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Planning, Development & Heritage Consultants

Torsion Homes

6-10 Little Peter Street, Manchester

Sequential Test

04 August 2025

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Job Number: 24.2113

Project: 6-10 Little Peter Street, Manchester

Client: Torsion Homes

File Name: Sequential Test

Document Preparation/Checking Record:

	Name and Qualifications	Position	Date
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Issued by:	Tom Flanagan MTCP MRTPI	Director	29.07.2024

Document Revision Record:

Issue No.	Date	Details of Revisions

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1. Introduction

Introduction

- 1.1 This Sequential Test has been prepared by Paul Butler Associates on behalf of Torsion Homes to accompany a planning application for a proposed development at 6-10 Little Peter Street, Manchester.
- 1.2 The application seeks full planning permission for the redevelopment of the site with a residential development comprising 9 no. apartments, with associated cycle parking, refuse storage and plant in the basement
- 1.3 A Flood Risk Assessment and Outline Drainage Strategy (prepared by Brennan Consult) is submitted in support of the planning application and should be read in conjunction with this document.
- 1.4 Chapter 14 of the NPPF requires a Sequential Test to be submitted in support an application, the aim being to steer new development to areas with the lowest risk of flooding.
- 1.5 This Sequential Test has been prepared following agreement with Manchester City Council regarding the methodology for the Sequential Test, specifically the geographical area to which the test should apply.
- 1.6 The purpose of this Sequential Test is to demonstrate that the proposed development cannot be accommodated on any sequentially preferable sites. An Exceptions Test has also been provided in this document, this reflects the substantial benefits in support of the development as set out in the Planning Application.

The Application Site

- 1.7 The Site measures approximately 150m² (this needs to be confirmed by OSA for the forms also) and relates to an area of land previously occupied by a building on the corner of Little Peter Street and Constance Street. The River Medlock is located approximately 45-50 metres to the west of the site.
- 1.8 The current EA Flood Maps for Planning are referenced in the Flood Risk Assessment, it shows that the majority of the site is located within Zone 3 'High Probability' of fluvial flooding.

The Proposed Development

- 1.9 The proposals relate to the erection of 9 apartments within a 5 – 6 storey building.
- 1.10 The Flood Risk Assessment submitted with the application advises that assessing the existing and proposed ground levels against the hydraulic flood data as provided by the Environment Agency has confirmed that the proposed finished flood level of the new building will be located above the fluvial flood influence for the 1 in 100 year, 1 in 100 year plus 35% climate change and 1 in 1000-year events. It is noted that the flooding associated with the site is related to overland flood flow routing where the surcharged water passes out of the River Medlock channel to the east of the site and flows overland between the existing buildings. In light of this, flood resistance and flood resilient measures are not required though the occupiers will be made aware of the flood evacuation strategy.
- 1.11 The Flood Risk Assessment has considered all other forms of flooding and overall, has found that the site is at low risk of flooding from all other sources. During extreme flood events a safe dry access route is assured from the building to the north of the site with raised highways. Safe access for the Emergency Services and egress for the occupiers is assured for higher order storm events up to and including the 100-year event due to the increased ground levels to this side. The occupiers will also sign up to the Environment Agency's flood warning service.

2. Planning Policy Context

National Planning Policy Framework (2025)

- 2.1 The relevant paragraphs of the NPPF concerned with sequential testing are set out at paragraphs 174-175.

- 2.2 Paragraph 174 sets out the following:

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. 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.

- 2.3 The December 2024 version of the new NPPF introduced new wording into national policy recognising that the design of a proposed scheme can mitigate the potential flood risk associated with a site. Paragraph 175 states (new wording in bold):

*The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding, **except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)***

- 2.4 The above is relevant to the proposed development, as set out in Section 1, the finished floor levels for the vulnerable elements of the scheme - the residential accommodation plus the escape routes have been located at such a level that they would not be impacted by the fluvial flood influence for the 1 in 100 year, 1 in 100 year plus 35% climate change and 1 in

1000-year events. Due to the city centre nature of the site, it is unavoidable to remove all built development from the flood zone, however the development has been mitigated as far as possible in line with the intention behind paragraph 175.

2.5 The NPPF then goes on to guide when the Exception Test should be considered, see paragraphs 177-179.

2.6 With a requirement to consider whether an alternative site is 'reasonably available', it is also useful to examine the definition of 'deliverable' and 'developable' as defined under the relevant parts of the NPPF. Chapter 5 of the NPPF guides policy making with reference to 'deliverable' and 'developable' sites. The NPPF (glossary) defines these terms as follows:

"Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."

"Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

National Planning Practice Guidance

2.7 The National Planning Practice Guidance (NPPG) requires that for the purposes of decision taking, local planning authorities should apply the Sequential Test and if needed, the Exceptions Test to steer development to areas with the lowest probability of flooding. The advice in respect of the application of the Sequential Test is set out within the section “How should the Sequential Test be applied to planning applications” at Paragraph: 027 Reference ID: 7-027-20220825 to Paragraph: 029 Reference ID: 7-029-20220825.

2.8 Paragraph 028 Reference ID: 7-028-20220825 of the NPPG provides guidance on what is a ‘reasonably available’ site as follows:

‘Reasonably available sites’ are 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.

These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’.

The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.

2.9 The PPG under the heading: *Who is responsible for deciding whether an application passes the Sequential Test?* (Paragraph 029 Reference ID: 7-029-20220825) states that it is the responsibility of the local planning authority to undertake the test. The role of the applicant is quite limited in that they will have to check for sites on the open market and check site status.

Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to

determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market. The applicant may also need to check on the current status of relevant sites to determine if they can be considered 'reasonably available'.

Local planning authorities should inform the applicant and, where relevant, the Environment Agency about the outcome of the sequential test at the earliest opportunity, as this may avoid other work being undertaken unnecessarily.

Local planning authorities may find it helpful to prepare guidance on the appropriate area of search for common development types. They may also find it helpful to keep an up-to-date register of 'reasonably available' sites, clearly ranked in flood risk preference. This could be part of their housing and/or economic land availability assessments or as a separate document. This should be informed by the strategic flood risk assessment with any ranking methodology agreed with the Environment Agency. Such an approach could increase certainty for developers and save time at application stage.

Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere.

Environment Agency Guidance: Flood risk assessment: the sequential test for applicants

- 2.10 The Environment Agency issued advice on the preparation of flood risk sequential test for planning applications in April 2012, updated in 2017. The document sets out the staged approach for applying the sequential test in line with the NPPF and NPPG.

2.11 The EA outline that in completing a Sequential Site Assessment, it is necessary to:

1. Contact the Local Planning Authority to agree a search area for alternative sites for your development.
2. Identify the source of reasonable available sites: check adopted or draft local plan sites allocated for development and sites not allocated but that have been granted planning permission for a development that's the same or similar to the development you're proposing. Check for any 'windfall' sites.
3. Estimate the approximate capacity of each site.

2.12 In then applying the sequential test the EA guide states that the assessment should:

1. State the name and location of the potential alternative site being compared to the application site.
2. State whether the site is allocated in the local plan.
3. State whether there are any issues that would prevent development on the site and whether these issues could be overcome.
4. State the approximate capacity of each reasonably available site being considered.
5. Compare the risk of flooding at your site with the alternative sites identified.

2.13 The Sequential Test conclusions should then be able to answer whether there are any reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed.

- 2.14 The guidance then states that following completion of the sequential test, where necessary, the Exceptions Test should be applied in the circumstances set out in the technical guidance to the NPPF.

3. Methodology

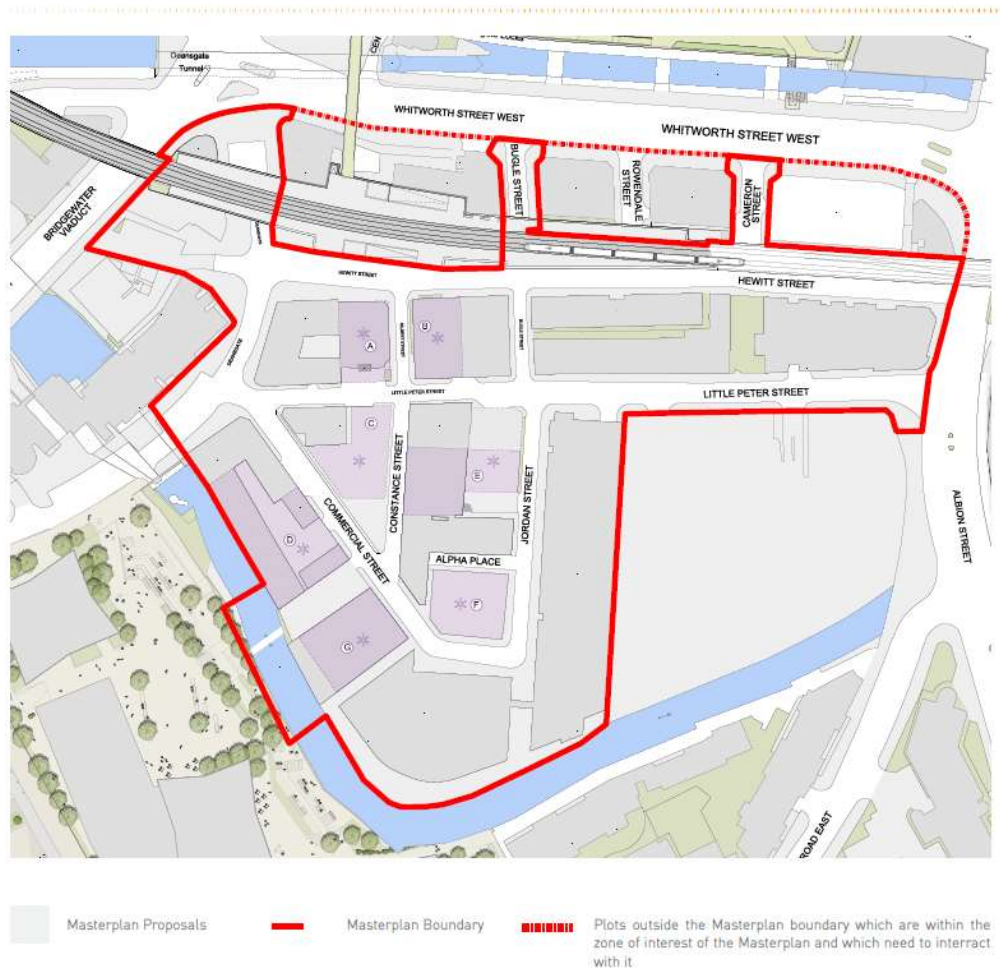
Introduction

- 3.1 The methodology within this Sequential Test has sought to follow the EA recommended approach for completion of the Sequential Flood Risk Assessment for planning applications. The methodology and analysis also has regard to the Planning Practice Guidance set out in the previous section.
- 3.2 The scope of the assessment in terms of the geographical area to be applied to the development (Knott Mill Masterplan) has been agreed with the planning department at the pre-application stage.
- 3.3 In applying the sequential test there are three basic elements to be considered:
1. The geographical area across which the test is applied.
 2. The range of alternative sites to be considered.
 3. Whether the site is 'reasonably available.'

1. Geographical Area

- 3.4 A 'whole borough' approach can be applied to the sequential testing of alternative sites. However, a reduced geographical area in the search for alternative sites is justified where there is evidence that there is a specific need for the proposed development in that locality, or where the typology of the development would not be usually found within other parts of the borough (e.g. high density urban centre development would not usually be appropriate within suburban and rural areas).

- 3.5 Policy CC3 of the Core Strategy, outlines a strategic and spatial ambition within Manchester City Council to pursue the redevelopment of appropriate city centre sites for new housing development. Residential development in the city centre will comprise apartment schemes.
- 3.6 The Knott Mill Masterplan provides a regeneration framework for the Knott Mill area and identifies the site as being suitable for new development.
- 3.7 The application of this Sequential Test is therefore to only consider development sites within the Knott Mill Masterplan. This boundary is highlighted below in an extract from the masterplan.



- 3.8 The geographical area was agreed as appropriate in a pre-application meeting with planning officer, Jennifer Atkinson on 20 December 2024.

2. Range of Alternative Sites

- 3.9 Once the geographic area for the appropriate sites to be considered has been established (in this case the Knott Mill Masterplan area) comparator sites need to be identified and their availability assessed. The comparator range is based on the capacity of the site as this will allow an assessment of similar sites that could be considered to be delivering a similar amount of housing. It is proposed that a +/- 20% buffer should be applied to the capacity of the development to create a range within which comparator sites can be identified. A greater parameter than this would have the potential to introduce a wider range of development, where the viability and economics of the development may alter drastically and therefore this would be inappropriate. The scheme for 9 dwellings generates a range of alternative comparison sites between 7 and 11 dwellings.

3. Assessing whether the sites are Reasonably Available

- 3.10 In accordance with national planning policy, for development to pass the sequential test it has to be demonstrated that there are no **reasonably available** alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.
- 3.11 Reasonably available sites should be those that are deliverable and developable (as defined by the NPPF glossary). As the glossary explains: "To be considered **deliverable**, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years".
- 3.12 Therefore, any sites which are not considered deliverable within a 5 year time frame by the SHLAA can be considered not to be reasonably available.

3.13 To be **developable**, sites should be in a suitable location for new housing with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

3.14 In addition to the above, for a site to be considered reasonably available, the site must:

- Be at a lower risk of flooding and therefore not within Flood Zone 3.
- Be in conformity with the objectives and policies of the Adopted Development Plan and the objectives and policies of the National Planning Policy Framework and its associated National Planning Practice Guidance (or similar).
- Aligned with the above, consider whether there are any issues that would prevent development on the site and whether these issues could be overcome.

3.15 The Planning Practice Guidance states that reasonable available sites could include a series of smaller sites and / or part of a larger site if these would be capable of accommodating the proposed development. The interpretation of this section of the Planning Practice Guidance has been judged upon in the High Court of Justice (The Hon. Mr Justice Houlgate) case which ruled on two claims between Mead Realisations Limited (“Mead”) and the Secretary of State for Levelling Up, Housing and Communities and North Somerset Council and between Redrow Homes Limited and the Secretary of State for Levelling Up, Housing and Communities and Hertsmere Borough Council. This is an important judgement on the interpretation and application of the sequential test in national policy on flood risk and therefore represents a material consideration in the determination of this application. The judgement is referred to as necessary in section 4 of this statement.

Applying the Sequential Test and Exceptions Test

3.16 Following the above methodology, the findings of the assessment are outlined in the following section.

3.17 This is followed by an examination, as relevant, of the site against the Exceptions Test.

3.18 The sources for identifying alternatives sites are as follows:

- Manchester City Council's Strategic Housing Land Availability Assessment and Five Year Supply Statement, 2024.
- A review of the planning database.
- Sites for sale: Estates Gazette, Rightmove, On the Market, Zoopla

4. Sequential Test

- 4.1 As outlined in the methodology chapter, for development to pass the sequential test it has to be demonstrated that there are no reasonable available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

Site Sifting

- 4.2 The first step is to review the sources of information outlined at paragraph 3.18 above to establish the extent of sites within the Knott Mill Masterplan area that are within the alternative site range parameter of 7 and 11 dwellings.

Strategic Housing Land Availability Assessment and Five Year Supply Statement

- 4.3 Local Plan sites and all sites with planning permission are contained within the Strategic Housing Land Availability Assessment.
- 4.4 A review of the SHLAA and Five Year Supply Statement does not include any comparator sites in the Knott Mill Masterplan area that are within the agreed range of 7 and 11 dwellings. The only site in the masterplan area is Alpha Place which is for 50 dwellings to come forward after 2040.

Application Database

- 4.5 Given the SHLAA has a base date of March 2024 the review of the online planning application database was carried out as a “sense check” to ensure that no extant planning permissions were being missed. The other sites were identified.

Sites for Sale

4.6 A search of The Estates Gazette Property Link was conducted to establish whether there were any alternative sites on the market within the Knott Mill Masterplan area. To cover the geographic area of the area a search field of 5 miles of Manchester was entered 'for sale' or 'at auction' to ensure no potential sites were missed. All property types, tenure and price were considered. To ensure a similar site size to the developable area of the application site (150). Sites of a similar site size were considered (100-200sqm).

4.7 No alternatives sites within the Knott Mill Masterplan area were identified.

4.8 Similar searches were conducted on Rightmove, Zoopla and On the Market – no alternative sites were identified.

Disaggregation

4.9 At this juncture it is necessary to return to the policy in the NPPF at paragraph 174. This states that:

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. 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.

4.10 As explained in Planning Practice Guidance (Paragraph 028 Reference ID: 7-028-20220825):

'Reasonably available sites' are 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. These could include a series of smaller sites and/or part of a larger site if these would be capable of

accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

4.11 The wording of the NPPF at paragraph 174 is “reasonably available for the proposed development” ... pragmatically this must have regard to the actual scale and nature of the proposals in the real world. To therefore proliferate all smaller sites to make the case that they amount to alternative sites and / or argue that any part of a larger site is a reasonable alternative site would amount to such an approach that would be bordering on the irrational.

4.12 It is therefore necessary here to reflect on the Justice Houlgate judgement, which states at Para 110 that:

I note that the PPG refers to a “series of smaller sites.” The word “series” connotes a relationship between sites appropriate for accommodating the type of development which the decision-maker judges should form the basis for the sequential assessment. This addresses the concern that a proposal should not automatically fail the sequential test because of the availability of multiple, disconnected sites across a local authority’s area. The issue is whether they have a relationship which makes them suitable in combination to accommodate any need or demand to which the decision-maker decides to attach weight.

4.13 What the judgement is therefore stating is that it is possible to consider smaller sites but there has to be some connection between them. The smaller sites shouldn’t be disconnected or not connected to one another. The inclusion of “series” is the key word in the PPG as this implies some kind of relationship.

4.14 In considering the potential for part of larger sites to be counted as reasonably available. The approach at para 109 of the above judgement is of interest. Justice Houlgate explains that:

Whether such an arrangement is so capable depends on the judgments to be made by the decision-maker on such matters as the type and size of development, location, ownership issues, timing and flexibility.

- 4.15 Sites larger than the appeal site would be likely to require co-ordination with other developers and owners and therefore require more time. The guidance at Paragraph 028 Reference ID: 7-028-20220825 of the NPPG advises that alternative sites should:

"be available for development at the point in time envisaged for the proposed development."

- 4.16 Taking this into account, it is likely that most larger sites would be unlikely to be reasonably available to Torsion Homes at the point in time envisaged for the development. Torsion Homes are an SME specialising in smaller, urban development sites and intend to commence development immediately at this site following planning approval. They do not hold a wide portfolio of sites and therefore sites within their ownership are progressed in a timely manner to ensure a return is generated on any investment.

- 4.17 Torsion Homes would be looking to commence development within 6 months of receiving planning permission, and development would take approximately 15 months to complete. We therefore anticipate that development would commence in Winter 2025 and complete mid 2027.

Review of Smaller Sites

- 4.18 Having regard to the Justice Houlgate judgement and having reviewed the SHLAA we do not consider there to be a series of sites with a connection or relationship that in combination could be considered to amount to reasonable alternative sites.

Larger Sites

- 4.19 In respect of larger sites, the site at Alpha Place is the only potential site to be considered. The SHLAA identifies this as coming forward after 2040 therefore this incomparable delivery timeline leads us to conclude that the site is not a reasonable alternative site and therefore it is discounted from further assessment in this Sequential Test.

Summary

- 4.20 The analysis in this chapter demonstrates that the site identified does not constitute a reasonable available site. This process does not leave any further sites to be considered and therefore the Sequential Test is passed.

5. Exceptions Test

Introduction

5.1 The NPPF identifies that if following the application of the sequential test it is not possible for the development to be located in zones with a lower probability of flooding, the exception test should be applied if appropriate. The NPPG identifies that buildings used as dwellinghouses are considered more vulnerable uses and if located in Flood Zone 3 should be supported by an exception test.

5.2 The NPPF provides two criteria which should be met for the exception test to be passed. These are:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site specific flood risk assessment must demonstrate that 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.

Site Specific Flood Risk Assessment

5.3 The application proposal is accompanied by a site specific Flood Risk Assessment prepared by Brennan Consult. This responds to the requirement of the NPPF and the second part of the exception test, by demonstrating that the development will be safe for its lifetime.

Sustainability Benefits to the Community

5.4 In respect of the first part of this test, the proposed development has a number of benefits to the community which outweigh flood risk. The development will result in the regeneration of a longstanding unattractive and unused site with the provision of new market housing that meets an identified need in the Local Plan.

5.5 The NPPF sets out that there are three dimensions to sustainability: economic, social and environmental. Paragraph 8 of the NPPF identifies that these three dimensions whilst independent need to be pursued in mutually supportive ways. The proposed development will provide sustainability benefits to the community which respond to all three dimensions of sustainability as demonstrated below.

Economic

5.6 The application proposal would have substantial economic benefits, as follows:

- The development will provide employment opportunities and support for local business and services during the construction phase.
- On completion of the development, the new households will increase consumer spending in the locality.
- The development would also increase the Council's income from council tax receipts and the new home bonus.

Social

5.7 The social benefits associated with the scheme can be summarised as follows:

- The provision of modern, attractive, apartments which will complement and diversify the existing local housing stock.
- The provision of housing in a sustainable location will encourage residents to walk and cycle to local services and facilities thereby reducing reliance on the private car, providing significant health and social benefits.
- The proposed development would contribute to the supply of housing which is a significant benefit in support of the proposal, to which great weight should be attached. The proposals would also increase the range and type of housing in the supply line.

Environmental

5.8 In terms of the environmental role:

- The application proposal would be located within the city centre and would be in comfortable walking and cycling distance of a good range of local services and facilities including schools, shops and public transport links. The information submitted in support of the planning application demonstrates the accessibility of the site. The development site will complement the existing residential neighbourhood centred on Little Peter Street and is therefore not considered to be an isolated or inaccessible development location. The NPPF indicates at paragraph 109 - 110, that planning should actively manage patterns of growth to support the use of public transport and walking and cycling opportunities and ensure that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places, this therefore weighs in favour of the application.
- The FRA demonstrates that the proposed development can be successfully accommodated without increasing the risk of flooding elsewhere.

- Development of a longstanding undeveloped, previously developed site would relieve pressure to build on potentially more valuable / sensitive greenfield sites within the City.

Summary

- 5.9 The purpose of the Exceptions Test is to consider whether development would provide wider sustainability benefits to the community that outweigh the flood risk. As demonstrated by the FRA and supporting documents, the raised floor levels effectively places the vulnerable residential uses outside of the risk of flooding. On the basis that the level of potential flood risk applicable to the site is now confirmed to be low, the wider sustainability benefits identified outweigh the risk posed in planning terms.

6. Conclusions

- 6.1 The Sequential Assessment has been prepared by Paul Butler Associates on behalf of Torsion Homes and is submitted in support of an application for 9 dwellings.
- 6.2 Planning Practice guidance confirms that it is the responsibility of the local planning authority to undertake the test.
- 6.3 Should the LPA consider it to be necessary to demonstrate compliance with the Sequential Test then this assessment demonstrates that there are no sequentially preferable locations that are reasonably available and suitable for the development. The Sequential Assessment submitted in this report has considered the current Housing Land Supply Monitoring data, Planning Permissions, sites for sale on the open market and has assessed the sites identified in accordance with local policy and guidance contained in the NPPF and NPPG.
- 6.4 The statement should be read in conjunction with the Flood Risk Assessment and Outline Drainage Strategy submitted in support of the application.