increase flood risk elsewhere. This states that although part of the site is currently in flood zones 2 and 3, the completion and verification of the Environment Agency flood alleviation scheme is likely to result in the site being mainly in flood zone 1 with a possible margin of flood zone 2 along the eastern and southern margins of the site.
- 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 (all covered in the Economic Benefits Statement). The provision of housing in this location would increase the proportion of sustainable travel to the Sellafield site, 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 former Copeland area, and the overall Cumberland area. The site would deliver 105 dwellings. The full planning application that has been submitted is by an established national housebuilder, who fully intends to build-out the development as soon as a commencement can be made once planning permission is granted, the section 106 agreement has been signed and the pre-commencement conditions have been cleared. Significant weight should be afforded to this benefit in the decision-making process.
- 5.5 The site is located within the settlement boundary of Egremont, and in close proximity to the Main Street and is within walking and cycling distance of many of the services and facilities in Egremont including the local primary schools, secondary School, employment sites and a supermarket.
- 5.6 It is therefore considered that the proposals include significant positive elements which will enhance sustainability. It is 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.

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## 6.0 Conclusion

- 6.1 In relation to the Sequential Test, the FRA that has been prepared to support the planning application for 105 dwellings in Egremont 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.
- 6.2 This report considers the Sequential Test in terms of alternative previously developed sites located within Egremont and concludes that, given most of these sites already have previously received planning permission for housing and have not been developed out or are within Flood Zone 3, it is not possible for the proposed development to be located in zones with a lower probability of flooding. In addition, the proposed development clearly provides wider sustainability benefits to the community that outweigh any flood risk.
- 6.3 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 a delivery of low cost housing within the development and public open space. 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.
- 6.4 For all of the above reasons, the proposed development therefore successfully passes both the sequential test and the exception test.

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