

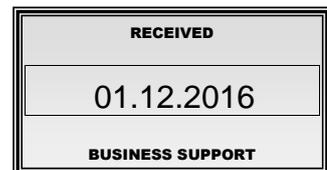
SEQUENTIAL TEST

**SEQUENTIAL TEST SUBMITTED IN CONNECTION WITH AN APPLICATION FOR THE ERECTION
OF RESIDENTIAL DEVELOPMENT ON**

LAND TO THE SOUTH OF THE A162, SHERBURN IN ELMET

Our Ref: 70952

November 2016



SEQUENTIAL TEST

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APPENDIX A LIST OF SITES CONSIDERED TO BE REASONABLY AVAILABLE BY THE COUNCIL IN OCTOBER 2016

1.0 Introduction

- 1.1 AAH Planning Consultants have prepared a Sequential Test on behalf of the applicants on land to the South of the A162, Sherburn in Elmet.
- 1.2 This report forms part of the planning application for residential development and should be read in conjunction with the submitted Flood Risk Assessment and Design, Access and Planning Statement.
- 1.3 The application seeks for residential housing together with associated infrastructure and open space provision. The planning application is submitted in outline with all matters reserved for future approval, with the exception of access for which detailed approval is sought.
- 1.4 The site lies outside the defined development limits of the village of Sherburn and therefore within the open countryside. The site is however adjacent to the development limit, and in close proximity to the many facilities and services of the village. The application site covers an area of 7.54 hectares and is irregular in terms of its overall shape. The land is predominantly in agricultural use for crop growing.
- 1.5 An indicative layout plan accompanies the application. This demonstrates how the site could be developed with the proposed development. The indicative layout plan shows how 150 houses could be provided across the site along with the provision of open space.

2.0 Policy Context

2.1 The National Planning Policy Framework (NPPF) and accompanying Practice Guide aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, the policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

2.2 With this context, a Strategic Flood Risk Assessment (SFRA) should be carried out by the local planning authority (LPA) to inform the preparation of its Local Development Documents (LDDs), having regard to catchment-wide flooding issues which affect the area. The SFRA provides the information needed to apply the sequential approach. In this respect, the following plan is taking from the councils Flood Risk Assessment (FRA); when this was carried out the site was shown to be located outside of any flood zone.

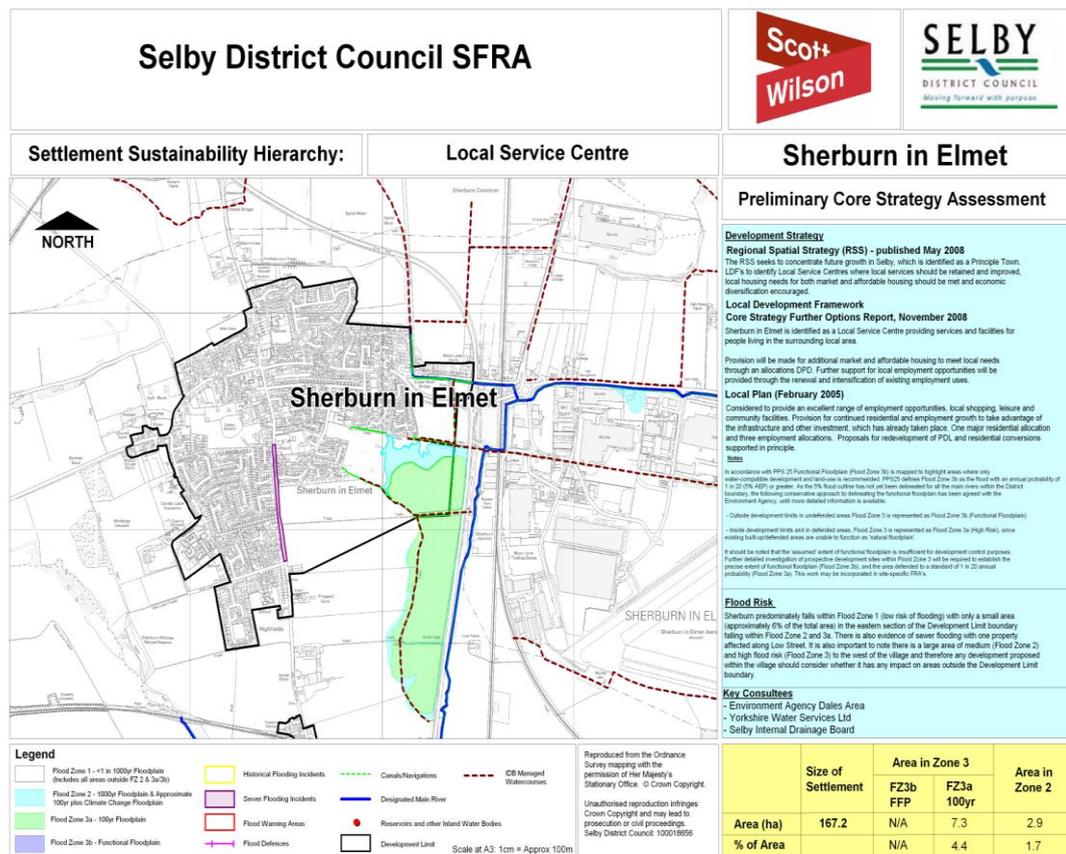


Image 2.1: Strategic Flood Risk Assessment

- 2.3 A sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process. LPAs allocating land in LDDs for development should apply the Sequential Test to demonstrate that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. A sequential approach should be used in areas known to be at risk from other forms of flooding.
- 2.4 In areas at risk of river or sea flooding, preference should be given to locating new development in Flood Zone 1. If there are no reasonably available sites in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each flood zone, new development should be directed to sites at the lowest probability of flooding from all sources as indicated by the SFRA.
- 2.5 Landowners have the primary responsibility for safeguarding their land and other property against natural hazards such as flooding. Individual property owners and users are also responsible for managing the drainage of their land in such a way as to prevent, as far as is reasonably practicable, adverse impacts on neighbouring land. Those proposing development are responsible for:
- Demonstrating that it is consistent with the policies in this Planning Policy Statement and those on flood risks in the LDD;
 - Providing a Flood Risk Assessment demonstrating:
 - a) Whether any proposed development is likely to be affected by current or future flooding from any source;
 - b) Satisfying the LPA that the development is safe and where possible reduces flood risk overall;
 - c) Whether it will increase flood risk elsewhere;
 - d) The measures proposed to deal with these effects and risks. Any necessary flood risk management measures should be sufficiently funded to ensure that the site can be developed and occupied safely throughout its proposed lifetime;

- Designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures; and
- Identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.

2.6 This report provides the necessary sequential test that is required in the context of The NPPF and accompanying National Planning Practice Guide (NPPG) which provides national guidance on such matters.

3.0 The Site Details

- 3.1 The application seeks outline planning permission for residential development on land to the south of the A162 at Sherburn in Elmet. The application site is located to the east of the village of Sherburn, just outside of the development limit of this Local Service Centre as defined by the Selby District Local Plan
- 3.2 Sherburn is a very accessible town being in close proximity to the M1, M62 and A1 (M). Sherburn is served by links to York and South Milford which provides links to Leeds train station and has a regular bus service to Selby town centre. Sherburn is a 30 minute drive to York, 20 minutes to Selby, 60 minutes to Hull and 30 minutes to Leeds.
- 3.3 An indicative layout plan accompanies the application. This demonstrates how the site could be developed with the proposed development. The indicative layout plan shows how 1150 houses could be provided across the site along with the provision of open space. Of these 135 dwellings 119 are located in flood zone. The indicative layout of the proposed development is shown below:



Image 3.1: Indicative Layout Plan

3.4 The proposed layout does propose some of the housing development within Flood Zone 2. Therefore, it is acknowledged that a sequential test will be required to demonstrate that those dwellings within Flood Zone 2 cannot be accommodated in a lower Flood Zone; this is the purpose of this document.

4.0 Flood Zone 2

4.1 The National Planning Policy Guidance at Table 3 sets out a classification of land uses and the compatibility of proposed development in each zone. This demonstrates the types of development which are considered appropriate in each flood zone. These classifications of land use are split into the following categories:

- Essential Infrastructure
- Highly Vulnerable
- More Vulnerable
- Less Vulnerable
- Water Compatible Development

4.2 As highlighted previously, the application site lies within Flood Zone 2, meaning that the chance of flooding is between 0.1% and 1% AEP or a return time of between 1:100 and 1:1000, which is considered a medium risk. This means that the following land use classifications are considered appropriate:

- Essential Infrastructure
- More Vulnerable
- Less Vulnerable
- Water Compatible
- Highly Vulnerable subject to the exceptions test being passed

4.3 Buildings used for dwellings are classified as a more vulnerable type of development and are therefore deemed appropriate in principle within Flood Zone 2, subject to passing the sequential test. Therefore, in order to assess the planning application regard must be given to whether there are any other sequentially preferable sites that are reasonably available to accommodate the development proposed. However, the application does not need to pass the exceptions test in order to be considered acceptable; this is made clear in Table 3 of the National Planning Policy Guidance (NPPG).

4.4 This application has been submitted taking into account the sensitivity of the flood zone and with regard given to alternative reasonably available sites.

5.0 The Sequential Test

Defining the Parameters of the Sequential Test

- 5.1 As this application proposes the erection within Flood Zone 2, the application is required to pass a sequential test to establish whether there are any other reasonably available sites at a lower risk of flooding than that of the application site which could accommodate the proposed development. Therefore, should a site be available in Flood Zone 1 that could accommodate the development in the defined search area, the sequential test would fail.
- 5.2 When applying the sequential test the council requires applicants to search for alternative sites across the whole district unless justification is provided to reduce the geographical search area. The council also contends that the search for other sites should include those larger than the application site and those outside the applicant's ownership. The approach as set out with the councils recent sequential test guidance requires applicants and developers to consider allocated Phase 2 sites of the Selby District Local Plan as alternatives.
- 5.3 The council is currently in a position where they are not able to identify a 5 year supply of housing which is a requirement of the National Planning Policy Framework. This has resulted in a situation where the council cannot rely on its housing policies to preclude development in this location (outside development limits). The application should therefore be considered in the context of sustainable development and paragraph 14 of the NPPF which states that:
- “Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.”

The accompanying planning statement investigates this issue in more detail.

- 5.4 Notwithstanding the councils approach to the application of the sequential test and its lack of a 5 year housing supply; The National Planning Practice Guidance (NPPG) provides applicants with guidance on how the sequential test should be applied and indicates that the catchment area for such a sequential test can be reduced. The NPPG states:

*“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.”*

The guidance then goes on to provide an example of where it would be appropriate to reduce the search area for alternative sites stating:

“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”.

5.5 The spatial distribution of future development in the Selby District is set out in the Selby Core Strategy. The future growth of settlements and communities in the District is based upon a settlement hierarchy which seeks to make Principal Towns the main focus for new development with further growth in the Local Service Centres of Sherburn and Tadcaster and more sustainable villages. On this basis policy CP2 of the Core Strategy states:

“a) The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints

- Selby as the Principal Town will be the focus for new housing, employment, retail, commercial, and leisure facilities.*
- Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement”*

5.6 The Core Strategy therefore acknowledges that Sherburn is a focus for residential development, the supporting statement highlights the proposed development would be located within a sustainable location providing many benefits including providing much needed housing in a sustainable location and one where it has been recognised to be capable of accommodating development.

- 5.7 When considering the application of the sequential test in various applications the Council have when dealing with applications for houses within flood zones issued a list of sites across Selby District which it considered to be “reasonably available” alternatives to those sites which have come forward within the flood zones higher than Flood Zone 1. These same sites have previously been put forward by the SDC to defend appeals for residential development on other unallocated sites in Selby District. Historically, the council has also put forward sites from within the Strategic Housing Land Availability Assessment; however, the council has not included these within their 5 year housing supply calculations and there is also no evidence to suggest these will come forward. As such, it is not considered that these sites should be considered as alternatives to the application site. As noted above, this site is required now in order to fulfil the councils 5 year housing supply consequently, it is considered appropriate to only consider the remaining Phase 2 sites as part of this application as they are the only sites which can be considered “deliverable” in terms of national guidance. Whilst there is no definition within this guidance, footnote 11 of the NPPF states *“To be considered deliverable, sites 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 and in particular that development of the site is viable”*.
- 5.8 The applicant has therefore considered the Phase 2 sites along with the allocation at Olympia Park which were allocated as part of the local plan and the Core Strategy in order to determine whether there are any other sites at a lower food zone which could accommodate the development A list of these alternative sites is appended to this document at Appendix A. This list has been provided by the council. Each site has been assessed to establish whether it is capable of accommodating the proposed development, and whether it is reasonably available and at a lower flood zone to that of the application site each site assessment can be found within Appendix A. The majority of the sites although released for development, have yet to come forward for development. In addition, the majority of them are of an insufficient net developable area to accommodate the proposal as such they cannot provide the development proposals. Therefore from the list provided by the Council there is only one site within Flood Zone 1, which have yet to gain planning permission and which is capable of accommodating the proposed development. The suitability of the site for its ability to accommodate the development is discussed within the following paragraph.

EGG 3. Selby Road, Eggborough

- 5.9 Part of this site benefits from planning permission under application Ref. 2014/0659/FUL. However, the remaining part of the site has failed to come forward despite being released for development in September 2011, which is likely to be due to the number of site owners. There is no evidence to suggest this site will come forward in the short term, which is required to deal with the council's shortfall of housing. In addition the site is subject to a ransom strip owned which is owned four different owners which will hinder the development of the site coming forward in the longer term. Given the lack of any evidence to support this site coming forward it is not considered to be reasonably available.
- 5.10 The lack of reasonably other available sites to accommodate a development of this scale is acknowledged by the council within application reference 2014/1129/OUT since this decision has been made there have not been any material changes in circumstances which would allow the council to reasonably come to a different decision. The applicants for this proposal demonstrate that those sites identified the council as being sequentially preferable are in most cases not lying within the same or higher flood zone. The council acknowledged that the Phase 2 sites identified which have not come forward for development are not reasonably available when considering sixty houses within Flood Zone 3a, the highest flood zone. Given this acceptance there cannot be any other sequentially preferably sites when considering a site within Flood Zone 2. In this situation the amount of other reasonably available sites reduces as it is only sites within Flood Zone 1 which need to be considered. Therefore, it has been demonstrated that there are no reasonably available sites at a lower flood zone available for development which could accommodate the proposed development.

6.0 Conclusion

- 6.1 The site, in planning terms, is considered to be in a sustainable location, in accordance with the NPPF, making use of existing services and infrastructure and providing housing in light of the council's failure to provide a 5 year supply.
- 6.2 The sequential search has uncovered no alternative sites within the settlement which fall within Flood Zone 1 within the search area and which could reasonably accommodate the proposed development. This is a fact which is acknowledged within the councils report to the planning committee under application reference 2014/1129/OUT which was granted permission by the council despite being located within flood zone 3a. This document therefore demonstrates that the sequential test is passed and that the sites location within flood zone 2 does not preclude the granting of planning permission on this site.
- 6.3 Finally, this site would see the provision of Windfall Development which would contribute to the council's housing delivery targets which they are failing to meet. The applicant is keen to develop the site as soon as possible; therefore the site is available to provide housing now which there is clearly a significant need for within the district.
- 6.4 The application site therefore passes the Sequential Test in accordance with the guidance within the NPPF and the NPPG.

APPENDIX A

LIST OF SITES PROVIDED BY THE COUNCIL IN OCTOBER 2016

Site	Flood Zone	Yield	Assessment
BYR/1 East Acres, Byram	Flood Zone 1	21 dwellings	Due to the limited area site this site cannot accommodate the proposed development. The site is therefore not considered as a reasonably available alternative to the application site.
CAM/1 Drax Road, Camblesforth	Flood Zone 2	55 dwellings	This site also lies within Flood Zone 2. Only sites within Flood Zone 1 can be considered sequentially preferable. In addition, the site cannot accommodate the proposed development. The site can therefore not be considered a reasonably available alternative to the application site.
EGG/2 High Eggborough Road	Flood Zone 1	23 dwellings	Due to the limited area the site cannot accommodate the proposed development. The site has also failed to come forward despite being released for development in September 2011. The site can therefore not be considered as reasonably available alternative to the application site.

EGG/3 Selby Road, Eggborough	Flood Zone 1	900 dwellings	Part of the site benefits from planning permission under application reference 2014/0659/FUL. The remaining part of the site has failed to come forward despite being released for development in September 2011 which may be due to the number of site owners. In addition it has been established that the site is subject to a ransom strip. There is no evidence to suggest this site will come forward in the short term which is required to deal with the council's shortfall. This application is available, deliverable and developable now. The site can therefore not be considered as reasonably available alternative to the application site.
SEL/1 Cross Hills Lane, Selby	Flood Zone 2/3	450 dwellings	The site is located within Flood Zone 3 and is therefore not sequentially preferable to the application site. The site can therefore not be considered as reasonably available alternative to the application site.
SP7 – Olympia Park	Flood Zone 3	863 dwellings	The site is located within Flood Zone 3 and is therefore not sequentially preferable to the application site. The site can therefore not be considered as reasonably available alternative to the application site.

Claire Richards AAH Planning

From: Ruth Hardingham <rhardingham@selby.gov.uk>
Sent: 13 October 2016 11:36
To: Claire Richards AAH Planning
Subject: RE: Sequential Test Guidance

Claire

Please find the list below.

BRY/1
CAM/1
EGG/2
EGG/3
SEL/1
SP7

Regards

Ruth

Ruth Hardingham
Interim Deputy Lead Planning Officer

t: 01757 705101
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From: Claire Richards AAH Planning [mailto:claire.richards@aahplanning.com]
Sent: 13 October 2016 10:02
To: Ruth Hardingham
Subject: FW: Sequential Test Guidance
Importance: High

Ruth,

Please could you provide this asap as per the email below?

Kind Regards

Claire Richards MA
Planning Consultant



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From: Tom Ridley [<mailto:tridley@selby.gov.uk>]

Sent: 11 October 2016 13:51

To: Claire Richards AAH Planning

Subject: RE: Sequential Test Guidance

Hi Claire

I have spoken to Ruth Hardingham and asked this is dealt with straight away.

I apologise as I had thought this had been dealt with.

Tom Ridley
Policy Officer

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From: Claire Richards AAH Planning [<mailto:claire.richards@aahplanning.com>]
Sent: 11 October 2016 13:47
To: Tom Ridley
Subject: RE: Sequential Test Guidance

Hi Tom,

Any news on the list of sites? who do I need to contact in DM?

Kind Regards

Claire Richards MA
Planning Consultant



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