



EXTENDING
— MY HOME —

Sequential Test & Exception Test

1a Brighton Road
Croydon
CR2 6EA

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Table of Contents

INTRODUCTION	3
PLANNING POLICY BACKGROUND	4
METHODOLOGY	6
SEQUENTIAL ASSESSMENT	8
SITES WITH LOWER FLOOD RISK OR EQUIVALENT/HIGHER FLOOD RISK	8
HOUSING LAND SUPPLY	8
SUMMARY	9
EXCEPTION TEST	10
SOCIAL BENEFITS	10
ECONOMIC BENEFITS	11
ENVIRONMENTAL BENEFITS	11
LIFETIME OF THE DEVELOPMENT	12

INTRODUCTION

1. Introduction

- 1.1. This Sequential Assessment and Exception Test accompanies an application for the erection of a five storey development consisting of commercial space and ancillary uses for the residential units on the ground floor and 25 residential units on 1st – 4th floors.
- 1.2. A Sequential Assessment, and subsequent Exception Test have been undertaken as the site is within Flood Zones 2 & 3.

PLANNING POLICY BACKGROUND

2. PLANNING POLICY BACKGROUND

- 2.1. Paragraph 158 of the National Planning Policy Framework 2019 states that “The aim of the sequential test is to steer new development to areas with 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. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding”.
- 2.2. The NPPF is clear in stating that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The starting point for the application of the test is the Strategic Flood Risk Assessment, and a sequential approach should be used in areas known to be at risk from any form of flooding. If, following application of the Sequential Test, it is not possible, or 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.
- 2.3. The Development Plan for Croydon includes the Croydon Local Plan, adopted in February 2018. As shown on the EA ‘Flood Map for Planning’, Appendix D, the eastern extent of the site (approximately 40% of the site area) is shown outside of the extreme flood extent (Flood Zone 1) – an area with a less than 0.1% (1 in 1000) annual probability of fluvial flooding. The remainder of the site is shown to be within Flood Zone 2 – an area considered to be at flood risk with between a 1% (1 in 100) and 0.1% annual probability of fluvial flooding and Flood Zone 3 – an area considered to be at flood risk with a 1% annual probability or greater of fluvial flooding.
- 2.4. The Development Plan for Croydon includes the Croydon Local Plan, adopted in February 2018. The Local Plan includes the following policies which are relevant to the proposal:

Flooding, urban blue corridors and water management

SP6.4 The Council, as a Lead Local Flood Authority, will work in partnership with the Environment Agency, community groups, water and highways infrastructure providers, developers and other Lead Local Flood Authorities to reduce flood risk, protect groundwater and aquifers, and minimise the impact of all forms of flooding in the borough. This will be achieved by:

- a. Applying the Sequential Test and Exception Test where required by Policy DM25;*
- b. Requiring major developments in Flood Zone 1 and all new development within Flood Zones 2 and 3 to provide site specific Flood Risk Assessments proportionate with the degree of flood risk*

posed to and by the development, taking account of the advice and recommendations within the Council's Strategic Flood Risk Assessment and Surface Water Management Plan;

c. Requiring all development, including refurbishment and conversions, to utilise sustainable drainage systems (SuDs) to reduce surface water run-off and provide water treatment on site; and

d. Requiring development proposals to account for possible groundwater contamination in Source Protection Zones 1 and 2.

Policy DM25: Sustainable Drainage Systems and reducing flood risk

DM25.1 The Council will ensure that development in the borough reduces flood risk and minimises the impact of flooding by:

a. Steering development to the areas with a lower risk of flooding;

b. Applying the Sequential Test and Exception Test in accord with Table 8.1;

c. Taking account of all sources of flooding from fluvial, surface water, groundwater, sewers, reservoirs and ordinary watercourses; and

d. Applying the sequential approach to site layout by locating the most vulnerable uses in parts of the site at the lowest risk of flooding.

DM25.2 *In areas at risk of flooding development should be safe for the lifetime of development and should incorporate flood resilience and resistant measures into the design, layout and form of buildings to reduce the level of flood risk both on site and elsewhere.*

DM25.3 *Sustainable drainage systems are required in all development and should:*

a. Ensure surface run-off is managed as close to the source as possible;

b. Accord with the London Plan Sustainable Drainage Hierarchy;

c. Achieve better than greenfield runoff rates;

d. Be designed to be multifunctional and incorporate sustainable drainage into landscaping and public realm to provide opportunities to improve amenity and biodiversity;

e. Achieve improvements in water quality through an sustainable drainage system management train; and

f. Be designed with consideration of future maintenance.

METHODOLOGY

3. METHODOLOGY

- 3.1. Environment Agency Guidance, National Policy and local circumstances have been used to determine the appropriate methodology for the Sequential Assessment.
- 3.2. The appropriate search area for sites to be subject to the Sequential Assessment is deemed to be within the London Borough of Croydon administrative boundary. It is not considered that there are any distinct geographical features at the application site which result in the area being markedly different to the remainder of the Borough, and that this is the most thorough approach.
- 3.3. Paragraph 8.33 of the Croydon Local Plan which states that: 'for residential development, a sequential test may be made against the Council's published five year supply of housing land and should demonstrate that the five year supply of housing land cannot be met on sites with a lower risk of flooding.'
- 3.4. The residential sequential test should be undertaken on a borough-wide scale and that in addition to fluvial flooding, the test should also assess surface water flooding and / or whether it is in an area with the potential for groundwater flooding to occur at the surface, as appropriate.
- 3.5. The test does not need to identify alternative sites (this is not a requirement for residential sequential test), it just needs to assess against the five year housing supply to see whether this supply can be met. There is no need to compare sites. Only what is available online as part of the sequential test needs to be considered and therefore two sections of the five year housing supply do not need to be assessed for flood risk status.
- 3.6. Environment Agency Guidance requires applicants to identify the source of 'reasonably available' alternative sites. The recently adopted Croydon Local Plan: Detailed Policies and Proposals has been used to identify sites identified as being potentially suitable for development. Appendix 7 of the Local Plan 2018 identifies sites through the following methods:
 - The Call for Sites that took place in February 2012 and February 2014;
 - The Strategic Housing Land Availability Assessment prepared by the Mayor of London in 2013;
 - Planning permissions and records of pre-application advice;
 - Sites identified by Council officers as having potential for development
 - The Council's Annual Monitoring Report

- 3.7. We are aware that the Council will also be relying on additional sites with planning permission which are both under construction and awaiting the start of construction in order to meet its 5 year Housing Land Supply. The recent publication of the Council's Annual Monitoring Report, dated August 2022, which contains details of the Council's Housing Land Supply as of April 2021, is considered to provide sufficiently up to date information with regard to available sites.
- 3.8. Of the sites identified as being allocated for development, the Sequential Assessment will identify the number of units which the Council are anticipating being delivered on sites in flood zones 2 or 3, and consequently compare this number against the housing target for the borough and assess whether the Council are relying on sites within Flood Zones 2 and 3 to deliver their 5 year Housing Land Supply. This will allow the assessment of whether the Sequential Test has been passed or failed. If the Sequential Test is failed, then the Exception Test will be undertaken.
- 3.9. Of the sites assessed, the Flood Map for Planning has been used to identify which sites are in flood zones 2 and/or 3. The map is available at: flood-map-for-planning.service.gov.uk.

SEQUENTIAL ASSESSMENT

4. Sequential Test

4.1. Sites under Construction- The Council has indicated that there are 6,410 dwellings coming forward from sites under construction. Their planning permission has been enacted and as such the permission cannot be withdrawn and they are not considered likely to be subject to further scrutiny over the next few years.

Sites with lower flood risk or equivalent/higher flood risk

	Homes Identified to be Likely Delivered in the 5 Year Period			
	Total Additional Net Homes	Net Additional Homes at Lower Flood Risk	Net Additional Homes at Equivalent and / or Higher Flood Risk	Total Net Homes Under Construction or at Lower Flood Risk
Sites currently under construction	5,619	n/a	n/a	5,619
Sites with unimplemented planning permission	5,458	5,380	78	5,380
Sites with planning permission pending S.106 agreement	1,167	n/a	n/a	1,167
Croydon Plan (unimplemented allocation sites*) <small>*maximum number of units included</small>	10,466	14,901	5,233	14,901
TOTAL	22,710	20,281	5,311	27,067

Housing Land Supply

4.2. The Council publish their updated Housing Land Supply in August 2022.

4.3. The table below demonstrates the Council's 5 year housing land supply target between 1st April 2021 to 31st March 2026:

	Croydon Housing Provision Target	Calculation	Units
A	Local plan annualised target for conventional housing	n/a	2,079
B	Total 10 year housing target	A x 10	20,790
C	Housing already completed between 01/04/2016 and 31/03/2019	n/a	3,844
D	Remaining housing required in 10 year period	B – C	16,946
E	No. of remaining years (2016 – 2026 inclusive)	n/a	8
F	Annual Target for number of new homes required in the remaining period	D / E	2,118
G	5 year target (01/04/2021 – 31/03/2026)	F x 5	10,591

4.4. The below table demonstrates the Council’s deliverable 5 years Housing Land Supply as of August 2022:

Item	Source	Total no. of net additional homes from identified housing sites	Those evaluated to be likely to deliver in the 5 year period
I	Sites currently under construction	6,410	6,410
II	Sites with unimplemented planning permissions	3,698	3,698
III	Sites with planning permission pending S.106 agreement	1,267	1,267
IV	Croydon Plan (unimplemented allocation sites)	25,856	13,903
	Total	25,856	13,903

Summary

4.5. The Council could meet their Housing Land Supply for the next 5 years through Croydon Local Plan Sites.

4.6. Therefore, the quantum of development identified within Flood Zones 2 and 3 is not significant enough to suggest that the Council needs sites within Flood Zones 2 or 3 to meet its five year housing land supply need. Therefore, the proposal will be assessed in line with the Exception Test for residential development in the following section of this report.

EXCEPTION TEST

5. EXCEPTION TEST

5.1. The NPPF Exception Test needs to be applied for 'more vulnerable' development in Flood Zone 2 & 3. Paragraphs 160 and 161 of the NPPF 2019 state that for the exception test to be passed it should be demonstrated that:

- 5.1.1. the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- 5.1.2. 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.

5.2. With regard to part 'a' of paragraph 160 of the NPPF 2019, the sustainability benefits of the development are significant. There are three dimensions to sustainable development as set out in the National Planning Policy Framework. These are social, economic and environmental. These three pillars of sustainable development are mutually dependant and cannot be considered in isolation.

Social Benefits

5.3. Social Benefits

- 5.3.1. Socially, the proposed development provide a significant benefit through the provision of a number of high quality residential units.
- 5.3.2. The site had consent for the construction of 9 residential flats in addition to commercial units on the ground floor granted in 2019. The site also has an extant consent to build 17 residential units in addition to commercial units on the ground floor granted in 2022. Whilst this proposal is for outline consent, it will deliver at 25 residential units in addition to commercial space on the ground floor.
- 5.3.3. These are a valuable contribution to the Borough's expectation that over 10,000 homes in the plans period will come from windfall sites. With the demand for new homes in sustainable and central locations such as Croydon ever increasing, the Council should be proactive in approving proposals which are sustainable development. In decision making, national policy requires Councils to look for solutions not problems.

5.3.4. As the housing demand constantly increases, it is important that there is constant and sufficient supply of housing to meet the needs of present and future generations. The development is located in a dense mixed commercial and residential area and proposes to demolish the existing buildings and construct new residential homes and commercial space, contributing to growth of the local community whilst also ensuring there is an established and functioning community for the potential new residents. This is in line with the NPPF target of increasing house supply.

5.3.5. The development proposes some affordable housing provision which will assist the borough to meet its affordable housing targets and provide much needed social housing in the borough.

Economic Benefits

5.4. Economic Benefits

5.4.1. Economic development is recognised within the NPPF, identifying the 'economic role' of the planning system to "contribute to building a strong, responsive and competitive economy".

5.4.2. New residential developments, if located and designed appropriately, can contribute to the economic prosperity of the local area. In the short term, the construction activities will generate employment opportunities for local tradesmen and there is potential for building companies to develop the local skills base through apprenticeships and links with local construction training providers.

5.4.3. Where possible, the developer should recruit local contractors. There are also opportunities further down the construction supply chain, with the use of local suppliers for materials and equipment.

5.4.4. In the longer term, there are a number of economic benefits, including expenditure from new residents on goods and services in the local area as well as the indirect support this provides to new employment and the overall economic stability of the area.

Environmental Benefits

5.5. Environmental benefits

5.5.1. The entirety of the existing site is hard surfaced brownfield land.

- 5.5.2. The proposed building will cover approximately 60% of the site. Approximately 30% of the site will be grass turf with an additional 5% of the site having planting and trees. This additional green space will significantly increase the biodiversity credentials of the site through planting, compared to the existing site where there is no green space.
- 5.5.3. Most flat roof spaces on the building will feature living green roofs. There will also be an opportunity to having living green walls on the boundary walls.
- 5.5.4. The green space at the rear of the proposed building will improve the outlook for residents of the 5 flats at Swan & Sugarloaf in addition to outlook of the residents of approximately 16 flats located at 2-18 Selsdon Road.
- 5.5.5. The development will also reduce flood risk through appropriate SuDS measures being incorporated into the design of the development
- 5.5.6. The proposed building will be constructed to modern Building Regulations standards which will ensure the efficiency of the building.
- 5.5.7. The proposed development will encourage sustainable behaviours by residents, such as the provision of cycle parking, and lack of car parking, to encourage sustainable travel which contributes to the environmental benefits.
- 5.5.8. The street scene will benefit significantly from the redevelopment on the property, which will be an environmental benefit to the wider area.
- 5.6. Overall, the development is highly sustainable and demonstrably provides social, economic and environmental benefits. This outweighs the location of the proposal in flood zones 2 and 3.

Lifetime of the development

5.7. Part B - Lifetime of the development

- 5.7.1. Regarding the second requirement of the Exception Test, a Flood Risk Assessment has been prepared in support of the application.
- 5.7.2. The FRA confirms that:
- The development will be safe for its lifetime
 - It will not increase flood risk elsewhere.
 - Flood risk overall will be reduced with the additional green space
 - Floor levels on the ground will be raised 300mm above the ground level

- Flood resistance measures can be incorporated to mitigate for any flood risks

5.8. In summary, it is clear that the proposed development passes both requirements of the Exception Test and as such outline planning permission should be granted.