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10 August 2015

Dear Sir/Madam,

## **PLAN SELBY SUMMER 2015 CONSULTATION**

### **Let's Talk PLAN Selby: Draft studies and evidence base consultation Summer 2015**

We write on behalf of Sherburn Promotions Ltd/Hodgson's Gate Developments to make comments on the Draft studies and evidence base documents published in July 2015. They control land to the east of Hodgson's Lane, Sherburn in Elmet (hereon in referred to as Sherburn). These representations follow previous representations submitted over recent years to the Core Strategy and emerging Allocation document, which supported housing delivery in Sherburn and the proposed allocation of the land at Hodgson's Lane for housing (as in the draft 2011 local plan).

The land is currently the subject of an outline planning application for up to 270 dwellings, with a full suite of technical reports to demonstrate its suitability and deliverability (application ref: 2015/0544/OUT).

We address the Council's questions in order based on the documents.

### **Strategic Housing Market Assessment (SHMA)**

*Q1 (SHMA) Do you have any comments on the:*

*a. the housing market areas in and around Selby?*

We agree that Selby is not a self-contained housing market area and operates with Leeds, York and Wakefield. It is therefore important that housing provision has full regard to the needs and delivery within these adjoining areas. With particular regard to Sherburn, the settlement sits to the west of the borough and works with the Leeds market area given its proximity and good transport connections to Leeds, and also to a degree the York area. Accordingly, full account of the Leeds and York market areas should be taken. Leeds City Council has an adopted Core Strategy and an emerging Allocations Plan. It is seeking to

accommodate its requirements in Leeds, but is reliant on large extensions to the East of Leeds (ELE and Skelton Gate) which have significant infrastructure requirement and thus will take time to yield dwellings. With regards York, the Council does not have an up to date adopted plan and there are indications that it will not seek to meet its Objectively Assessed Need (OAN) within the borough, meaning that Selby may need to look at covering additional growth. As Tadcaster is constrained with a poor delivery record, less constrained locations such as Sherburn ought to be favoured for additional growth. The Council must positively cooperate with Leeds (and York and Wakefield) under the Duty to Cooperate for the plan to be effective over its period in accordance with NPPF paragraph 182.

*b. trend based demographic projections?*

We agree with the use of 2012 based SNPP and SNHP as the starting point for considering the OAN. The figures must however be sensitivity checked to reflect the suppressed housing market from 2008 and its implications for household formation.

*c. economic led projections?*

We support the inclusion of economic projections as a baseline, but it should be made clear that these are 'policy off' projections and do not allow for the growth aspirations of the Core Strategy.

*d. affordable housing need?*

The study identifies the need for affordable housing and that it is a growing need. However, it assumes that the Private Rented Sector (PRS) will provide much of the affordable housing going forward, thus suppressing the need for future affordable housing.

We are concerned that PRS is not affordable housing and does not meet the definition of NPPF. Furthermore, the chapter looks too narrowly at affordable housing with regards the current policy requirement. The SHMA identifies that the borough is characterized by higher values in the north (associated to the York market area), yet the report makes no such distinctions with regards the need for and delivery of affordable housing spatially.

The chapter also uses the demographic data to justify the 40% policy requirement, but does not refer to viability and the actual deliverability of that percentage on sites. It is noteworthy that many recent consents have achieved less than 40%. This indicates that a greater overall number of units may well be required in order to achieve the level of affordable housing which is required.

At the allocations level, as we deal with in greater detail later, by limiting future allocations in Sherburn, this means that the ability to provide and

target affordable provision to meet these identified and growing needs will be lost. To be positively prepared to meet the OAN for affordable housing, new allocations will be required in Sherburn.

*e. market signals?*

This section rightly considers such market signals and whether they require an adjustment to the demographic projections. However, there is a lack of clarity in how the market signals have been utilised in coming to a 'modest' increase in housing requirement. Given that the borough has a strong affordability need, which is worsening, this would indicate that a more significant adjustment is required in the OAN for the plan to be positively prepared.

*f. need for different types and sizes of homes?*

There is undoubtedly a need for a mix of units to suit varying needs, however this must be left to the market to determine through applications.

*g. housing needs for specific groups of the population?*

As above.

*h. draft conclusions?*

We consider that the OAN figure reached is at the lower end of the range and that a higher figure should be proposed in order for the emerging plan to be positively prepared, justified and effective. Constraining delivery through an overly cautious OAN will restrict economic growth, fail to address previous shortfalls and latent affordability issues and provide no flexibility for addressing the duty to cooperate.

## **Development Limits**

### Q6 (DL) Do you have any comments on:

*a. the need to identify development limits in PLAN Selby?*

We agree that there is a need to identify development limits for the principal town, local service centres, designated service villages and secondary service villages. This will provide certainty for those areas of where development is in principle acceptable and those areas of open countryside where (except in particular circumstances) it is not.

The development limits however must be drawn after the assessments of OAN, employment need, green belt review and allocations have been considered, such that the limits drawn have longevity and allow sufficient scope for development at the edge of settlements. The limits

must allow for sufficient land to be included, especially in the higher order settlements such as Sherburn, to allow for development to come forward over the plan period. As Sherburn is likely to have to accommodate development to meet its and wider needs (such as to cover the housing development that is not coming forward in Tadcaster) then the limits cannot be too tightly drawn.

It is also important that limits allow for allocations and safeguarded land. The old housing allocations for Sherburn now have consent and meet the previous plan's needs so ought to not be shown as allocations in the emerging local plan, but instead form part of the built up area.

*b. an alternative policy approach to protect the countryside?*

As not all settlements are proposed to have a limit set, then a policy to seek to protect the countryside will also be required. Such a policy should utilise criteria to identify the types of development that policy would support in the countryside and that which it would oppose. Such a policy could include criteria relating to the nature and position of the settlement in the hierarchy, its sustainability, and the physical and functional relationship of the site to the settlement.

*c. the proposed methodology for defining development limits?*

The proposed methodology appears logical.

*d. the conclusions about defining 'tight' development limits?*

We consider that drawing a tight boundary which is based on the assumption that all sites within it have been assessed as suitable for development is flawed. The boundary should be considered after the process of assessing the sites required to meet the housing, employment and other needs of the settlement (and borough). The latter is the process for thoroughly assessing such sites and their suitability for development.

The development limits ought to be drawn based on the criteria set at section 3.4, with a greater emphasis on the limits defining the settlement in function and physical terms. The limit should not be drawn so tightly as to only allow for the planning allocations, as for the plan to be flexible and positively prepared, it must allow for other development needs to be met during the plan period and beyond). NPPF is clear at paragraph 14 that plans ought to be flexible.

A settlement such as Sherburn which is a high order settlement should have its development limit set in order for it to meet growth needs flexibly. Safeguarding land within the settlement boundary is one means of ensuring future needs can be met. Sherburn is a sustainable settlement and a priority location for growth of housing and employment. For the plan to be justified and positively prepared the

settlement boundary ought to be more loosely drawn. Other plan policy can and is in place to assess development sites against. By allowing for greater flexibility it will give certainty to developers and residents about how the settlement can evolve, it will also avoid the need for early plan review.

### **Safeguarded land**

*Q7 (SL); Do you have any comments on the proposed approach to identifying safeguarded land set out in section 3 of the study?*

#### Reviewing existing safeguarded land

We agree as part of the forthcoming plan review there is a need to consider existing and future safeguarded land. Given the nature of the settlements within the Borough, and the green belt status surrounding the main centres, there is clearly a need to identify safeguarded land going forward. This is born out from the 2005 local which identified a number of areas of safeguarded land, some of which have now come forward or are being proposed for development. For example in Sherburn areas of land were safeguarded to the north, south and west, with land to the north now proposed for development through the application at Hodgson's Gate (application ref: 2015/0544/OUT). Given the Council's lack of a five year housing land supply and with most housing allocations now consented or built, it is clear that safeguarded land is important in allowing the borough to meet its needs sustainably. Sherburn clearly needs to rely upon its safeguarded land now in order to deliver housing to meet its and the borough's wider needs now.

We would advocate that existing safeguarded land needs to be allocated for development as it is required to meet current and future needs, as is justified through the application at Hodgson's Gate (east of Hodgson's Lane), with other land retained as safeguarded.

#### New safeguarded land

With regards to new safeguarded land, the amount and location of new safeguarded land can only be properly understood when the housing, employment and other allocations are understood and the availability of land known. We fully support the identification of new safeguarded land for beyond the emerging plan period and consider this essential in assuring that robust green belt boundaries are provided, whilst the need to accommodate growth is not stifled. We would support the safeguarding of land only adjacent to the existing main centres of Selby, Sherburn and Tadcaster. These centres are the largest and most sustainable within the borough, and therefore ought to be the focus for future growth.

Whilst there is some logic in identifying land adjacent to existing allocations, this should not be the overriding factor, and safeguarded land ought to be identified at other sites around the perimeter of such settlements which can be integrated into the urban area. We would suggest that physical and strong boundaries to

safeguarded land are chosen (such as roads, railways) in order for durable and permanent green belt boundaries to be maintained.

With regards to the discussion of returning the safeguarded land to green belt, we would be strongly cautious of this given that land was identified as appropriate for development beyond the plan period in 2005, and that land should not be returned to the green belt unless circumstances have significantly changed and that the land is now essential and required for green belt purposes.

Given that Selby has underprovided with regards to its housing, and cannot demonstrate a five year housing land supply, we believe that all existing safeguarded sites ought to be retained or allocated for development going forward. Furthermore, from reviewing the Council's annual monitoring reports for 2013/14, it is clear that a high proportion of new housing has been delivered on greenfield sites (as opposed to brownfield) again indicating that the Council needs to identify sufficient land for housing at the edge of existing built up settlements. This trend is likely to continue going forward and therefore for the plan to be robust, further safeguarding land will likely be needed.

Given the above, we do not support option 1 which suggests that no new safeguarded land be identified. We support option 2 with the identification of new safeguarded land based on an understanding of a longer term development needs. This must take account of at least the plan period and a further ten years provision beyond that. This needs to reflect back on the OAN identified through the SHMA and allow for spatial flexibility across the Borough, to allow for development to be brought forward to meet needs, if it cannot be achieved in a particular location. For example if land in Tadcaster is not forthcoming for development, then additional safeguarded land will need to be provided and delivered around Sherburn and Selby.

We are of the view that the choice of land to take from the green belt and place as safeguarded, should not necessarily only be driven by identifying the weakest performing green belt land (against the five objectives of NPPF) and should also be significantly informed by identifying that land which is most sustainable and able to meet development needs of the borough and its settlements moving forward. Whilst assessment against the green belt objective is important, a balance must be drawn between identifying appropriate land for future development, and identifying that which is most important to the greenbelt. We agree that there needs to be a thorough assessment of the amount of brownfield land available, that the windfalls likely to be achieved and delivery on strategic and allocated sites, as this would provide a firm indication as to the likely future housing requirement land requirements.

We would also support option 3 in identifying land to cover the next two plan periods. In order to provide some certainty for developers/land owners and residents as to how future growth can be accommodated, and mindful of tracking trends of brownfield and Greenfield housing development, by identifying a longer term reserve of land, it would ensure that more permanent green belt boundaries can be set.

**Question Q9 (SS) Do you have any comments on:**

- a. *The overall approach to the site selection process set out in section 6.3 of the study?*

Overall, we are satisfied that the site selection process is a logical means of identifying and assessing sites for future development.

The stage one 'Initial Sift' deals with all the main criteria. We support the principle that of criterion which relates to whether the site is located in or near a settlement with a housing target in the core strategy. This places greater emphasis on key settlements such as Sherburn to deliver new housing developments. At this stage however, the scale of the housing target should not be relevant in identifying a site or sites which could come forward for development. For the plan to be positively prepared to meet needs, sustainable locations (such as Sherburn) should not be constrained from allowing needs to be met.

Likewise we support the proximity criteria, as sites within or adjacent to a settlement are usually well placed to provide future housing and other development in a sustainable manner. The criteria should apply more weight to those sites which are immediately adjacent to settlements, rather than those which are separated from settlements.

The stage two 'Quantitative Assessment' provides a more in depth consideration of sites' against key criteria to do with accessibility and sustainability. It will be important, however, at this stage to ensure that up to date information is assessed against sites, such as strategic flood risk assessments.

Likewise the stage three 'Qualitative Assessment' will be reliant on having full information on all sites.

Given the amount of officer judgement being applied through the assessment process, we think it crucial that there is a fully documented and clear process for site assessment, with full and transparent comments given on all sites at each stage. This will be essential in justifying why sites have or have not been carried forward. The assessment criteria need to be applied as objectively as possible.

The Hodgson's Gate site was identified as a proposed allocation in the stalled 2011 allocations plan and we feel that these sites should be a starting point for consideration of future allocations for the borough. As part of the assessment process, full information should be sought from site promoters with opportunities to meet and discuss the sites in greater detail. As referenced, an outline planning application has been submitted with full supporting information for the Hodgson's Gate site which demonstrates that the site is suitable, available, and deliverable for housing in short term (application reference 2015/0544/OUT).



In respect of stage four 'Deliverability' this is a crucial stage where officers will require input from site promoters in order to thoroughly assess sites' deliverability. We agree that the SHLAA working group can play a role in assessing sites; however viability testing and consideration of site constraints will require not only officer judgement, but also objective information. Sites such as Hodgson's Gate which have a full pack of supporting technical information clearly are deliverable sites in short term and therefore ought to be identified for allocation.

*b. The details of the site assessment work proposed in appendix A of the study*

Overall, we agree with the appendix for site selection, but have a number of comments about detail. For example on A1 the methodology for stages one and two and the criteria relating to proximity to employment centres, this ought to score more highly proximity to intermediate employment locations. The Sherburn in Elmet industrial area provides a significant amount of employment within the Borough and therefore being within two or five miles of such a site ought to score at least a (single +) to differentiate itself from other locations. Scoring a site within five miles of an intermediate location as a neutral '0' seems unduly critical of such locations which in effect are close to employment sources.

Also with respect to proximity to facilities, we note the distances are based on the Urban Potential Studies and Settlements Guide of 1998. There is now more updated guidance on proximity facilities such as the Institute of Highways and Transport (IHT), and these ought to be considered. With regards to the flood risk category, the notation has been reversed, such that sites within flood zone 3 score zero and sites in flood zone 1 get a minus score. It should be reversed such that sites in flood zone 1 get a positive as they are preferred. Likewise for the physical infrastructure criteria, major constraints which can be mitigated score lower than those which cannot. Again this needs to be reversed.

District and Market Town Study – Sherburn

*Q15 (MTS) is there any relevant evidence base missing from the baseline review and fact sheets and is there anything incorrect about our summaries of evidence?*

We comment with specific regard to Sherburn in Elmet. We consider that the summaries of evidence generally cover all the main issues raised at the workshop sessions.

*Q16 (MTS) looking at the fact sheets for Sherburn in Elmet which talk about the growth and regeneration of the town do you have any comments on?*

*a. The deficits needs and aspirations*



Overall, we agree with the deficits, needs and aspirations, but would emphasise the deficit in housing terms that the allocations for housing from the previous plan have far from been built out to meet previous housing needs. On the needs section, it notes the need to provide 54 new dwellings for the village. We would emphasise that this is a simplistic calculation looking at the overall housing minimum requirement for Sherburn, and subtracting those numbers of units which have received consent on the previous plan's allocated sites. This is a simplistic way of assessing the need for new housing within Sherburn, not least as the Council currently cannot demonstrate a five year housing land supply, and therefore need to provide housing across the borough. Sherburn does not operate in isolation, and rather is part of the overall housing market in Selby as identified through the SHMA. Sherburn can and does also provide housing to meet the York and Leeds housing markets, and therefore to limit future housing for the next 12 years to just 54 units would be contrary to the advice of NPPF about positively preparing a plan and significantly boosting housing supply.

The needs section rightly identifies that if Tadcaster is unable to meet its housing needs, then Sherburn and Selby will be required to provide an additional short fall of 476 houses. This is an important consideration, and given that land in Selby is affected by flood zone, we believe it practicable that a greater proportion of the housing is allocated to Sherburn. Indeed, by allocating for more growth, the Council has greater control over future development within borough and will need to rely less on windfall sites coming forward.

Sherburn is a highly sustainable settlement with significant employment allocations and land as well as a full range of services. Furthermore, it has available land, such as like at Hodgson's Gate, which is ready to come forward now to meet development needs. It is important that housing allocations are provided for within Sherburn to take account of under delivery elsewhere within the borough. Through so doing it is not a 'punishment' for Sherburn, rather a reflection that it is a sustainable location with land outside of the green belt which has the capacity and ability to meet needs. Following this approach will ensure the plan is not only positively prepared but also justified in proposing a deliverable alternative strategy to merely allocating land in Tadcaster which for landownership and other reasons will not come forward (as history suggests).

We would also emphasise the need to provide affordable housing, as identified through the SHMA. The borough and Sherburn suffer increasing affordability problems, which must be resolved through the delivery of new affordable units. These will be delivered through the grants of consent on new planning permissions. If only 54 units are to be allocated in the plan to 2027, then with a policy of 40% affordable provision, this would only see the future provision of 21 affordable dwellings at most within the settlement. This runs completely at odds

with the SHMA which identifies an increasing need for affordable housing over the planned period. Plainly existing consented sites within Sherburn and their agreed mix and balance of housing cannot be changed as they are already given. Therefore, future housing allocations will be required at a sufficient scale in order to deliver the appropriate affordable and other types of housing required in the settlement.

Indeed, when considering other needs there is a desire for bungalows and mid-market two and three bedroom homes. Again these will not be provided by the consented sites within the village, therefore if these needs are to be met during the plan period, which NPPF requires plans to do so if they are to meet the tests of being positively prepared, justified and effective, then future allocations will be required in order to address these needs.

It is an important point that growth brings facilities and infrastructure, and that small scale sites generally yield significantly less, as they cannot viably support such requirements. Therefore larger allocations of land such as at Hodgson's Lane, are required to bring infrastructure and facilities.

Further, if the economic ambitions of increasing jobs in Sherburn and upgrading to more skilled roles, such as in advanced manufacturing, then the provision of new and executive homes in Sherburn will be important in attracting staff to support growth and investment.

With particular regard to the housing needs on page 7, we note that the SHMA supports the 450 per annum dwelling figure but very much as a minimum with their justification to allow for a higher figure.

With regards to infrastructure, there is a need for improved primary school, extra care housing and strategic highway improvements for Sherburn. Whilst some of these matters are being addressed through granted consents, it is clear that to further enhance the infrastructure within the village, there will need to be further development brought forward and sites allocated in order to deliver such necessary infrastructure. Larger allocation sites have the ability and viability to deliver improvements to wider infrastructure, and therefore in the absence of any further allocations, then such infrastructure is unlikely to be funded and delivered within the village.

*b. The technical issues?*

We agree that the key technical issues to inform future land allocations in Sherburn relate to flood risk, greenbelt and development limits. Sequentially preferable flood zone 1 land ought to be prioritised for the delivery of future housing growth, with sites such as land east of Hodgson's Lane ideally placed.

Likewise, safeguarded land ought to be brought forward in advance of any green belt release within the settlement. When defining the development limits, it is important that the existing safeguarded land is retained within development limits, but we would propose certain parts such as land at Hodgson's Lane are identified as housing allocations in order to provide the certainty for delivering development to meet the identified needs in Sherburn.

As previously stated, land at Hodgson's Lane, in being previously safeguarded is deemed sustainable and suitable for development, and given the lack of housing land supply and need to deliver homes to meet the borough's needs, is ideal for delivery in short term. It is unencumbered by flooding and any other technical constraints, and therefore is available and suitable for allocation.

c. *The options and key planning issues?*

With regards to future options, we support identifying land which is in flood zone 1.

Regarding housing, we support the first option of allocating larger sites than required to ensure delivery. It is clear from looking 2006 local plan site allocations for Sherburn that during the last ten years very little has been developed, resulting in under delivery in Sherburn and a lack of five year land supply in the Borough in general. Given this proven history, we would support the identification of further allocations within Sherburn in order to ensure delivery of sufficient housing to meet needs. Land at Hodgson's Gate is available and deliverable in the short term and therefore should be identified as an allocation. We would not support the identification of sites which are not currently available or deliverable but could be by the end of the plan period. By doing so there is a significant risk that such sites cannot come forward to meet housing needs, thereby leaving a plan which is not positively prepared or justified, so unsound.

Likewise the identification of contingency site allocations for release at a later phase of the plan would need clear criteria to justify when such sites would be released. Plainly if there is a pressing housing need the plan must allow sufficient flexibility for sites to come forward to meet such need. NPPF Paragraph 14 is clear that plans should have sufficient flexibility to adapt to rapid change. Furthermore, phasing policies which limit housing land supply would be contrary to the desire to boost housing, and as such the concept of contingency sites would need careful consideration if it were to be compliant and the plan to be positively prepared and sound.

As previously stated, we consider that merely providing 54 dwellings in Sherburn to cover its minimum local plan requirement to 2027 will constrain and limit the delivery of housing and in particular affordable and specialist housing to meet the needs of residents. Furthermore it

will allow now flexibility to cover under provision in Tadcaster or other locations, i.e. adapting to change (NPPF Paragraph 14).

We consider that sites promoted through the SHLAA should be considered for allocation in the plan, with a site such as Hodgson's Gate which is deliverable, achievable and suitable in the short term, prioritised. The site has a current outline application with a suite of technical documents with fully demonstrate its deliverability in the short term.

Regarding the development limits within Sherburn, we would advocate that the development limits are not drawn tightly around the settlement, but provide for flexibility to accommodate future housing and other development needs.

- d. *What areas of open land, in and around the town, do you think are especially valuable and tell us why you think so?*

We consider that the greenbelt and environmental designations around Sherburn are of greater environmental significance and that currently safeguarded land should be preferred for allocation and development.

- e. *What parts of town's built up area do you think are especially valuable and tell us why you think so?*

No comment

### **Summary**

We trust that you will take full account of the above comments in progressing PLAN Selby forward to achieve a plan compliant with the NPPF and which meets the growth needs of the borough, with a focus on larger settlement areas such as Sherburn.

We look forward to discussing these points further as the Council continues to prepare PLAN Selby and in association with the Hodgson's Gate site pending consideration under application reference 2015/0544/OUT.

Yours faithfully

Doug Hann