The Molesey Venture Centre

Sequential and Exception Tests

For Lifestyle Residences

KRS.0572.001.R.008.B

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The Molesey Venture Centre

Project	Sequential and Exception Tests
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EXECUTIVE SUMMARY

The development proposals should be considered by the Local Planning Authority (LPA) to satisfy the Sequential and Exception Tests as set out in the National Planning Policy Framework (NPPF).

No 'reasonably available' alternative sites have been identified. In conclusion, it is felt that the development will have wider sustainability benefits to the community that outweigh flood risk. The site is well located within the community and settlement boundary. It will help the growth of the regional economy and will provide direct and indirect employment opportunities.

The development proposals should be considered by the LPA to satisfy the Sequential and Exception Tests as set out in the NPPF. The development should not therefore be precluded on the grounds of flood risk and is compliant with the requirements of the NPPF.

1.0 INTRODUCTION

1.1 Background

This Sequential and Exception Test report has been prepared by KRS Enviro at the request of Lifestyle Residences to support a planning application for the proposed development The Molesey Venture Centre. A Flood Risk Assessment (FRA) has been undertaken for the site (Ref No: KRS.0597.001.R.003).

The FRA has been carried out in accordance with guidance contained in the National Planning Policy Framework (NPPF)[1], associated Planning Practice Guidance on flood risk and coastal change[2] (PPG) and the PPG 'Site-specific flood risk assessment checklist. This FRA identifies and assesses the risks of all forms of flooding to and from the development and demonstrates how these flood risks will be managed so that the development remains safe throughout the lifetime, taking climate change into account.

It is recognised that developments which are designed without regard to flood risk may endanger lives, damage property, cause disruption to the wider community, damage the environment, be difficult to insure and require additional expense on remedial works. The development design should be such that future users will not have difficulty obtaining insurance or mortgage finance, or in selling all or part of the development, as a result of flood risk issues.

1.2 National Planning Policy Framework (NPPF)

One of the key aims of the NPPF is to ensure that flood risk is taken into account at all stages of the planning process; to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk using the sequential risk-based approach of which the Sequential and Exception Tests are central to.

The NPPF advises that where new development is exceptionally necessary in areas of higher risk, this should be safe, without increasing flood risk elsewhere, and where possible, reduce flood risk overall.

The Sequential Test is designed to demonstrate that there are no 'reasonably available' sites in areas with a lower probability of flooding that would be appropriate for this type of development or land use. The Sequential Test will analyse the probability of flooding on alternative sites identified and form an opinion as to the suitability of the proposed use on each of the sites given the associated flood risk to each site.

The Exception Test is designed to demonstrate that the proposed development provides wider sustainability benefits to the community that outweigh flood risk and the development will be safe for its lifetime.

[1] Ministry for Housing, Communities and Local Government (2023) National Planning Policy Framework: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf
[2] Communities and Local Government (2022) Planning Practice Guidance - Flood Risk and Coastal Change: https://www.gov.uk/guidance/flood-risk-and-coastal-change

2.0 LOCATION & DEVELOPMENT DESCRIPTION

2.1 Site Location

The site is located at The Molesey Venture Centre, Orchard Lane, East Molesey, KT8 0BN (see Figure 1). The National Grid Reference (NGR) of the site is 514610, 167350. The area of the site is 0.64 hectares (ha).

The Site Allocations section (Chapter 9) of the LPA's emerging Local Plan, confirms that the application site (reference D6/US462) is proposed to be allocated for the delivery, within 1-5 years, of 61 additional residential units (i.e. in addition to the existing units). The evidence base for the emerging Local Plan is the LPA's latest Land Availability Assessment (base date 31st March 2022), which also identifies the site as being suitable for the provision of 61 units (net) or 77 (gross), and the same information was also provided in the LPA's 2021 Land Availability Assessment.

Figure 1 - Site Location

2.2 Existing Development

The site is currently used for residential care and housing (see Appendix 1).

2.3 Proposed Development

Redevelopment of site by way of demolition (or partial demolition) of all existing buildings and the erection of 3 buildings comprising 74 residential units (15 x 1 bed, 48 x 2 bed and 11 x 3 bed) and ancillary facilities for residents, underground and surface level car and cycle parking, mechanical plant, soft and hard landscaping and associated diversion of existing Thames Water pipe.

The proposed finished floor levels of the buildings is 9.45 metres Above Ordnance Datum (mAOD) with the entrance to the basement set at 9.40mAOD. Further details with regard to the proposed development can be found in Appendix 1 and the accompanying information submitted with the planning application.

2.4 Ground Levels

A topographical survey of the site has recently been completed (see Appendix 2). The site rises slightly from west to east, with a minimum ground level of 8.51mAOD to the north east and 9.00mAOD to the west of the site. The maximum ground level is 9.90mAOD to the south east of the site. The majority of ground levels on the site are between 9.00mAOD and 9.50mAOD. The ground level at the entrance to the site is 9.73mAOD. The ground level at the location of the existing buildings to the south east is a minimum of 9.45mAOD. The bottom of the river bank of the River Ember is 6.25mAOD, this is outside of the developable area.

2.5 Catchment Hydrology

The nearest water feature is the River Ember, located adjacent to the western site boundary and the River Thames is located approximately 1.50km to the north of the site.

2.6 Housing Land Supply

The NPPF requires that LPA's should identify a year rolling supply of specific deliverable sites for housing, sufficient to meet their identified housing requirements as set out in the development plan (plus an additional buffer of 5%) and that Annual Monitoring Reports should be prepared confirming the availability of sufficient land to meet the targets set out in the development plan.

Based upon the Government's Standard Methodology, at December 2020, the latest measure of housing need within the Borough is the provision of 641 dwellings per annum, and the LPA's latest Housing Needs Assessment identifies the overall need within the Borough for smaller properties of between one and three bedrooms. The LPA is currently unable to demonstrate a five-year housing land supply, and therefore the 'tilted balance' provisions as set out in paragraph 11(d) of the NPPF are applicable, which states that planning permission should be granted unless *"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."*

In the short term at least it will be difficult to achieve these targets due to market conditions such that developers are unwilling to develop sites where the rate of house sales remain at relatively low levels. Additionally, in the present housing climate there is an increased risk of delays to building completions.

Given the compelling evidence of historic completion rates and expected future trends of housing delivery sites, it is clear therefore that windfall site such as this site will remain a small but important element of the provision of the required new houses.

Incidentally, the level of identified need for houses means that it is not a simple case of development on this site or on an alternative site. The Council continues to assess potential sites, in addition to this site. Whilst flood risk is a significant material planning consideration and the LPA will continue to seek to minimise flood risk and identify development sites at the lowest risk of flooding - suitable, available and viable sites for housing is scarce. Those sites that meet the criteria, subject to gaining planning permission, need to be brought forward to help meet the identified need.

Paragraph 125 of the NPPF is therefore also applicable to these proposals, advising that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

The existing buildings within the application site are of minimal architectural merit, are no longer fit for purpose and the site fails to make optimal use of the land, reflected in how its currently density is approximately 15 dwellings per hectare (dph), half the minimum density of 30dph identified within the adopted Development Plan, and it is important to emphasise that the adopted development plan is over 7 years old and therefore that minimum density figure does not reflective the substantial increase in housing need requirements/targets in recent years.

The Site Allocations section (Chapter 9) of the LPA's emerging Local Plan, confirms that the application site (reference D6/US462) is proposed to be allocated for the delivery, within 1-5 years, of 61 additional residential units (i.e. in addition to the existing units). The evidence base for the emerging Local Plan is the LPA's latest Land Availability Assessment (base date 31st March 2022), which also identifies the site as being suitable for the provision of 61 units (net) or 77 (gross), and the same information was also provided in the LPA's 2021 Land Availability Assessment.

Accordingly, the proposed redevelopment of the site to provide a total of 74 units represents a slight underdevelopment of the site compared to the potential 77-unit provision as identified in the LPA's latest Land Availability Assessments. The proposed density, at approximately 119 units per hectare, whilst reflecting a considerable increase compared to the existing site, ensures that the proposals make the most effective use of the application site, make a significant contribution to the housing needs of the Borough and offering a wide range of housing types and sizes, whilst also reflecting the character of the area and causing no unacceptable harm to the surrounding area and existing residents, as demonstrated by all of the technical reports which comprise this planning application submission.

3.0 DEFINING THE EVIDENCE BASE

3.1 Approach

Having regard to the guidance within the NPPF with respect to the Sequential Test, the test has been approached by the applicant using the standing advice provided by the Environment Agency. This details the evidence required to demonstrate that the Sequential Test has been properly applied.

3.2 Criteria for Alternative Site Selection

Criteria for alternative sites have been identified in the site selection process. These criteria are based on the type of development proposed. The approach is consistent with the NPPF. In evaluating alternative sites, the necessary requirements of any potential development site have been established. These requirements are based upon the development of a small scale residential development, as proposed within this application.

Guidance for developers states that the area of search should be proposed based on the catchment and the type of development. In applying the Sequential Test, the NPPF recognises that the alternative sites being considered in the test *'would be appropriate to the type of development or land use proposed'.* Insofar as sites matching the functions and land use proposed might first be sought elsewhere in the area.

The alternative sites should be consistent with sustainability objectives which in this case, is to provide a single house residential development within the Elmbridge area. The Sequential Test has therefore been applied throughout the Elmbridge Borough Council area. Criteria for alternative sites have been identified in the site selection process. These criteria are based on the type of development proposed. The approach is consistent with the NPPF. The criteria adopted has been agreed with Elmbridge Borough Council (see Appendix 2 are as follows:

- **Allocated sites within the draft Local Plan.**
- **The alternative sites should be consistent with sustainability objectives.** In this case, to provide a residential later living development, without mixed use space.
- **Are available in the short to medium term:** i.e. less than 5 years.
- **Alternative sites should not already have planning permission:** If an identified site already has recent planning permission granted it would not be available to develop, would not be an alternative site and is therefore not 'reasonably available'. This approach has been previously agreed with LPA's all over England (e.g. Leeds City Council, Dover District Council, Bristol City Council, Sheffield City Council and Arun District Council) and the Environment Agency for a number of recent planning applications.
- **Have a comparable yield to the subject site which is allocated for 61 units and the proposals are for 74 units:**
    - **Minimum site yield:** The minimum yield is dependent on the design, however based upon the proposal; subject of this application, the minimum site yield would be 49 (i.e.' 20% smaller than the allocation for 61 units).

- **Maximum site yield:** As stated above, the yield is dependent on the design, however based upon the proposal; subject of this application, the maximum site yield would be 89 units (i.e.' 20% larger than the proposals for 74 units.

Any other requirements for the location of the proposal such as public transport links (accessibility), proximity to local services etc. The site would benefit from a location that was sustainable, therefore accessible by public transport means and be in close proximity to local services.

Sites are not considered to be reasonably available if they fail to meet any of the above requirements or already have planning permission for a development that is likely to be implemented. This methodology has previously been used when undertaking the Sequential Test for other planning applications.

3.3 Source of Reasonable Available Sites

The PPG provides good advice on the nature of reasonably available sites that should be evaluated. *"Reasonably available sites can be identified from evidence based documents which feed into the development of LDD's, e.g. Strategic Housing Land Availability Assessments (SHLAA's)".*

A detailed evidence base of documentation was assembled for examination. The full extent of the Elmbridge Borough Council 'Evidence Base Library' was used, and the following documents examined:

- Core Strategy
- A search for sites which are currently available on market.
- Strategic Flood Risk Assessment
- Draft Elmbridge Local Plan – Site Allocations

Currently there are no residential or commercial land being offered for sale on the market in the area. No new planning applications have been lodged for comparable alternative sites.

Therefore, the source of 'reasonably available' alternative sites has been taken from the sites identified from the evidence base/background documents for the emerging Local Plan. These document provides an overview of land with the potential for housing development in the short and medium-to-long terms. Elmbridge Borough Council has reviewed each site submitted by considering its availability, develop ability and deliverability. The sites are known to the LPA and meet the functional requirements of the application which includes:

- Can be developed with the minimum adverse impacts on local communities.
- Being suitable in terms of characteristics, location and distribution for the proposed uses.

As is detailed in the NPPF, only deliverable sites can be included. For a site to be considered deliverable it *'should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years'.*

3.4 Comparing Flood Risk

The flood risk between each of the sites has been compared by using the Environment Agency Flood Zone map. The Elmbridge Borough Council SFRA has been used to provide detail on the flood risk at the site as well as detailing flood risk from other sources such as surface water flooding, sewer flooding and groundwater flooding.

4.0 THE SEQUENTIAL TEST

4.1 Introduction

Paragraphs 157 to 158 of the NPPF deals with the Sequential Test. It states that:

"The aim of the sequential test is to steer new development to areas with the lowest 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. However, if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance."

Paragraph 34 of the Planning Practice Guidance (PPG) states:

"It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case."

Paragraph 33 of the PPG is clear that when applying the Sequential Test for individual applications *"...a pragmatic approach on the availability of alternatives should be taken."* A pragmatic approach has been taken.

The NPPF sets out the Government's National policies on land use and flood risk. A sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the NPPF and should be applied at all levels of the planning process. Local planning authorities should apply the sequential approach as part of the identification of land for development in areas at risk of flooding.

The sequential approach is a simple decision-making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. LPAs should make the most appropriate use of land to minimise flood risk, substituting land uses so that the most vulnerable development is located in the lowest risk areas. They should also make the most of opportunities to reduce flood risk, e.g. creating flood storage and flood pathways when looking at large scale developments.

The aim should be to keep all development out of medium and high flood risk areas (Flood Zones 2 and 3 and other areas affected by other sources of flooding) where possible. However, if there are no 'reasonably available' sites in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources as indicated by the SFRA.

The test also requires demonstration of the 'reasonable availability' of sites and those sites in areas with a lower probability of flooding 'would be appropriate to the type of development or land use proposed' which would clearly include the suitability of land with a lower flood risk in terms of planning balance as well as availability.

The Sequential Test therefore seeks the allocation of land for development in flood areas of least risk where practicable (i.e. steer towards Flood Zone 1 preferentially). It would appear that developers should also have regard to the Sequential Test when evaluating sites where LDDs have not been subject to SFRA and/or the Sequential Test and where it is necessary to demonstrate that there are no alternative sites with a lower probability of flooding for the given end use.

The site has been assessed against all other available alternative sites which could be suitable for the proposed development. In undertaking the Sequential Test, the consideration of flood risk against other issues including access, traffic, people, landscape, water environment, ecology, environmental and other planning issues has been undertaken. This is in line with guidance within the NPPF.

4.2 Environment Agency Flood Zones

A review of the Environment Agency's Flood Zones indicates that the site is located within Flood Zones 1, 2 and 3. Therefore, the site has a 'low to high probability' of river flooding, see Figure 4, with less than a 1 in 1000 annual probability of river flooding in any year (<0.1%) (Flood Zone 1) to a 1 in 100 or greater annual probability of river flooding (>1%) in any year (Flood Zone 3).

The majority of the site is located within Flood Zones 1 and 2 with the south of the site being located within Flood Zone 1 which has a 'low probability' of river flooding with less than 1 in 1000 annual probability of river flooding in any year (<0.1%). The north of the site is located within Flood Zone 2 with a 'medium probability' of river flooding with between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) in any year.

A small area of the site to the west, immediately adjacent to the River Ember, is located within Flood Zone 3 with a 'high probability' of river flooding, with a 1 in 100 or greater annual probability of river flooding (>1%) in any year. However, this is located within the river corridor and is outside of the developable area of the site.

The Flood Zones are the current best information on the extent of the extremes of flooding from rivers or the sea that would occur without the presence of flood defences, because these can be breached, overtopped and may not be in existence for the lifetime of the development. The Environment Agency Flood Zones show the worst case scenario.

The Environment Agency Flood Zones and acceptable development types are explained in Table 3. Tables 1 and 2 show that some development types are generally acceptable in Flood Zones 1, 2 and 3.

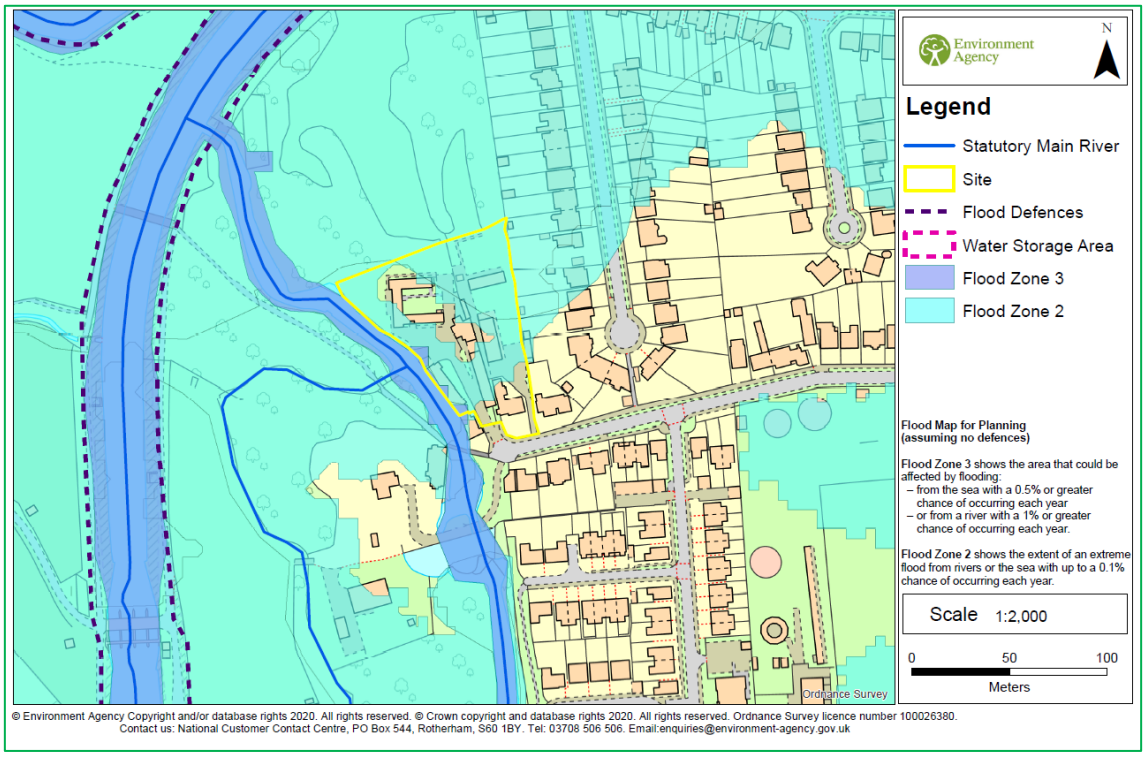

Figure 2 - Environment Agency Flood Zones

Table 1 - Environment Agency Flood Zones and Appropriate Land Use

Flood Zone	Probability	Explanation	Appropriate Land Use
Zone 1	Low	Less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%)	All development types generally acceptable
Zone 2	Medium	Between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% 0.1%) in any year	Most development type are generally acceptable
Zone 3a	High	A 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year	Some development types not acceptable
Zone 3b	'Functional Floodplain'	Land where water has to be flow or be stored in times of flood. SFRAs should identify this zone (land which would flood with an annual probability of 1 in 20 (5%) or greater in any year or is designed to flood in an extreme (0.1% flood, or at another probability to be agreed between the LPA and the Environment Agency, including water conveyance routes)	Some development types not acceptable

4.3 Flood Vulnerability

In the PPG, appropriate uses have been identified for the Flood Zones. Applying the Flood Risk Vulnerability Classification in the PPG, the existing and proposed use is designated as 'more vulnerable'.

The proposed development will not change the vulnerability of the site or introduce a new 'more vulnerable' developments into the floodplain and will provide betterment compared to the existing situation. 'More vulnerable' uses are appropriate within Flood Zones 1, 2 and 3 after the completion of a satisfactory FRA.

Table 2 - Flood Risk Vulnerability and Flood Zone 'Compatibility'

Flood Risk Vulnerability Classification	Essential Infrastructure	Water Compatible	Highly Vulnerable	More Vulnerable	Less Vulnerable
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	×	Exception test required	✓
Zone 3b 'Functional Floodplain'	Exception test required	✓	×	×	×

Key: *✓: Development is appropriate, ×: Development should not be permitted.*

4.4 The Alternative Sites Selected

Table 3 contains a list of the alternative sites. Based on the criteria agreed with the LPA within Section 3.2 of this report there are 3 sites of a comparable size and scale contained within the Draft Elmbridge Local Plan – Site Allocations, as discussed below:

- **ESH7: Willow House, Mayfair House and Amberhurst** can be discounted as an alternative sites as planning application for 59 flats was withdrawn in 2021 (2019/3119). Issues raised and reasons for objection by the LPA included bats, ecological, transport/highways and trees with many objections raised by locals.
- **WOT2: Leylands House** can be discounted as an alternative site as it is located within Flood Zone 2 and on the edge of Flood Zone 3.
- Based on the scope agreed with the LPA **WOT4: 9-21a High Street** can be discounted as this is proposed for a mixed use development and is therefore, not consistent with sustainability objectives. In this case, to provide a residential later living development, without mixed use space and can be discounted as an alternative site.

The sites identified within Table 3 have been rejected as alternative sites. No 'reasonably available' alternative sites have been identified within the sites identified.

It is acknowledged that this size of development could theoretically be included in some of the larger housing growth sites identified however, these site would not be consistent with sustainability objectives.

Furthermore, the Site Allocations section (Chapter 9) of the LPA's emerging Local Plan, confirms that the application site (reference D6/US462) is proposed to be allocated for the delivery,

within 1-5 years, of 61 additional residential units (i.e. in addition to the existing units) and should also be deemed to have passed the Sequential Test previously. The proposal is for the replacement of an existing site. The replacement of an existing buildings with a new, suitably flood-resilient design is preferable to the existing building as the exposure of people or property to flooding will be minimised.

The proposed development will not change the vulnerability of the site or introduce a new 'more vulnerable' developments into the floodplain. The proposed development will improve the sites resilience, resistance to flooding and by using property level protection measures to protect the site from flooding the vulnerability of the site will be improved (see Section 5.0).

The existing buildings within the application site are of minimal architectural merit, are no longer fit for purpose. The Council's objectives are to sustain and enhance the vitality and viability of the region, and to ensure a wide range of homes to which people have easy access by a range of transport therefore, improving the overall quality of life. This is underpinned by the quality of the physical environment, social well-being and economic and environmental improvements. The Council seeks to grant permission for developments that add to the vitality and viability of the region.

This site will help to regenerate the region and will help to deliver these objectives. This site will help encourage economic impetus that will in turn help deliver a stronger service function and mix of residential uses.

The site proposals remain consistent with the relevant planning policies and are not at odds with the current use of the site and can only enhance and preserve the employment base which currently exists. The wider area surrounding the proposed development site is affected by a very similar, and in many cases, higher risk of flooding.

Similar developments on any site outside a Flood Zone will not offer any advantage vis-a-vis flooding. Consequently, application of the Sequential Test demonstrates that there is no measurable advantage to constructing the proposed development elsewhere.

Since the publication of Planning Policy Guidance Note 25: Development and flood risk in July 2001 it has been a requirement that planning applications for residential uses located within Flood Zone 3 have to pass the Sequential Test (see para. 30 of PPG25). This was later re-iterated within Planning Policy Statement 25: Development and flood risk published in December 2006 and the NPPF published in March 2012.

A number of planning permissions all located within Flood Zones 2 and 3 have been granted by the LPA for residential developments. Therefore, these sites have been deemed to have passed the Sequential Test by the LPA. It should be noted that these sites may be at a greater risk of flooding from all sources than the subject site. Therefore, if these sites have been granted planning permission for residential developments and therefore have passed the Sequential Test the subject site should also be deemed to have passed the Sequential Test as the principle of development for residential uses within this area has already been decided since the introduction of the Sequential Test.

The sequential approach has been applied within the site by locating the most vulnerable elements of the development in the lowest risk areas. The proposed buildings will be located on the higher parts of the site, away from the River Ember, at a lower risk of flooding.

The key conclusion arising from this comprehensive evaluation is that there are no "reasonably available" sites that provide a "like for like" comparable development scenario (i.e. size of site / numbers of units) to accommodate the proposed development within a lower Flood Zone.

Table 3 - Alternative Sites Draft Elmbridge Local Plan – Site Allocations

Site Allocation Reference	Site Name	Delivery period (years)	No of Units	Flood Zone	Other Sources of Flooding (i.e. surface water, sewer, groundwater flooding etc.)	Comments/Issues	Alternative Site
ESH7	Willow House, Mayfair House and Amberhurst, Claremont Lane, Esher, KT10 9DW	1 - 5	57	1	Surface water, groundwater & sewer	A planning application for 59 flats was withdrawn in 2021 (2019/3119). Issues were raised such as bats, ecological, transport and trees. The application was objected to by the LPA on arboricultural and highways grounds with many objections raised by locals.	N
WOT2	Leylands House, Molesey Road, Walton-on-Thames	1 - 5	56	2 (very edge of Flood Zone 3)	Surface water, groundwater & sewer	The site is in a Biodiversity Opportunity Area. Potential contamination from the site being in the buffer zone of a historic landfill. Loss of existing employment uses.	N
WOT4	9-21a High Street, Walton-on-Thames	1 - 5	71 residential/ mixed-use	1	Surface water, groundwater & sewer	Refused planning permission for mixed-use development (2018/1683). Air quality issues and loss of existing employment.	N

4.5 Summary of the Alternative Sites Selected

No 'reasonably available' alternative sites have been identified. From the above it is shown that there are overriding sustainability reasons for the development to be granted planning permission. The development proposals should therefore be considered by the LPA to satisfy the Sequential Test as set out in the NPPF.

5.0 THE EXCEPTION TEST

5.1 Introduction

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. 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 the site 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.

Paragraphs 159 to 161 of the NPPF deal with the Exception Test. It states:

"The application of the Exception Test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) 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 Exception Test should be satisfied for development to be allocated or permitted."

More detailed guidance is set out in the NPPG. Under the heading 'Manage and mitigate flood risk' the Guidance advises that:
"where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers [should] ensure development is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall."

5.2 Wider Sustainability Benefits

The key emphasis of the NPPF is to achieve sustainable development. The NPPF provides the following aims under the umbrella of sustainable development:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes

7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

The proposed development has been assessed against the Council Sustainability Objectives.

1) **Climate change:** Minimise the borough's contribution to climate change and plan for the anticipated levels of climate change.

   The site will contribute to reducing emissions by providing environmentally friendly facilities. The scheme will also see the integration of modern methods of construction, minimising future energy use. The design is also actively seeking to minimise the embedded carbon footprint within the construction materials.

2) **Water and flooding:** Protect, enhance and manage waterways and to sustainably manage water resources.

   The site will contribute to managing and enhancing the bank of the River Ember while also managing water resources by using SuDS measures and sustainable water supply systems.

   A minimum of an 8m buffer zone adjacent to the top of the River Ember will be retained,. Along the majority of the river reach a buffer zone of greater than 8m is achieved with the majority of structures being over 10m away from the river and all new buildings being over 9.30m from the river. The existing building/s to be demolished are located within 7m of the top of bank of the River Ember. The proposed development will provide betterment compared to the existing situation by increasing the size of the buffer zone.

   The buffer zone will allow access and maintenance while also mitigating the impact of flooding from the River Ember should it overtop its banks. Hardstanding will not be located within 8m of the river area and there will be no artificial lighting within 8m of the river. All planting will be locally native species as recommended by the Environment Agency. A construction Environmental Management Plan and Landscape Management plan have also been prepared to support best practice and maintenance of the biodiverse water corridor.

   Access to the River Ember has also been improved as part of the proposed development by function of the development layout. The proposed development will not only improve the access to the river for the Environment Agency for maintenance purposes but also for residents of the site via improvements to the existing landscaped area.

   The surface water runoff from the site will be reduced and managed compared to the existing situation. The surface water runoff will be attenuated on the site and the runoff rate will be restricted compared to the existing situation.

The proposed development has been designed to manage and mitigate the impact of flooding on the building through its lifetime taking into account climate change over the next 100 years while also not increasing flood risk elsewhere.

3) **Air and noise pollution:** Manage and reduce the risk of pollution, including air and noise pollution.

   Good design has been included to mitigate pollution caused by the proposed development and impacts of noise pollution on the proposed house.

4) **Biodiversity and geodiversity:** Protect, enhance and manage the natural heritage of the borough.

   The development will make enhancements to the landscape in the form of green infrastructure and good design which will conserve and enhance biodiversity.

5) **Landscape quality:** Conserve, enhance and manage the character and appearance of the landscape and townscape, maintaining and strengthening its distinctiveness.

   The development will see disused land come forward for redevelopment and will be actively used and has presented the opportunity to create a quality affordable and sustainable development. The development of the site will improve the appearance of the site and make a positive contribution to the local landscape. The proposals would not materially impact on the character of the landscape therefore, it would be preserved and improved. The landscape impact will be low on this site and surrounding area already has the infrastructure to deal with residential development.

   The development of the site will improve the appearance of the site and make a positive contribution to the local landscape.

6) **Cultural heritage:** Conserve, enhance and manage sites, features and areas of historic and cultural importance.

   The development will have no impact on archaeological, historic and cultural assets.

7) **Use of resources:** Ensure protection, conservation and efficient use of natural and man-made resources in the borough.

   The site is made up of land, and within the urban agricultural land classification. Development of the site would be a positive use of the boroughs resources.

8) **Housing:** Provide a range of housing to meet the needs of the community.

   The proposed use reflects Planning Policy (National, Regional, and Local) with respect to encouraging residential housing. The site is located within a Primarily Residential Area within the UDP. The Councils' policies make clear for the need to focus on new development in locations which are accessible and sustainable, making use of existing infrastructure and community facilities and services. There is an important need for residential housing within this area. There is an identified need for new land releases to meet future housing needs and accordingly there is a sound and strong planning reason for bringing the site forward.

   The Councils' policies make clear for the need to focus on new development in locations which are accessible and sustainable, making use of existing infrastructure

and community facilities and services. There is an important need within this area for affordable housing, which is suitable for a wide variety of people.

9) **Health:** Safeguard and improve physical and mental health of residents.

   The site is located within easy access to facilities giving residents excellent access to services.

10) **Community safety and wellbeing:** Reduce poverty and social deprivation and increase community safety.

    A full range of community facilities are available locally.

11) **Transport and accessibility:** Improve choice and efficiency of sustainable transport in the borough and reduce the need to travel.

    Many local facilities and services are inside the ideal walking distances from the site meaning that there is potential to reduce the need to travel by car. The site has good access to sustainable transport.

    The site is sustainable and within walking distance of the local community and services. The proposed buildings are in close proximity to transport facilities, there is a need for housing in this area, particularly in view of the facilities available, allowing easy on-foot access to the existing facilities. This area provides sustainable bus and cycle connectivity. These points minimise the potential usage of cars.

    The existing transport infrastructure will be utilised and there will be no need for new infrastructure near the site.

12) **Education:** Improve education, skills and qualifications in the borough.

    Good access to education facilities.

13) **Waste:** Ensure the sustainable management of waste.

    Waste reducing measures such as efficient energy use, water use, SuDS features will be used to reduce the waste produced by the proposed development.

14) **Economy and employment:** To support a strong, diverse, vibrant and sustainable local economy to foster balanced economic growth.

    Development on this site will generate employment during the construction period and thereby provide some protection to the local economy. It may also support those who provide services to homes (e.g. window cleaners and maintenance tradesmen). The proposed development will contribute to the economic function of the local community.

The site accords with the NPPF to assert a presumption that appropriate development may be allowed in settlement boundaries. It is considered that the proposals for the site offers both environmental and economic benefits which accord with the principles of design and sustainable development, as set out in the NPPF. The proposed development will contribute to the economic function of the local community.

This area is a sustainable location to accommodate new development in terms of the facilities it offers. The settlement hierarchy within the Local Plan guides the distribution and scale of development in a sustainable manner, reflecting the needs, roles and functions of each settlement. New development should support or improve its role as a focus for social and economic activity.

In conclusion, it is felt that the development will have wider sustainability benefits to the community that outweigh flood risk. The site is well located within the community and settlement boundary. It will help the growth of the regional economy and will provide direct and indirect employment opportunities. The proposed development will assist the Council in meeting an identified need for residential housing through the re-use of a brownfield site within a highly sustainable location. The proposed development incorporates a number of mitigation measures; these works to reduce the flood risk on the site will enhance the sustainability of the site for the wider community.

The added material benefit is the contribution that this site will make to the Councils' housing supply position in full compliance with the emerging strategic housing policy. There is an identified need for residential uses to meet future housing needs and accordingly there is a sound and strong planning reason for bringing the site forward.

The development proposals should therefore be considered by the LPA to satisfy the first condition of the Exceptions Test as set out in the NPPF. The development proposal sufficiently provides wider sustainability benefits to the community, which outweigh the potential flood risk. As per the NPPF this planning application can be approved as the site is considered to be sustainable with no other over riding issues.

5.3 Safe, Without Increasing Flood Risk Elsewhere

The FRA has demonstrated that the development will be safe, without increasing flood risk elsewhere. The proposed development will not change the vulnerability of the site or introduce a new 'more vulnerable' developments into the floodplain. The proposed development will improve the sites resilience, resistance to flooding and by using property level protection measures to protect the site from flooding the vulnerability of the site will be improved.

The development proposals should be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

5.4 Summary

The development proposals should therefore be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

6.0 SUMMARY AND CONCLUSIONS

6.1 Introduction

This report presents a Sequential and Exception Test in accordance with the NPPF for the proposed development at The Molesey Venture Centre.

6.2 Sequential Test

No 'reasonably available' alternative sites have been identified. The development proposals should therefore be considered by the LPA to satisfy the Sequential Test as set out in the NPPF.

6.3 Exception Test

In conclusion, it is felt that the development will have wider sustainability benefits to the community that outweigh flood risk. The site is well located within the community and settlement boundary. It will help the growth of the regional economy and will provide direct and indirect employment opportunities.

The development proposals should therefore be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

6.4 Conclusion

The development proposals should therefore be considered by the LPA to satisfy the Sequential and Exception Tests as set out in the NPPF. The development should not therefore be precluded on the grounds of flood risk and is compliant with the requirements of the NPPF.

APPENDICES

APPENDIX 1 - Existing and Proposed Site Layout

APPENDIX 2 - Elmbridge Borough Council Correspondence

Keelan

From: Jack Trendall <JTrendall@elmbridge.gov.uk>
Sent: 02 November 2023 15:46
To: Keelan
Cc: Adam Beamish
Subject: RE: 2022/3525 - The Molesey Venture Sundial House Orchard Lane East Molesey Surrey KT8 0BN (WA/2023/130267/04)

Hi Keelan,

Thank you for your email.

I am happy with the criteria set out below.

Regards,

Jack Trendall | Senior Planning Officer | East Team
Jtrendall@elmbridge.gov.uk | 01372 474831 | elmbridge.gov.uk
Elmbridge Borough Council, Civic Centre, High Street, Esher, Surrey, KT10 9SD

From: Keelan <Keelan@krsenviro.com>
Sent: 02 November 2023 15:27
To: Jack Trendall <JTrendall@elmbridge.gov.uk>
Subject: 2022/3525 - The Molesey Venture Sundial House Orchard Lane East Molesey Surrey KT8 0BN (WA/2023/130267/04)

Dear Jack,

I have been asked to make contact with yourself with regards to agreeing the scope for the Sequential Test in support of the planning application shown above.

The criteria for alternative sites to be assessed within the Sequential Test would be as follows:

1. Allocated sites within the draft Local Plan.
2. The alternative sites should be consistent with sustainability objectives. In this case, to provide a residential later living development, without mixed use space.
3. Are available in the short to medium term: i.e. less than 5 years.
4. Alternative sites should not already have planning permission: If an identified site already has recent planning permission granted it would not be available to develop, would not be an alternative site and is therefore not 'reasonably available'.
5. Have a comparable yield to the subject site which is allocated for 61 units and the proposals are for 74 units:
    - Minimum site yield: The minimum yield is dependent on the design, however based upon the proposal; subject of this application, the minimum site yield would be 49 (i.e. 20% smaller than the allocation for 61 units).

- Maximum site yield: As stated above, the yield is dependent on the design, however based upon the proposal; subject of this application, the maximum site yield would be 89 units (i.e. 20% larger than the proposals for 74 units).

Can you confirm if you would agree to the criteria for alternative sites as stated above?

If you have any queries do not hesitate to contact me.

Regards

Keelan Serjeant BSc MSc MCIWEM
Director | Flood Risk and Drainage Consultant

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