

# Planning Statement & Sequential Test

Land adjacent to Lion House, Saul

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on behalf of Parkend Developments Ltd



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Appendix 1 - Pre-application response December 2019

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## 1. Introduction

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- 1.1. This Planning Statement has been prepared to support the full planning application for the delivery of two new homes on land adjacent to Lion House, High Street, Saul on behalf of Parkend Developments (the Applicant).
- 1.2. The proposal has been prepared following detailed consideration of the site and surroundings, including its location within Saul Conservation Area and adjacent to Lion House, a Grade II listed dwelling. A full overview of the relevant heritage context is set out in the accompanying Heritage Statement prepared by Environmental Dimension Partnership (EDP). A range of options for the proposed development have also been considered as part of an extensive pre-application process, these are detailed at section 3 of this Statement.
- 1.3. The Statement also provides an overview of the proposed development at section three. A sequential assessment of alternative sites is set out at section 5, having regard to the paragraph 158 of the NPPF, given the location of the site Flood Zone 3, albeit that it is protected by flood defences.
- 1.4. An overview of relevant planning policy pertinent to the consideration of the planning application is set out at section 4 and appropriate approach to the consideration of the planning application, as part of the Planning Balance, at section 6.
- 1.5. It should be read in conjunction with a number of other assessments prepared to inform the evolution of the proposal, including:
- A Design and Access Statement prepared by Quattro Design Architects;
  - A Flood Risk Assessment prepared by Cotswold Transport Planning;
  - An Ecological Appraisal prepared by Focus Ecology; and
  - A Heritage Statement prepared by EDP.

- 1.6. The proposal has also been prepared following a programme of pre-application engagement with the Local Planning Authority. This has helped to test the proposal and also inform its progression. An overview of the pre-application feedback is provided in the accompanying Design and Access Statement and also referred to in this Statement at Section 3.
- 1.7. It has also been resubmitted following the decision of Stroud District Council to refuse planning application ref: S.20/1732/FUL, which set out two reasons for refusal relating to:
- Flood risk and the incorporation of an appropriate design level; and
  - The inclusion of a Flood Risk Sequential Test.
- 1.8. With regard to the first reason, the accompanying Flood Risk Assessment seeks to provide additional information to address comments raised by the Environment Agency in response to S.20/1732/FUL, but which the applicant was not given the opportunity to respond to.
- 1.9. With regard to the second reason for refusal, the Sequential Test (ST) was set out at Section 5 of the Planning Statement, as it is in this case aswell. The parameters of the ST were agreed as part of the pre-application discussions with officers. These are also explored further as part of this submission, to demonstrate that the extent of the area considered was entirely appropriate. It starts from the premise that if there is to be any development in the village of Saul, then it will be located in the defended flood zone. The future vitality of the village will therefore require some development to be delivered, in line with the relevant provisions of the development plan.
- 1.10. Read collectively, this Statement and the associated technical assessments and reports conclude that there is no reason not to grant planning permission. The site provides a suitable location within the settlement boundary for Saul to locate two new well-designed homes which preserve the character and appearance of the Conservation Area and respect the setting of the adjacent listed building.

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## 2. Site and Surroundings

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- 2.1 A detailed review of the site and its surroundings is provided in the accompanying Design and Access Statement and is not repeated here in full. However, in a planning context, it is noteworthy that the site is located within the Settlement Development Limits (SDL) of the village of Saul where development is considered appropriate as a matter of principle, as set out in the Development Plan. This is considered further in section 4.
- 2.2 However, it is also located within the protected Flood Zone 3, which whilst benefitting from flood defences remains subject to the relevant policy tests within the NPPF, including the sequential test which is set out at section 5. In addition, the Exception Test is considered in more detail in the accompanying Flood Risk Assessment.
- 2.3 The site itself measures 0.124ha of greenfield land set behind a large boundary wall with High Street beyond. To the South boundary has, until recently, comprised a line of mature trees which were removed as a result of Ash Die Back disease, agricultural land lays beyond. However, the context for this area is set out in more detail in the accompanying Heritage Statement given evidence of development in the vicinity in the past. A post and rail fence forms the boundary to the west with Lion House to the north.
- 2.4 Lion House is a Grade II listed dwelling. In this context the proximity of the proposal to this designated heritage asset and also within the Conservation Area, have been principal considerations in the preparation and assessment of the proposal.
- 2.5 Saul itself sits within the Severn Vale Cluster as set out in the adopted Development Plan. It is a small settlement following Church Lane and High Street in a broadly ribbon form. To the south east is the Saul Junction Marina aside the Gloucester and Sharpness Canal with the Severn River to the north.

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### **3. The Proposal**

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- 3.1 The proposal seeks full planning permission for the provision of two new dwellings with associated landscaping and provision of an access for High Street.
- 3.2 The access has been proposed within an existing break in the boundary wall. Each unit will make provision for three cars to park, enabling them to access and egress the site in a forward gear.
- 3.3 The accompanying Design and Access Statement sets out in detail the approach to the design of each dwelling, which is bespoke in its appearance and has been informed by the pre-application discussions and the historic character of the area and development which preceded on the site.
- 3.4 In summary, Unit 1 proposes the delivery of a cottage of traditional form and detailing, which is reflective of the character of Lion House and other traditional cottages in the village. This is particularly the case for the frontage facing High Street, with a double fronted façade with symmetrical proportions and chimneys topping gable ends. To the rear it will include a perpendicular extension to enable delivery of accommodation suitable for family living.
- 3.5 It is proposed to use a soft red brick with dog tooth coursing details beneath the eaves, which is characteristic of the area. Similarly, simple and proportionate window details are proposed with stone heads.
- 3.6 To the rear, it is proposed that an alternative material is used to tie in with the approach to Plot 2. However, as shown on the submitted perspective image, the rear 'extension' serving the dwelling will not be widely visible from the public vantage points.
- 3.7 The dwelling will comprise four bedrooms at first floor level with living accommodation at ground.

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- 3.8 The existing boundary wall will be retained with a new wall to match to the south.
- 3.9 Plot 2 adopts a more contemporary approach to its appearance, which is reminiscent of the former Smithy building located in broadly similar location. An overview of the appearance of the Smithy is set out in the accompanying DAS. It is considered that such an approach complements and respects the character and appearance, including the setting, of the designated asset. This is also considered in the accompanying Heritage Statement.
- 3.10 Accommodation is provided in the form of four bedrooms at first floor level with living accommodation at ground. A total of three cars can park comfortably and will be able to access and egress the site in a forward gear.
- 3.11 Private amenity areas will be split between the front and rear, screened from the private drive by way of a new brick wall.
- 3.12 The palette of materials has been selected to tie in with Plot 1, with vertical boarding to the principal elevations which is consistent with the original Smithy with soft red brick to the rear and a tiled roof.

### **Pre-application Engagement**

#### **November 2019 Submission**

- 3.13 A pre-application enquiry (Ref: 2019/0666/PREMIT) was submitted to Stroud District Council on 1st November 2019 a response was received on 23rd December 2019 and is attached at Appendix 1 of this Statement.
- 3.14 The initial proposal sought the provision of two dwellings, as a matter of principle, and adopted a reasonably modern form of design. The design evolution through the pre-application process is set out in the accompanying DAS. In general, it is considered that it has had a significant influence on the approach to the proposed development, following

comments from officers. The original form of development has shifted to a more sympathetic approach which is based on a more robust evidence base relating to the historical context which has emerged through the process. It is considered that such input has been meaningful and will result in the delivery of a high quality development proposal.

3.15 In addition, whilst much of the focus of the pre-app discussion has been on the detailed design approach within the heritage context of the site, the first submission also sought to resolve the relevant planning policy context and core principles of assessment and acceptability of the proposal.

3.16 The response sets out that the principle of development on the site can be supported insofar as they would not undermine the spatial strategy set out in the Development Plan.

3.17 The two principal issues identified related to the heritage context of the site adjacent to Lion House and within the Saul Conservation Area. However, whilst initial commentary was provided at that stage on potential for impacts on the designated assets, this was not the result of direct discussion with the Conservation Officer. This has subsequently informed ongoing iterations of the design. Similarly, the accompanying Heritage Statement sets out a detail assessment of core issues which are considered further in Section 4 in the context of relevant planning policy.

3.18 The second principal issue related to flood risk and the following comments were provided:

*'The proposal site is within Flood Zone 3 as defined by the Environment Agency (EA). An application would need to be supported by a site specific full flood risk assessment and careful consideration would need to be given to the design of the building in addressing any flooding mitigation measures. The Environment Agency would be consulted*



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*as part of any application. With regard to the scope of the Sequential Test, I have discussed this with the Water Resources Officer and we consider it reasonable for the scope of the test to extend to the boundary of Saul Settlement limit.'*

3.19 A full Flood Risk Assessment has been prepared by Cotswold Transport Planning and is enclosed in the accompanying application pack. This assessment considers the potential risks of all types of flooding and sets out a programme of mitigation where necessary. It also identifies that, whilst located in Flood Zone 3, the site benefits from flood defences and the associated crest level information identifies that the site is at residual risk of flooding and protected from fluvial and tidal flooding from the River Frome and River Severn up to a 1000-year return period. Accordingly, there will be no loss of flood-plain storage capacity resulting and no increase in flood risk to neighbouring land or property.

3.20 With regard to the Sequential Test, this is set out at section 5 and recognises the extent of the test to be applied to the settlement limits of Saul as entirely appropriate given the nature and scale of development proposed.

*April 2020 Submission*

3.21 A further submission was made, having considered the November 2019 response, in April 2020. Whilst the proposal retained two proposed dwellings it adopted a more traditional approach to the dwelling design, reflective of the agricultural character of some of the surrounding buildings. A perspective sketch is included at Appendix 2 and further detail of the design approach is set out in the accompanying DAS.

3.22 A meeting was held with the Conservation Officer in early May 2020. The outcome of which was productive, albeit that the approach put forward was not favoured. However, it was considered that there was scope to develop the site, in a heritage context. Both

traditional, cottage style, and more contemporary approaches were considered. Helpfully, there was discussion about the existence of the Smithy building and images were provided to steer some consideration to the potential for a building which reflected the character of this former heritage asset. A third pre-application submission was prepared on that basis.

#### June 2020 Submission

- 3.23 The third submission was made in June 2020. It sought to provide a scheme which was in line with the comments received previously, adopting a contemporary approach to the dwellings. Plot 1 provided a dwelling which was of clear contemporary appearance and discreet within the street scene, set behind the boundary wall fronting High Street. Plot 2 was also contemporary in appearance, but reflective of the Smithy in terms of its scale, massing, the use of materials and its general form.
- 3.24 The submission also included a Heritage Note which provided more documentary evidence regarding historic development within the site boundaries, notably two further plots marked on the 1840 Tithe Map. This also helps to provide a more informed assessment of the true character of the site, which was previously considered by officers to be an important open space on entering the village. The evidence set out, and now forming part of the accompanying Heritage Statement, indicates that, rather than an important open space, the site would have historically accommodated development and, when constructed, Lion House would have been seen in this context when entering the village rather than the first house to the West of High Street that one would have encountered.
- 3.25 Accordingly, the June submission sought to deliver a form of development which would respect the setting of the Lion House but also occupy previously developed locations on the approach into the village.

3.26 This view was reflected in the Conservation Officer's response, dated 23rd June 2020, which is provided at Appendix 3.

3.27 However, whilst more positive in terms of the siting of the dwellings, concern was raised about the contemporary house and it recommended that a more traditional cottage vernacular be pursued. This has been reflected in the proposal, which now forms the subject of the accompanying planning application. The provision of a cottage of traditional appearance, set back behind the boundary wall and away from Lion House, will respect the historic environment and is a detailed solution which has been arrived at following extensive discussion.

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## 4. Planning Policy

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4.1 It is well established in planning law that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Stroud District Local Plan (November 2015). Also material to the determination of the planning application is the relevant national policy set out in the NPPF (February 2019), both are considered in turn below.

### **The Development Plan**

4.2 The Development Plan for Stroud District comprises the Stroud District Local Plan (adopted November 2015). The Plan is now approaching five years since adoption and, in accordance with national planning policy, is currently going through a programme of review. However, the Local Plan Review has not yet been submitted for examination and has very limited weight in the assessment and determination of planning applications.

4.3 **Policy CP1 – Presumption in favour of sustainable development:** At the heart of decision taking and plan making set out in national planning policy is the presumption in favour of sustainable development. This is made clear at Policy CP1 that a positive approach to development proposals which reflects the presumption. In doing so, officers will work with applicants to find solutions rather than problems. Where proposals are consistent with the Development Plan, they will be granted planning permission without delay. There is already evidence of this approach as part of the pre-application discussions which have helped inform the development proposal which is now submitted as part of the accompanying planning application.

4.4 It is demonstrated as part of this Planning Statement, and the accompanying Assessments, that the proposal is consistent with the relevant policies within the Development Plan. Notwithstanding this, the absence of harm in the wider balance, indicates that planning permission should be granted without delay.

- 4.5 **Policy CP3 – Settlement Hierarchy:** the Settlement Hierarchy sets out a range of settlements according to the level of services and facilities in those settlements. It seeks to focus the majority of new development in those locations which have a greater level of services and facilities. It also encourages the re-use of previously developed land and buildings. However, this policy also needs to be considered in context and also alongside Policy HC1, below.
- 4.6 Saul is identified as a fifth tier (unclassified) settlement, albeit it does recognise that there will be scope for some small-scale development. The proposal is small scale and consistent with this approach.
- 4.7 With regard to the matter of previously developed land, this is defined in Annex 2 of the NPPF as follows:
- ‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such a residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed structure have blended into the landscape.’*
- 4.8 By virtue of the Smithy which existed on the site, it is considered that the area constitutes previously developed land in accordance with the provisions of the definition, above. However, it is recognised that the remains of the former development annotated on the 1840 Tithe Map have now blended into the modern landscape.

- 4.9 **Policy CP8- New Housing Development:** The approach seeks to deliver a good quality stock of new housing development, considering the mix, townscape, local characteristics, use of existing infrastructure, sustainable construction and a reduction in greenhouse gas emissions. It should be applied proportionately, but in general, the proposal is consistent with the approach adopted in this case. With specific regard to the design and respect to the character of the area, this has been the subject of much of the pre-application discussion. The principal consideration is the impact on the character and appearance of the conservation area and setting of the Grade II listed Lion House, which sets a higher bar than in other circumstances. The accompanying Heritage Statement concludes that the proposal will not have a harmful impact on the heritage assets. It is considered that the outcome of the pre-application engagement is a successful approach to design in these circumstances.
- 4.10 **Policy CP9 – Affordable Housing.** The policy sets the relative thresholds for developments which should seek to provide an element of affordable housing, either on site or by way of a commuted sum. In this case the proposal falls below the relative threshold of four dwellings. Notwithstanding this, the local plan policy is inconsistent with relevant national planning policy which sets a higher threshold of ten dwellings in the same circumstances.
- 4.11 **Policy HC1 – Meeting small-scale housing need within defined settlements.** There is an in-principle support for the delivery of new homes within defined settlement limits, as is the case for the proposal site. A number of criteria are set out relating to scale, impact on the character of the area, ecological impact, retention of natural features, the quality of environment created, and the provision of appropriate access arrangements and parking provision.
- 4.12 The proposal is consistent with these core principles and will provide high quality space for future residents, whilst integrating the new development into the existing village.

- 4.13 **Policy ES1** – Sustainable Construction and Design: sustainable design and construction are identified as integral to new development in the District. The proposal fully supports this position and it is intended to deliver high quality and sustainably constructed new homes which are both efficient in delivery and operation. This will include the use of locally sourced materials where possible, energy efficient appliances and future proofing so far as is possible, for example, enabling the future provision of Electric Vehicle Charging Points (EVCP).
- 4.14 **Policy ES4** – Water resources, quality and flood risk: The location of the site within Flood Zone 3 has been recognised from the outset. Whilst this places additional policy tests on the proposal, such as the sequential assessment and exception test, to guide development to areas least at risk of flooding, this is not a bar on new development. In practice the site sits within an area defended from flooding from the River Severn and has been prepared alongside a site-specific Flood Risk Assessment, which considers the approach mitigation and in the context of the Exception Test to ensure the proposal is safe. In sequential terms, the scope of the assessment was agreed at the pre-application stage and is considered further at section 5. However, recognising that much of the local area is within FZ3, albeit defended, there is little prospect of finding a more suitable site which is available locally.
- 4.15 Similarly, a site-specific drainage strategy will be prepared to ensure that sustainable surface water drainage systems can be provided. Early contact has also been made with the Lower Severn Internal Drainage Board (LSIDB) to discuss the provision of a suitable drainage outlet to serve proposal.
- 4.16 **Policy ES10** – Valuing our historic environment and assets: The requirement to preserve or enhance the historic environment set out is one which is reflected in the NPPF, considered further below. In practice, it has been a principal consideration in the preparation of the development proposal through various iterations. The significance of the heritage

assets and historic context of the locality is considered in detail as part of the accompanying Heritage Statement alongside an assessment of potential impacts. It is meaningful that in considering these issues in detail that EDP arrive at a conclusion that the proposal will not result in harm to the heritage assets or their setting. This will also be considered having regard to the heritage balance required by the NPPF, but is consistent with ES10.

#### **National Planning Policy Framework (February 2019)**

- 4.17 The latest version of the NPPF was published in February 2019, well after the adoption of the Local Plan, and sets out the national planning policies for decision taking and plan making in the planning system. As with the Local Plan the NPPF is set within a context of a presumption in favour of sustainable development. This is expressed at paragraph 11. For decision taking paragraph 11(c) and (d) are relevant where applications should be approved where they accord with the Development Plan and, where there are no relevant policies or they are out-of-date, applications should be approved unless the harm caused would significantly and demonstrably outweigh the benefits. This is the tilted balance, which should be applied in favour of the proposal.
- 4.18 In this case, it is considered that the proposal is consistent with the development plan. However, it is also considered that there are a number of benefits associated with the proposal and these will be considered further at section 6 of this Statement in undertaking a Planning Balance.
- 4.19 Paragraph 39 highlights the benefit of effective pre-application engagement. In this case, the pre-application engagement has helped to distil and work through the issues associated with the delivery of development on this site. The potential for impact on the historic environment and associated heritage assets has been a key focus of discussion. In practice, the delivery of development in Flood Zone 3 also requires detailed assessment, however, should not in itself be seen as a bar to delivery. Both matters are considered further below.



4.20 As a principle, the NPPF recognises the importance of delivering some housing in locations such as Saul, setting out at Paragraph 78 that opportunities should be taken to deliver development to enhance or maintain the vitality of rural communities, including where that may also support services in a neighbouring village.

4.21 Matters relating to flooding and flood risk are set out at section 14. Paragraph 155 explains the background to the sequential test, identifying that development should be directed away from areas at highest risk.

4.22 Paragraph 158 goes on to state specifically that:

*'The aim of the sequential test is to steer new development to areas at the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding....'*

4.23 In cases where it is not possible to identify a suitable alternative which is available in lower risk areas, paragraph 159 directs that the exception test be applied.

4.24 On a practical level, paragraph 163 requires that flood risk is not increased elsewhere and, where appropriate, should be supported by a site-specific flood risk assessment. In areas at risk of flooding it should be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lower flood risk, unless there are overriding reasons to prefer a different location;
- The development is appropriately flood resilient and resistant;
- It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- Any residual risk can be safely managed; and
- Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

4.25 These core principles have been considered in preparing the accompanying FRA.

4.26 Conserving and enhancing the historic environment policy is set out at Chapter 16. The policies in the NPPF are consistent with, but sit alongside, the statutory obligations which exist in the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to preserving or enhancing a designated heritage asset and its setting. Any harm should be given significant weight and weighed in a balance (the heritage balance) out-with of any balance set out at paragraph 11 (the planning balance).

4.27 Paragraph 189 sets out the obligation on an applicant to describe the significance of any heritage asset affect, including the contribution made to their setting. The level of detail contained in such assessments should be proportionate to the asset's importance. In this case, there are no physical works proposed directly to a heritage asset but there is development proposed in the setting of an asset and the Saul Conservation Area. Accordingly, these issues are important components in understanding the role they play to the significance of the assets themselves. The accompanying Heritage Statement considers this in detail.

4.28 Paragraph 190 goes on to state:

*'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

4.29 A similar impact assessment has also been undertaken as part of the accompanying Heritage Statement in order to reach a reasoned conclusion on the heritage balance, which is set out which is set out at paragraph 193, directing that *'when considering the imp act of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the*

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*asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*

- 4.30 In this regard, the conclusions drawn by EDP, following detailed assessment, are that the proposal has taken full consideration of the character of the conservation area, whilst also taking cues from the historic buildings known to have previously been located on the site. In doing so, the built form and proposed layout more closely reflects the character of the conservation area than the current garden use. Accordingly, it is considered that the proposals reflect and respect the wider character and appearance of the conservation area.
- 4.31 In the context of Lion House, it is concluded that the site does not currently make a positive contribution to the setting of Lion House or its significance. This is evident in that, until relatively recently, a large smithy building was located in close proximity. The proposals have sought to replicate, through good design, this more historic relationship, whilst maintaining a view of its southern elevation on entering the village along High Street to the south. In this regard, the proposal will cause no harm to the significance of Lion House.
- 4.32 Cumulatively, the proposal positively addresses the heritage considerations of Lion House, and its significance would be unharmed, the character of its setting preserved along with the wider character and appearance of the conservation area.
- 4.33 In light of the conclusions reached, the heritage balance required by virtue of paragraph 196 which sets out that where development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. In the absence of harm, the balance is passed, or disengaged.

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## 5. Flood Risk Sequential Test

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- 5.1. Section 4 provides a detailed overview of the relevant planning context in which the accompanying planning application should be determined. With regard to flood risk, the principal policy consideration relates to those set out at paragraphs 155 to 165, Planning and Flood Risk. This should be read in context of the accompanying Flood Risk Assessment prepared by Cotswold Transport Planning but also in conjunction with the completion of a sequential assessment to site selection. This is set out below.
- 5.2. Paragraph 156 of the NPPF sets out the requirement for strategic planning policies to be informed by a Strategic Flood Risk Assessment (SFRA). The Level 2 SFRA was completed by Halcrow in March 2012 and used as part of the evidence base to support the Local Plan. In that case, a number of proposed allocations were subject to a Sequential Test (ST) given their location in areas of greater risk of flooding. No allocations were proposed in Saul at that stage, given its position in the settlement hierarchy.
- 5.3. A further Level 2 SFRA has been completed by JBA to inform the preparation of the Local Plan Review. It recognises that the parameters of sequential tests for windfall proposals should be carried out on a case by case basis.
- 5.4. This approach is also consistent with the NPPG which sets out a similar approach in respect of applying the ST in individual planning applications, stating:

*'For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, 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 Local Plan policies, such as the*

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*need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zone 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.'* (NPPG Paragraph: 033 Reference ID: 7-033-2014030)

- 5.5. In general terms, it is recognised that NPPF Paragraph 158 sets out the aim the aim of the ST is to direct developments to areas with the lowest probability of flooding. If this is not possible then the exception test should be applied. The development should be assessed over its lifetime. For residential proposals, the Environment Agency identify the lifetime of the development as 100 years.
- 5.6. The scope of the ST has been well established by the planning system and the courts over the years. Importantly, the meaning of the ST is a matter of law, whereas how it is applied is a matter of judgement.
- 5.7. As set out above, the requirement to apply the ST is set out at Paragraph 158 of the NPPF, which requires that:
- '...Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding...'*
- 5.8. This sets out two core tests:
- i) To be reasonably available; and
  - ii) To be appropriate for the proposed development.
- 5.9. Accordingly, a reasonable alternative site must be both reasonably available and appropriate for the development proposed. In assessing potential alternative sites, if it is neither reasonably available or appropriate, the ST will be passed.
- 5.10. In applying the ST, the concept of being 'reasonably available' has been considered. Availability in planning terms, is considered in the NPPF Annex 2 where the deliverability of a site is defined as being 'available now'. However, it has also been considered in case law

as being available within 'a reasonable period of time'. In this case, the concept of availability has been taken to be over a comparable timeframe to the delivery of the proposal. In this case, that is within 1 year (i.e. the development will be constructed over a period of approximately 1 year).

- 5.11. Notwithstanding the above, if no sites which are considered appropriate for the proposed development are identified, availability is an irrelevant construct.
- 5.12. To be appropriate for the proposed development, it is considered that the alternative site should be capable of accommodating a 'broadly similar' proposal. In this case, that is the construction of two dwellings.
- 5.13. The development plan does not include any allocations for 2 dwellings. Nor does it include any housing allocations at Saul.

### **The Catchment Area for the ST**

- 5.14. The extent and scope of the assessment in this case was raised with Officers as part of the pre-application enquiry. The response provided was set out as follows:

*'With regard to the scope of the Sequential Test, I have discussed this with the Water Resources Officer and we consider it reasonable for scope of the test to extend to the boundary of the Saul Settlement limit.'*

- 5.15. Such an approach is considered reasonable and consistent with the guidance set out in the NPPG, which recognises that the appropriate catchment area will vary on a case by case basis.
- 5.16. It is also consistent with the Development Plan.
- 5.17. The provision of two dwellings in this location is appropriate in scale for the settlement, as assessed having regard to the Development Plan. It will contribute to the vitality and role of the local community. Accordingly, in a spatial context, it is appropriate for the location

rather than having wider strategic housing delivery implications, and should be considered as such. The area of search to the boundary of the Saul settlement limit is appropriate.

5.18. The Development Plan recognises that some development at Saul will be appropriate, it also identifies a settlement policy boundary, in which, the principle of development will be supported. If it were the intention of the Development Plan to exclude or prohibit development in the village, it would say so. However, in recognising that the whole settlement is within defended FZ3, it is clear that it recognised that some development would come forward in such circumstances.

5.19. This approach is clarified in the Local Plan Review, which has now reached a reasonably advanced stage of preparation. The Draft Plan 2019 sets out the Development Strategy for Saul, alongside the villages of Arlingham and Longney, as tier 4b settlements in the Severn Vale. The Strategy states:

*'Arlingham, Longney and Saul are Tier 4b settlements and have Settlement Development Limits (SDL), [outlined in black on the map].*

*Very limited infill and re-development to meet specific local needs may be permitted inside the SDL and (exceptionally) adjacent to the SDL (subject to policy criteria), with a view of sustaining or enhancing their role and function as settlements with basic facilities, and boosting community vitality and social sustainability.*

*There are no site allocations at these settlements.'*

5.20. The approach advocated in the Local Plan Review is entirely consistent with the policy in the NPPF and guidance in the NPPG, recognising the sustainability objectives of the District and importance of sustaining villages such as Saul which, to do so, requires a sprinkling of new development. The scale of development envisaged is too small for allocation and therefore will come forward on a windfall basis.

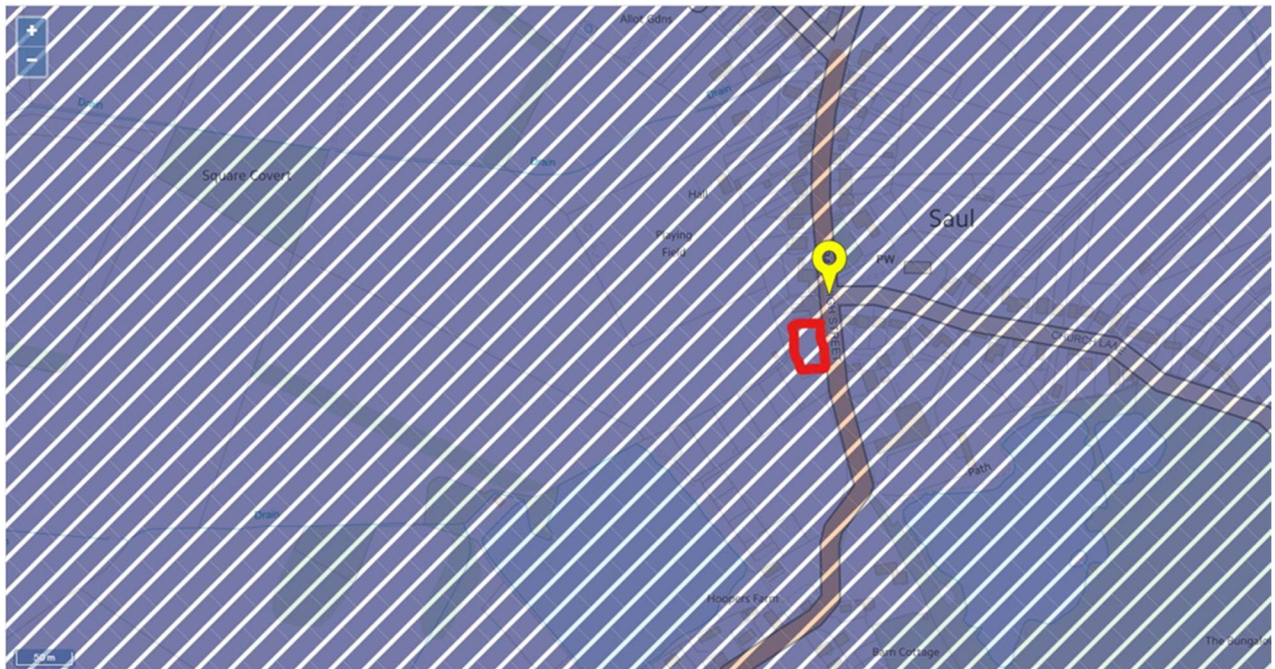


5.21. In light of the settlement specific objectives set out in both adopted and emerging development plan policy, it is clear that the catchment for applying the sequential test is not Districtwide but much more limited, in line with the SDL as agreed with officers.

## Assessment

5.22. The site is located within the settlement limits of Saul. However, Saul is entirely located within FZ3, albeit within an area benefitting from flood defences, as set out in Map1 below.

Map1: Location of Site in FZ3 with the benefit of flood defences.



5.23. In light of the extent of FZ3 covering the settlement limits of Saul, establishing the catchment area for the assessment is the core principle. With regard to the assessment itself, because the entire settlement is within the defended FZ3, there is not any alternative site appropriate for the development proposed, which is at lower risk of flooding.

5.24. In light of the above, the ST is passed.



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## The Exception Test

- 5.25. NPPF paragraph 159 goes on to set out that in circumstances where there are no alternative sites (the sequential test), it may be necessary to apply the Exception Test depending on the potential vulnerability of the site for the development proposed.
- 5.26. In considering vulnerability the Flood risk Vulnerability Classification set out in National Guidance identifies 'buildings used for dwelling houses' as a 'more vulnerable' use. In such circumstances, the exception test should be applied.
- 5.27. Paragraph 160 goes on to set out that application of the exception test should be informed by a site-specific flood risk assessment. For the exception test to be passed it should be demonstrated that:
- a) The development would provide wider sustainability benefits 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.
- 5.28. With regard to the Sustainability benefits, the proposal will make a valuable contribution to housing stock within the village of Saul, where there has been only limited development in recent years, in doing so it will contribute the vitality of the village in sustainability terms. Notwithstanding this, the proposal has been considered in the context of the wider provisions of the Development Plan and National Planning Policy, setting out the framework for the assessment of sustainable development. It has been concluded that the proposal is consistent with relevant planning policy and constitutes a sustainable form of development, with a range of associated benefits.
- 5.29. With regard to the practical assessment of the exception test, the accompanying FRA sets out that the proposal will be safe for the lifetime of its users. To support this, there will be

a commitment to notify and support future residents to sign up to any early warning notifications alongside the proposals to ensure safe egress in an emergency.

5.30. The assessment also identifies that the proposal will not impact on flood storage or increase the risk of flooding elsewhere.

5.31. In light of the above and the assessment set out in the accompanying FRA, the exception test is passed.

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## 6. Conclusion – The Planning Balance

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- 6.1 The existing site is located within the settlement boundary of Saul where, having regard to the Development Plan, there is a presumption in favour of the grant of planning permission. In addition, it is recognised that some development will support the vitality of settlements such as this.
- 6.2 The proposal includes the provision of two well designed dwellings, which will positively address the setting of Lion House, a Grade II listed dwellings, and the character of the Conservation Area. In preparing the proposal, the applicant has engaged on a detailed programme of engagement with officers which has productively evolved the development proposal.
- 6.3 The proposal has also been prepared alongside a detailed assessment of the heritage context of the site and surroundings which has divulged that the scheme responds to the historic context of development on this site, both following the demolition of the Smithy building, which was a heritage asset in its own right, and more historic development indicated on the Tythe Maps.
- 6.4 In the context of flood risk, the proposal has been assessed sequentially and passed such an assessment. There are no other appropriate development sites which are available and of lower flood risk. This is largely because Saul entirely sits within FZ3, albeit that it is protected by flood defences.
- 6.5 In light of the above, there is no policy basis to refuse planning permission in the context of flood risk or heritage impact. Accordingly, there is no reason to disengage the presumption in favour of sustainable development set out at paragraph 11 of the NPPF. The planning application should therefore be approved without delay, as it is respectfully requested officers do so.

6.6 However, notwithstanding the absence of harm and the policy presumption which exists, the proposal will also deliver practical benefits which should be weighed in the planning balance, including:

- The economic benefits associated with construction and supporting a local development business;
- The social benefits of providing two new homes;
- The provision of homes in a village which has experienced very little development in recent years and the role in supporting the vitality of that community; and
- Delivering new homes which are highly efficient and built to modern day construction standards will help to improve the quality of existing housing stock and its energy efficiency.

## Appendix Appendix 1 – Pre-application Response, 23<sup>rd</sup> December 2019

## Appendix 2: April 2020 Pre-app Submission Perspective Image

## Appendix 3: Conservation Officer Email, 23<sup>rd</sup> June 2020

