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WALSINGHAM PLANNING

SPECIALIST PLANNING & DEVELOPMENT CONSULTANTS

Sequential Test

Land at A151/A16
Holbeach Road
Spalding
PE12 6EP

On behalf of SME Corporation

October 2018

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1 INTRODUCTION

1.1 This Sequential Test has been undertaken by Walsingham Planning to support a planning application for the development of a single storey KFC drive-thru on the land at A151/A16, Spalding.

1.2 In accordance with the NPPF, this report has been prepared to demonstrate that the requirements of the Sequential Test have been assessed in line with the relevant criteria and subsequently passed by the proposed development. This report should be read in conjunction with the Flood Risk Assessment (FRA) prepared by Simpson Consulting Engineers, and the planning documents including the Planning Statement and drawings submitted by the applicant in support of this application

2 SITE & SURROUNDINGS

2.1 The site lies on a roundabout, between the A151 and the A16, approximately 2km north-east of Spalding town centre. It is a triangular shaped parcel of land which currently is undeveloped, and is to the East of Bush Tyres Spalding, and to the North of Pork Farms. As with much of the land in the area, it falls within flood zone 3. This is shown in Figure 1 below.

2.2 The definition of flood zone 3 is as follows:

- High probability. This zone comprises land assessed as having 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.

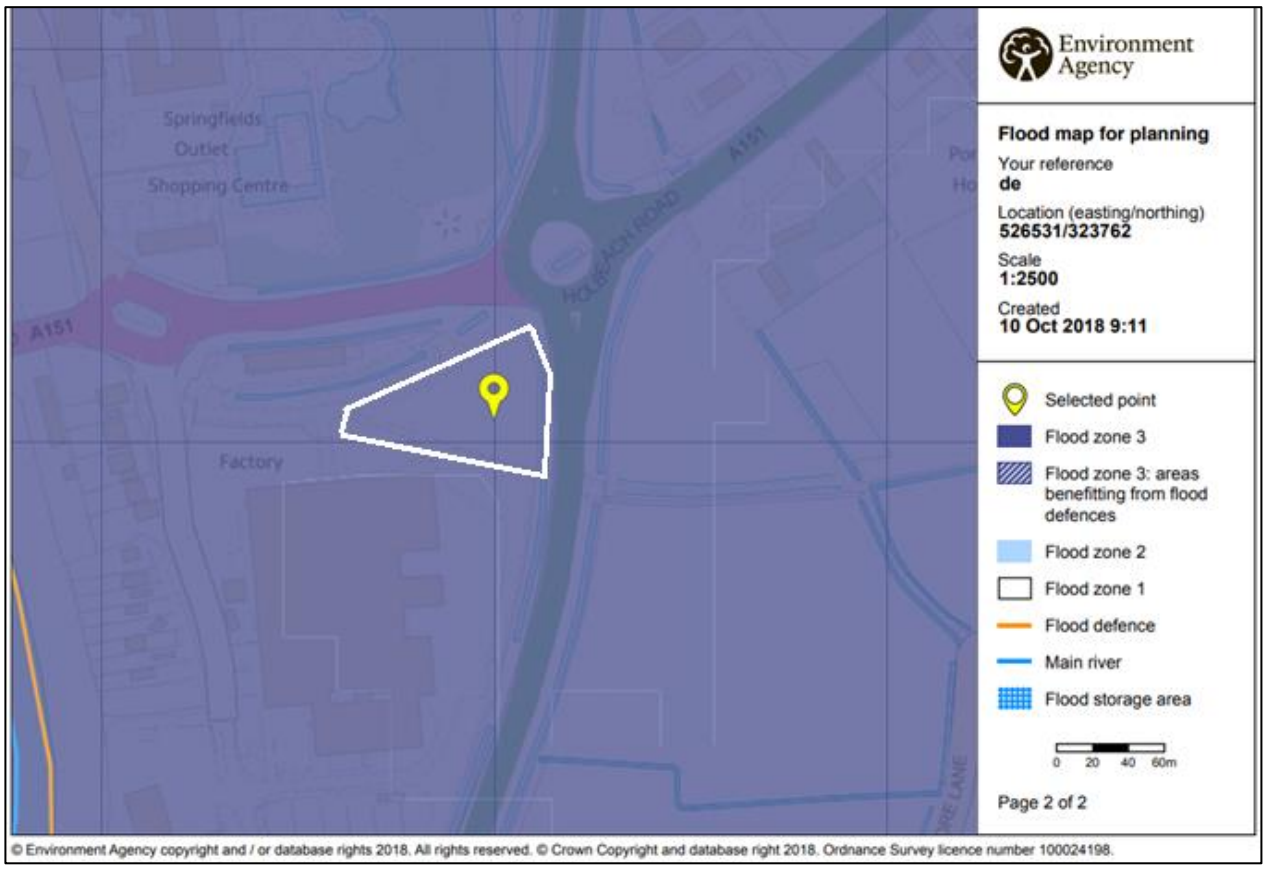


Figure 1 – Flood Zone of Application Site

2.3 From the 2017 update of the South East Lincolnshire Strategic Flood Risk Assessment, the site is shown to have a Residual Flood Hazard rating of between 1.25 and 2 (danger for most), and a Residual Flood Depth rating of 1m – 2m. This is shown in Figures 2 and 3 below.

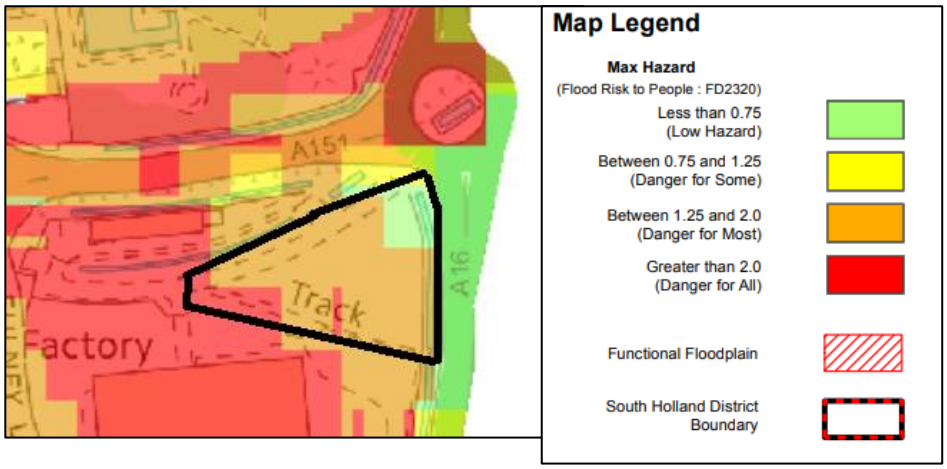


Figure 2 - Extract from SE Lincs SFRA 2017 Update – Showing Residual Flood Hazard

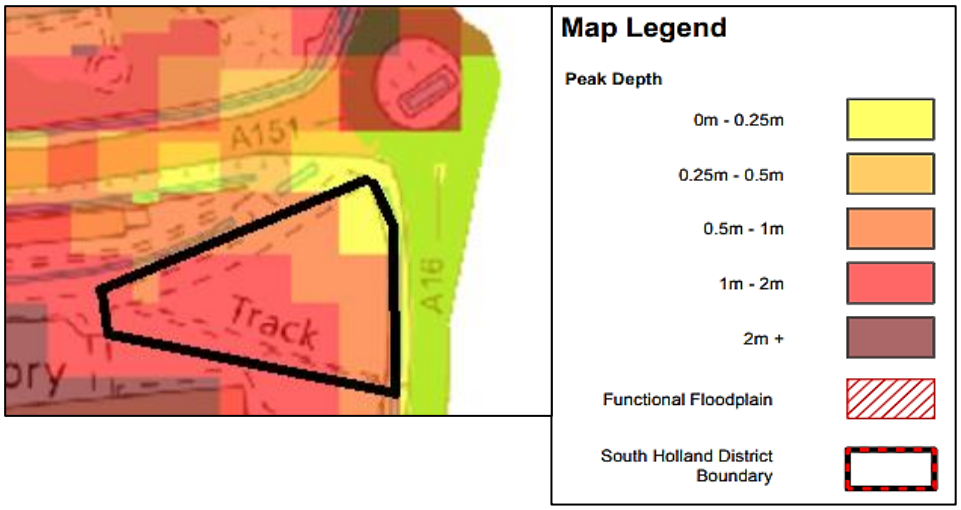


Figure 3 - Extract from SE Lincs SFRA 2017 Update – Showing Residual Flood Depth

3 PLANNING POLICY CONTEXT

South East Lincolnshire Local Plan

3.1 The South East Lincolnshire Local Plan has not yet been adopted, but was submitted to the Secretary of State in June 2017. It comes as part of the South East Lincolnshire Joint Strategic Planning Committee, which is working to bring a unified Local Plan which covers Boston Borough, South Holland District. It sets out all aspects of social and economic development and environmental protection in the district to guide day to day planning decisions.

3.2 In specific regard to flooding, the relevant policy is Policy 27 which states that it will be a requirement to show why the need for the development is exceptional where the hazard or probability of flooding of the sequentially-selected areas is constrained. Development will be permitted following the satisfactory completion of the Sequential and Exception Test and through the submission of a site-specific Flood Risk Assessment that demonstrates appropriate flood risk mitigation measures for the protection of occupants.

3.3 The South East Lincolnshire Local Plan (Publication Version 2017) is a material consideration and should only be given some weight in determining this application as the plan is not yet fully adopted.

South Holland Local Pan

3.4 The South Holland Local Plan is the currently adopted Local Plan for the area. It was adopted in 2006. Although there is an emerging Local Plan as described above, weight should still be given to relevant policies of the currently adopted plan.

3.5 Policy SG9 – Development and Flood Risk states:

- In areas of flood risk planning permission will only be granted where a flood risk assessment has been carried out and submitted to the Council. Proposals shall, where necessary, include details of measures designed to reduce the risk and consequences of flooding.

- For permission to be granted the Strategic Flood Risk Assessment and site specific assessment will need to demonstrate how the proposed development will be defended from flooding for its proposed life, taking into account proposed mitigation measures.

Strategic Flood Risk Assessment

3.6 The original South Holland SFRA was completed in January 2010, and was updated in 2016. Subsequently, the South East Lincolnshire Joint Planning Unit undertook its own update on this SFRA in 2017.This helps to assess and map the different levels and types of flood risk in the study area for land use planning process. It should be noted that the SFRA provides only generalised mapping for land use planning and specific sites need detailed analysis.

South East Lincolnshire Local Plan: Strategic Employment Land Availability Assessment (March 2017):

3.7 The most recent version of the Council's SELAA was published in March 2017, and represents the most up to date source of potential employment sites in the South Holland and Boston Borough area. Accordingly, this document should form the basis for the Sequential Test.

National Planning Policy Framework (July 2018)

3.8 The National Planning Policy Framework NPPF) (July 2018) seeks to direct development away from areas at highest risk of flooding, but where development is necessary, ensure a scheme is made safe without increasing flood risk elsewhere (paragraph 155).

3.9 The NPPF, in accordance with the previous guidance set out in PPS25, considers the vulnerability of different types of development, and advocates a risk based approach to determining the suitability of land for development in flood risk areas.

3.10 Local Planning Authorities and Development Plans are required to apply this risk based approach to the location of development by applying the Sequential Test and if necessary the Exception Test.

3.11 The aim of the Sequential Test is primarily to direct development to areas with the lowest probability of flooding. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

3.12 The test is not simply whether another site exists, but relates to other sites (plural), and to whether they are (i) reasonably available as an alternative to the application site and (ii) suitable for the particular development proposed.

3.13 In the NPPF, the Sequential Test is identified as a risk based approach, where risk is defined only after taking into account probability and consequence. The Flood Zones are only an indication of probability and it is the design of the proposal which determines the consequence.

3.14 Paragraph 163 sets out clearly the assessment process for determining applications in areas liable to flood. "Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
b) the development is appropriately flood resistant and resilient;
c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
d) any residual risk can be safely managed; and
e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

Planning Practice Guidance (March 2014)

3.15 The Planning Practice Guidance (PPG) complements the NPPF by offering guidance on how to implement its policies in relation to flooding. Section 1 of Paragraphs 2 and 3 set out the definition of flood risk, while Sections 4 and 5 set out detail in relation to the sequential and exception tests.

3.16 Paragraph 003 (ref ID: 7-003-20140306) defines 'areas at risk of flooding' as being: -

'For the purposes of applying the NPPF, areas at risk from all sources of flooding are included. For Fluvial (river) and sea flooding, this is principally land within Flood Zone 2 and 3. It can also include an area within Flood Zone 1 which the Environment Agency has notified the local planning authority as having critical drainage problems.'

3.17 Paragraph 019 (ref ID: 7-019-20140306) reaffirms the aim of the Sequential Test which is to steer development to areas with the lowest probability of flooding. The flood zones as set out in the Strategic Flood Risk Assessment are the starting point for this with Flood Zone 1 being all the land outside the flood plain. These zones refer to the probability of sea and river flooding only. The overall aim should be to steer new development to Flood Zone 1.

3.18 Table 3 of the Planning Practice Guidance to the NPPF sets out flood risk vulnerability

and flood zone compatibility for a number of categories of uses.

3.19 The first step in applying the sequential test is to determine the flood risk vulnerability of the proposed use and the Flood Zone of the site. Table 3 of the Planning Practice Guidance to the NPPF sets out flood risk vulnerability and flood zone compatibility for a number of categories of uses.

Table 3: Flood risk vulnerability and flood zone 'compatibility'

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone (see table 1)	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.

3.20 As set out in the Flood Risk Assessment, the site is primarily within flood zone 3a.

4 METHODOLOGY

4.1 The aim of the Sequential Assessment is to direct development to areas with the lowest probability of flooding. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

4.2 The first step in applying the sequential test is to determine the flood risk vulnerability of the proposed use and the Flood Zone of the site.

4.3 Given that the majority of the site is located within Flood Zone 3A, it is necessary under the requirements of the NPPF to undertake a sequential test with respect to the assessment of the development site against all similar proposals on sites within the flood zone. As noted previously, for the purpose of this assessment, the subject site is considered to be Flood Zone 3A.

Step 1 - Defining the Study Area

4.4 National Planning Guidance states that the study area for the sequential test will be "defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives." Paragraph: 033 Reference ID: 7-033- 20140306

4.5 The circumstances of development in this instance are such that the defined study area was contained to the settlement of Spalding. The Spalding area is set as

- Within or adjacent to the settlement boundary as defined in the South East Lincolnshire Local Plan.

4.6 There is a significant demand for a drive-thru KFC in the area, and consequently the principal of this development is based off this demand. Subsequently, it was concluded that a development of this nature would only be viable within Spalding, and so the search area was defined.

4.7 Policy 2 of the South East Lincolnshire Local Plan restricts development in Countryside, and so no sites that fell outside of the defined Spalding area were considered.

4.8 This resulted in a search area that is approximately 22km^2.

Step 2 – Potential Alternative Sites

4.9 As detailed above, the application site is approximately 0.49 ha and seeks to accommodate a KFC drive-thru which is partially entirely within Flood Zone 3. As the guidelines within the South East Lincolnshire Strategic Flood Risk Assessment detail, as most alternative sites are within flood zone 3, data from the Residual Flood Depth and Residual Flood Hazard assessments must be used to find sites with lower flood risk. The proposed site has a Residual Flood Depth rating of 1-2m, and a Residual Flood Hazard rating of "danger to most". As such, any potential site must be:

- less than 1 ha but are larger than 0.25 ha; and
- Have a lower Residual Flood Hazard rating than "danger to most"
- Have a lower Residual Flood Depth rating of 1m-2m

4.10 The specific operational requirements that will determine whether a site or premises is suitable and viable for the operations these uses include the following:

- A site that is in close proximity to other retail uses so that it can benefit from linked trips which attract and drive trade.
- site which can accommodate a drive thru restaurant/takeaway with a gross internal area of at least 160/230m^2, so that the operator can provide the full facilities including back of house and customer toilets
- A site that has enough room for the safe manoeuvre of customer vehicles and delivery vehicles on site.
- A site with excellent visibility to attract passing trade.
- A site that would be able to offer dedicated free parking with direct access for customers.

4.11 National Guidance states that: "Within the area you've agreed with your local Planning Authority, look for sites that could be suitable for your development." The sources should be adopted or draft local plan allocations.

4.12 The above means that the sites contained in the 2017 Strategic Employment Land Availability Assessment (SELAA) were used as the foundation of this sequential assessment. This yielded a total of 39 sites which fell within the defined search area of Spalding.

5 SEQUENTIAL TEST

5.1 The site of the proposed development is approximately 0.49 ha, and aims to accommodate a KFC drive-thru. As set out above the sequential test must assess those sites which are similar and are available and have a lower likelihood of flooding.

5.2 A developable site is one where the proposed development is a viable option, with regard to site specific requirements and local policy. Deliverable sites are therefore likely to be brownfield sites, or that are within existing urban areas.

5.3 Finally, a deliverable site is one which there is a reasonable prospect that the site is available, and could be developed within a similar timeframe to the proposed development. Key considerations for a deliverable site include:

- Existing use of the site – is it likely to become available anytime soon?
- Any current proposals for the site – if there is an ongoing/current proposal, then it is likely that another development will be occurring there, and therefore the site will not be available to the proposal agent.
- Deliverable timeframe, given that the application will want to commence works within the 5 years of granted permission, alternative sites must be deliverable within a similar 0-5 year timeframe.

5.4 Only once a site has passed all three stages can it be deemed a "reasonably available" site, which should be considered over the proposed site.

5.5 The results of the sequential test are set out in Appendix 1. The search considered all sites with capacity to accommodate a KFC drive-thru, and are sites with a lower chance of flooding. A total of 39 sites were considered. This shows that there are no reasonable available alternative sites in a lower flood risk zone to accommodate the application proposal. The detailed analysis for each site is contained in the table at Appendix 1.

6 CONCLUSION

6.1 A total of 39 sites were looked at within this investigation, and it was found that no sequentially preferable sites are available within the settlement of Spalding. As detailed in section 4, there were strict search parameters and requirements that any alternative site had to meet before it was considered to be preferable.

6.2 It was found that many sites did not meet the minimum requirement of having a lower level of flood risk, and so were immediately excluded.

6.3 The SELAA also listed many of the sites to be unsuitable and undevelopable, in terms of employment use. The sites which fell under these categories were also excluded.

6.4 Finally, several of the sites were already committed to existing planning permissions which had already been implemented, or at least started. These sites could no longer be seen as sequentially preferable, as they were no longer available.

6.5 Consequently, of all the 39 sites, each one was eliminated as a sequentially preferable option, for one or more of the reasons given above. As a result, the conclusion of this Sequential Test is that there are no suitable alternative sites for the KFC drive-thru development.

Appendix 1 - Flooding Sequential Test Assessment Table

Site Address (taken from SELAA)	Site Ref.	Site Area (ha)	Current Use	Lower Flood Risk (Y/N)	Related planning ref. (if applicable)	Developable (as per 2017 SELAA) (Y/N)	Discounted (Y/N)	Reasons for being discounted
Wardentree Lane	SP001	182.9	A1, B1, B2, B8, D1, Sui Generis	Y	H14-0783-15 H14-0952-09 H14-0816-16	Y	Y	Site is already allocated as part of several existing permissions, and is unlikely to come forward as a developable site within the required timeframe.
Lincs Gateway, Barrier Bank	SP002	23.8	B1, A3, A4, B2, B8	Y	H16-0009-14	Y	Y	Site is already committed to an existing planning permission
Lad to the north of Bourne Road	SP005	1.49	B1,B2,B8, Sui Generis	Y	n/a	N	Y	Listed as unsuitable and undevelopable
Land to the south of Horseshoe Road	SP006	0.36	B2, B8	Y	n/a	Y	Y	Location of the development on small country lane is not suitable for a drive thru development. Development of this nature conflicts with the existing character of the immediate area.
Land South of Horseshoe Road	SP007	6.97	B1, B2, B8	Y	n/a	Y	Y	Location of the development on small country lane is not suitable for a drive thru development. A development of this nature conflicts with the existing character of the immediate area.
Land behind Hectare House, Bourne Road	SP008	0.8	Workshop/ yard & orchard	Y	n/a	N	Y	Listed as unsuitable and undevelopable. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
2-4 St Johns Road	SP009	0.99	B2, Sui Generis	Y	No ref, but outline PP for res granted	N	Y	Already has outline planning permission for residential development, and is listed as undevelopable and unavailable.
Land to the east of South Drove	SP010	0.8	B8	Y	n/a	N	Y	Listed as undevelopable. Access is described as “not suitable for business related uses” so not appropriate for a drive thru development. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Millfield Nursery, Spalding Common	SP011	4.7	A1, B2, C3a	Y	H16-0668-16	Y	Y	Site is already committed to an existing planning permission
Clay Lake, Spalding Drove	SP012	36.9	B1, B2, B8	Y	H16-0347-11	Y	Y	Site is part committed to an existing planning permission. Additionally, a development of this nature would not be in keeping with the open, agricultural character of the site.
Land to the south of Holbeach Road	SP013	5.33	C1	Y	n/a	N	Y	Listed as unsuitable and undevelopable
Land to the east of Willow Walk	SP014	0.54	B2	Y	n/a	Y	Y	Access to the site is unsuitable, it is located behind residential dwellings so a drive thru would cause excessive disturbance. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Land to the north of Burr Lane	SP015	0.26	Pasture	Y	n/a	N	Y	Listed as unsuitable and undevelopable. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Land to the north of Burr Lane	SP016	0.33	B8	Y	n/a	N	Y	Listed as unsuitable and undevelopable
Land to the north of Burr Lane	SP017	1.77	Pasture	Y	n/a	N	Y	Listed as unsuitable and undevelopable. Site has the same flood risk potential as the proposed

								site, so is not sequentially preferable.
Land to the north of Burr Lane	SP018	2.16	B8, C3a, Sui Generis	Y	n/a	N	Y	Listed as unsuitable and undevelopable. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Land to the north of Holbeach Road	SP019	17.1	Agricultural	N	H16-0059-06 - refused	N	Y	Same flood risk level as proposed site. Previous application refused. Site is listed as undevelopable.
Land to the north of Bourne Road	SP020	1.9	Disused agricultural building	Y	n/a	N	Y	Listed as unsuitable and undevelopable
366 Bourne Road	SP021	1.34	Horticultural Buildings	Y	n/a	N	Y	Listed as unsuitable and undevelopable
Former Royal Mail Sorting Office	SP022	0.1	Sui Generis	Y	n/a	Y	Y	Site is too small for the proposed development
Land to the east of Spalding Common	SP023	0.54	B1, B2	Y	H16-1095-13	N	Y	Listed as unsuitable and undevelopable. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Land to the west of Spalding Drove	SP024	12	B1, B8	Y	n/a	N	Y	Listed as unsuitable and undevelopable
Land to the east of Spalding Common	SP025	0.66	C3a	Y	n/a	Y	Y	Site is described as “low profile in a predominantly residential area” and the “market potential for development of this site is considered to be low”. Therefore the site is not viable for a drive thru development. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Land to the north of Burr Lane	SP026	0.92	C3a	Y	n/a	N	Y	Listed as unsuitable and undevelopable
Land between Cowbit Road and Spalding Drove	SO027	26.5	C3a	Y	n/a	N	Y	Listed as unsuitable and undevelopable. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Former Jewsons Premises, Roman Bank	SP028	0.5	B1, Sui Generis	Y	n/a	Y	Y	“Market potential for development on the site is considered to be low”. Additionally, the access to the site is insufficient for a drive thru development. Therefore the site is not viable. Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
Land to the south of Childers South Drove	SP029	11.27	B1	Y	n/a	Y	Y	Site is described as unlikely to come forward within the timeframe of the proposed development. “Low prospect that it would be redeveloped starting 2022-2036.” Site has the same flood risk potential as the proposed site, so is not sequentially preferable.
TF Bowman & Sons, Marsh Road	SP030	7.46	B1, B2, B8	N	n/a	Y	Y	Site is not sequentially preferable as it has the same flood risk potential as the proposed site.
Elsoms Seeds Ltd, Pinchbeck Road	SP031	3.65	B1 horticulture	Y	H16-0594-14 H16-0004-13	Y	Y	Site is already committed to existing planning permissions
Tate Business Park, Dozens Bank	SP032	3.09	B1, B2, B8	Y	n/a	N	Y	Sile is listed as unsuitable and undevelopable. . Site has the same flood risk potential as the proposed site, so is not sequentially preferable.

Shoebridge Engineering, Kellet Gate	SP033	0.72	B1, B2	Y	H16-0212-14 H16-0949-14	N	Y	Site is already committed to existing planning permissions. The site is also listed as unsuitable and undevelopable
Cradge Bank Industrial Estate	SP035	3.05	B1, B2, B8, D1, D2	Y	n/a	Y	Y	Access to the site is not suitable, residential properties would be detrimentally impacted by a nearby drive thru
Stumps Lane	SP036	1.16	B1, B2, B8	N	n/a	Y	Y	The site is not sequentially preferable as it has the same flood risk potential as the proposed site
Spalding Power Station, West Marsh Road	SP037	11.4	Sui Generis	N	n/a	Y	Y	The site is not sequentially preferable as it has the same flood risk potential as the proposed site
Spalding Power Station B, West Marsh Road	SP038	14.6	B1, B2, B8	N	H16-0241-09	Y	Y	Site has the same flood risk potential as proposed site, and therefore is not sequentially preferable. Additionally, the site is already committed to an existing planning permission.
Flamingo Flowers, Rangell Gate	SP039	4.64	B1, B2, B8	Y	n/a	N	Y	Site is listed as unsuitable and undevelopable
Land to the south of Wardentree Lane	SP040	0.62	Agricultural	Y	n/a	Y	Y	Site is 1.6km away from the A16, which is deemed too far away for a drive thru to be viable
Pode Hole Highways Depot, Bourne Road	SP041	1.19	B8	Y	n/a	N	Y	Site is listed as unsuitable, unavailable and undevelopable
Land to the north of Burr Lane	SP042	0.92	B8, Sui Generis	Y	n/a	N	Y	Site is listed as unsuitable and undeliverable