Flood Sequential Assessment
Proposed Residential Development at Cellars Clough, Marsden

Client:
CS District Ltd

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1. Introduction

1.1 This Sequential Assessment has been prepared on behalf of the applicant, CS District Ltd. The application seeks consent for a residential development comprising 75 dwellings (Use Class C3) with external amenity space, associated parking and access.

1.2 The purpose of the report is to demonstrate compliance with the requirements of the National Planning Policy Framework ("NPPF") and the Kirklees Local Plan (2019) in relation to flood risk.

1.3 The Sequential Assessment considers the location of the site within Flood Zones 1, 2, and 3 as identified by the Environment Agency Flood Map for Planning and provides justification for the acceptability of the proposed development.

1.4 Whilst this Sequential Assessment has been produced, it is important to highlight that the site already benefits from an extant planning permission for residential development. This represents the starting point for the Sequential Assessment and establishes a strong fallback position for the principle of development. In addition, it is also important to recognise that the proposed layout seeks to ensure that no buildings are located within the area of Flood Zone 3 that falls within the application boundary.

1.5 In addition, a supporting Flood Risk Assessment has been undertaken by Civic Engineers, which confirms:

- The proposed development is located within Flood Zones 1, 2 and 3 and is considered "More Vulnerable".
- Flood Risk from all sources has been considered and mitigation measures proposed to ensure the development is not at risk of flooding and can be safely accessed during the design flood.
- Surface Water discharge for the development will be limited to greenfield runoff rates for the equivalent site area at 4.9l/s. Attenuation will be provided for a 1 in 100-year storm event including 45% climate change allowance.
- Where possible SuDS will be incorporated to further improve water quality.
- Surface water discharge will be to the River Colne, utilising an existing

outfall/connection.

- With the incorporation of the proposed mitigation measures, the proposed development will comply with National Local Planning Policy and the development will not increase flood risk elsewhere.

THE PROPOSALS AND CONTEXT

1.6 To the south of the site, there is a small row of buildings, including a well-being center and a café. To the west, the site is bordered by Cellars Clough and Sparth Reservoir. The wider area offers various amenities, including a café, ponds, the river, and the canal.

1.7 The application seeks consent for a residential development comprising four rows of houses and three short rows of terraced homes, with all buildings being a mix of three stories. The proposed development includes a shared outdoor amenity garden and on-site parking.

1.8 The proposed site layout plan shows the extent of the proposed development in relation to the nearest roads, surrounding land uses and wider area. Careful thought has been given to ensure that the proposed scheme works with the surrounding land and respects both wider views of the development and its more immediate surroundings.

1.9 The site was formerly home to Cellars Clough Mills, which has since been demolished, leaving an area of cleared land. The site represents a brownfield site, and it has also been subject to a previous application for residential development. The site historically accommodated Cellars Clough Mill, which was established in 1888. The mill ceased operations in 1982, leading to its deterioration and remaining derelict for many years.

1.10 The previous buildings on the site were demolished as part of a previously approved scheme in 2019 (ref. 2016/62/91573/W), with demolition completed by 2021, leaving a vacant, cleared site. As part of the previous application, it was concluded that the requirements of the Sequential Assessment were met. As set out above, this should remain a material consideration in the determination of this new planning application for the site.

STATEMENT STRUCTURE

1.11 The remainder of this statement:

- **Section 2 –** Provides a summary of relevant policy guidance.
- **Section 3 –** Sets out the Flood Sequential Assessment.
- **Section 4 –** Sets out the Exceptions Test for the development.
- **Section 5 –** Concludes by summarising the main points raised in this document.

2. Planning Policy

2.1 This section briefly describes the policy guidance relevant to the Flood Sequential Assessment.

NATIONAL PLANNING POLICY FRAMEWORK

2.2 The NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (paragraphs 159–169). The Sequential Test aims to steer development to areas of lowest flood risk. Where necessary, the Exception Test may also be applied.

NATIONAL PLANNING POLICY GUIDANCE

2.3 The National Planning Policy Guidance ("NPPG") provides details on the requirements of a flood risk sequential assessment. The NPPG states, the Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- Within medium risk areas; and
- Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

2.4 The NPPG states that any sequential test should assess the potential for reasonably available sites within locations that are at a low risk of flooding. Reasonably available sites are defined as those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.

KIRKLEES LOCAL PLAN

2.5 The Kirklees Local Plan (adopted 2019) includes Policy LP27 (Flood Risk), which requires development to be directed away from areas at risk of flooding and for proposals to demonstrate that they will be safe, resilient, and not increase flood risk elsewhere.

2.6 The site is also designated as Green Belt Land. This is considered in more detail in the supporting Planning Statement, but given the historical use of the site, it constitutes a previously developed site within the Green Belt.

3. Sequential Assessment

3.1 As set out above, the application site falls within Flood Zones 1, 2, and 3 with all buildings located within zones 1 and 2. The site is located within the Green Belt, it constitutes a previously developed site given the history of the site.

3.2 The above position is the same as the previously approved application on the site where it was concluded by the LPA that the requirements of the Flood Sequential Assessment were met. Whilst there have been changes to the extent of the flood zone boundaries, it is considered that the requirements of the Flood Sequential Assessment continue to be met, and the extant planning consent is a material matter in reaching this view. Accordingly, the Flood Sequential Test is applied in the context of this established fallback position.

3.3 In this context, national policy requires applicants to consider whether there are reasonably available alternative sites appropriate for the proposed development in areas of lower flood risk. In this case:

- The extant planning permission establishes residential development at this site as acceptable in principle.
- It would not be reasonable to require alternative sites to be considered when a lawful fallback exists.
- The Kirklees Local Plan housing strategy already identifies the need to optimise the use of existing allocated and permitted sites.

3.4 Therefore, the Sequential Test is satisfied without the need to identify alternative locations.

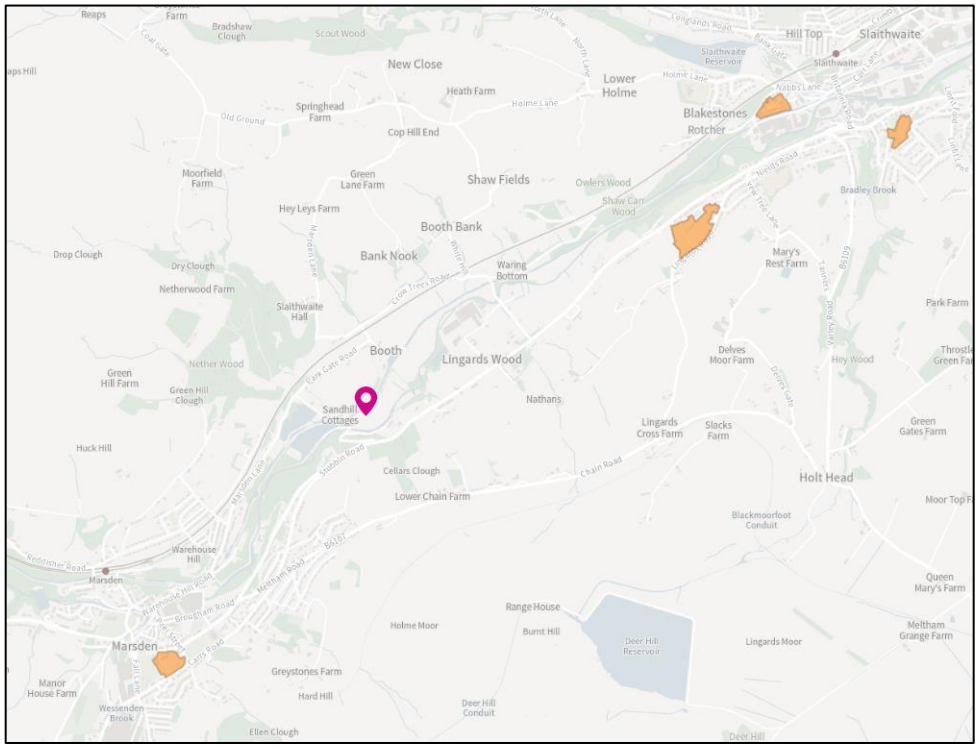
3.5 Although the principle of development is established, the design of the scheme will adopt a sequential approach within the site by:

- Directing the most vulnerable uses (residential dwellings) towards areas of lowest flood risk.
- Locating less vulnerable uses (e.g. open space, landscaping, access routes, and parking) within other parts of the site.

3.6 Notwithstanding the above, if an alternative view is reached on whether a Flood Sequential Assessment is required, then alternative sites have also been assessed, and the results are set out below.

3.7 In terms of a catchment area, it is considered appropriate to only assess sites in Marsden and Slaithwaite given the need to provide additional housing in these locations. In providing guidance on this matter, the NPPG states that 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. This approach is therefore entirely appropriate for this location. The NPPG is also clear that the sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.

3.8 In order to be sequentially preferable to the application site, any alternative sites would need to be allocated site for residential development, and this provides four alternative sites which are shown on the image below.



3.9 In addition, any alternative site would need to meet the following requirements:

- Be able to accommodate 75 dwellings.
- Be more sequentially preferable in terms of flood risk position i.e., located in Flood Zone 1.
- Be available in the short term to allow the development to come forward.

- Not be occupied and in use for an alternative purpose.
- Be free from site specific constraints which would inhibit its ability to be developed in the short term.

3.10 Taking the above into account, the table below sets out an assessment of the four potential alternative sites:

Site Reference	Summary
HS124 Address: Land east of Howgate Road, Slaithwaite	The site has been brought forward by a different residential developer and is therefore no longer available for the proposed development. In addition, the site is allocated for 36 dwellings and is only identified as having a developable area of 0.87ha. Therefore, the site is not considered to be available or suitable for the proposed development and cannot be viewed as sequentially preferable despite being an allocated site.
HS125 Address: Land to the north of Lingards Road, Slaithwaite	The site is allocated for 36 dwellings and is only identified as having a developable area of 0.72ha. Therefore, the site is not considered to be suitable for the proposed development and cannot be viewed as sequentially preferable despite being an allocated site.
HS127 Address: Land North West of, Gordon Street, Slaithwaite	The site is allocated for 25 dwellings and is only identified as having a developable area of 0.72ha. Therefore, the site is not considered to be suitable for the proposed development and cannot be viewed as sequentially preferable despite being an allocated site.
HS130 Address: Land to the south west of Victoria Terrace, Marsden	The site is allocated for 28 dwellings and is only identified as having a developable area of 0.82ha due to the topography of the site. A small portion of the site Is also Identified as falling In Flood Zone 3. Therefore, the site is not considered to be suitable for the proposed development and cannot be viewed as

	sequentially preferable despite being an allocated site.

3.11 Taking the above into account, it can be concluded that there are no alternative sites that are suitable for the development in the identified catchment area, and the requirements of the Flood Sequential Assessment are met.

3.12 The same conclusion is therefore reached as above, in that the site continues to remain suitable for development and will provide additional housing on an appropriate site.

4. Exceptions Test

4.1 Given that the built form of development is now contained within an area falling within Flood Zone 1 and 2 and is classified as More Vulnerable development, an Exception Test is not required. That said, the development will see the regeneration of this former mill site with a sympathetic residential development that provides much needed housing on a previously developed site at a time when the LPA are unable to demonstrate a 5-year housing land supply.

4.2 The application has also been supported by a Flood Risk Assessment to demonstrate that the risk of flooding can be mitigated, and improvements can be made.

4.3 For the above reasons, an Exceptions Test report is not required for the proposed development.

5. Conclusions

5.1 This document assesses the proposed development against the NPPG's requirements for a flood risk sequential assessment in order to allow the LPA to make an informed decision on the planning application.

5.2 For the reasons set out in this report, it is considered that a Flood Sequential Assessment is not required as the site benefits from an extant planning permission.

5.3 Notwithstanding this, an assessment has been carried out in any event and this demonstrates that there are no sequentially preferable locations reasonably available or suitable to accommodate the application proposals within the search area and therefore accords with the requirements of the NPPF. The assessment has been undertaken in accordance with national policy and guidance.

5.4 The proposals represent sustainable development and will bring substantial social, economic and environmental benefits as set out in the supporting Planning Statement. As such the application site is considered to continue to be suitable for residential development.