

**North Yorkshire Council**

**Community Development Services**

**Selby and Ainsty Area Planning Committee**

**8<sup>TH</sup> APRIL 2026**

**ZG2025/0983/OUTM– APPLICATION FOR OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF UP TO 180 DWELLINGS (CLASS C3) INCLUDING ACCESS FROM LOW STREET (ALL OTHER MATTERS ARE RESERVED) AT LAND AT LOW STREET SOUTH MILFORD**

**Report of the Assistant Director - Planning – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine an application for outline planning permission with access (all other matters reserved) for up to 180 dwellings on land off Low Street South Milford, North Yorkshire.
- 1.2 This application is reported to Committee because the Head of Planning considers this application to raise significant planning issues such that it is in the public interest for the application to be considered by Committee.

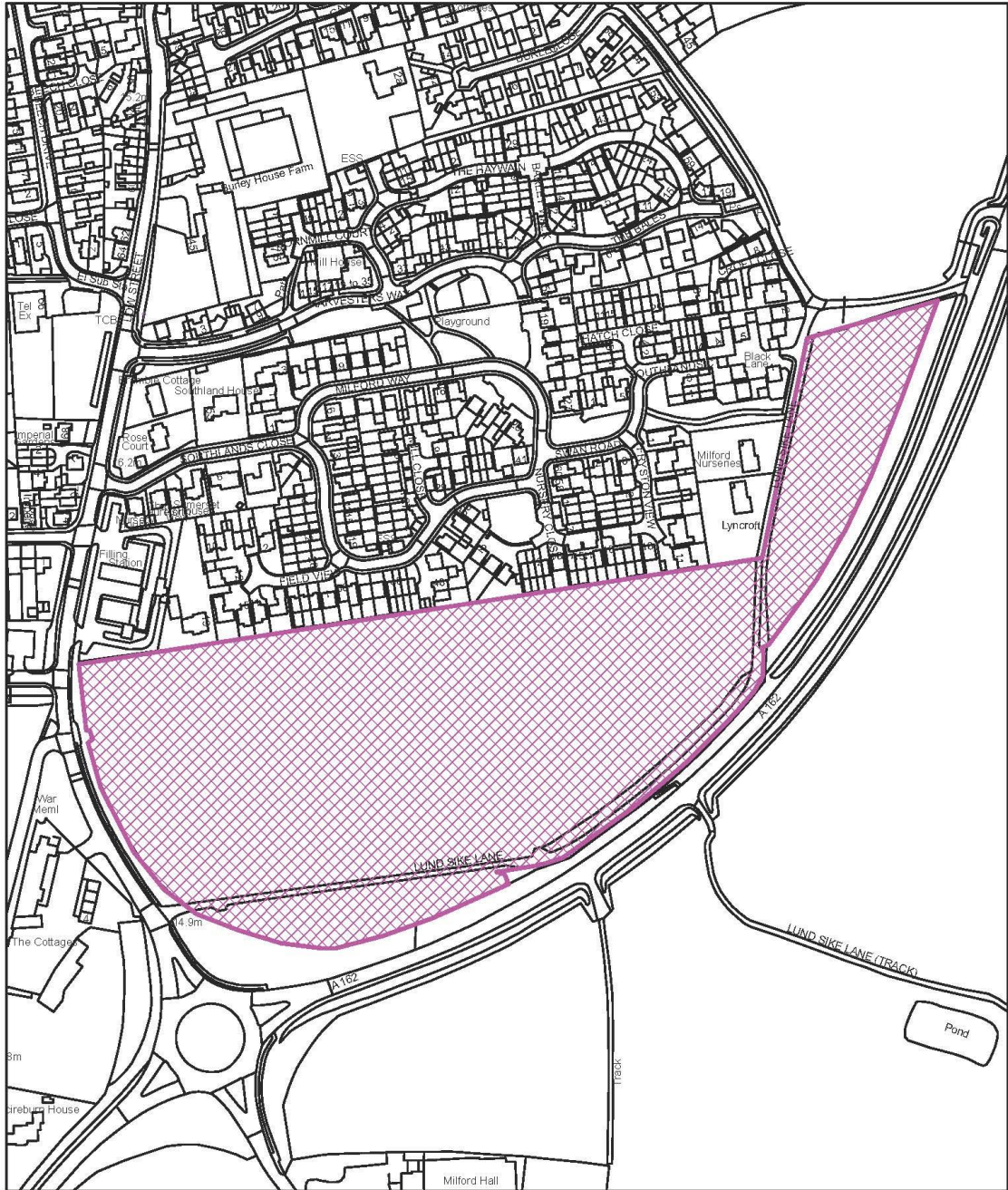
**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:** That planning permission be granted subject to the following conditions and completion of a S106 agreement

- 2.1. This is an application an outline application for residential development on the site with all matters reserved other than access into the site from Low Street.
- 2.2. The site lies immediately to the south of South Milford, fronts Low Street to the west and is bounded by Lund Sike Lane and the A162 to the south and east. Existing residential development along Field View, Southlands Close and Nursery Close adjoins the site to the north. The application site is made up of three parcels and has a total site area is 6.38 hectares. The main part of the site is in active agricultural use and is where the residential development is proposed, and then two further parcels separated from the main development parcel by Lund Sike Lane are both in mixed use including the Dog Walk Park, grazing for horses and grassland.
- 2.3. The application includes a **Parameters Plan (ref YE-10-101)**, a **Framework Plan (ref YE-10-100 Rev C)** and a Preliminary **Site Access Plan (ref DLP SK001 REV C)**. The submitted **Design and Access Statement (ref YE-10-103 REV B)** considered the sites location and context and sets a framework for the design of the scheme at the reserved matters stage.
- 2.4. The application proposes 50% affordable housing provision, so 90 units if the full 180 units are brought forward.

- 2.5. The principle of development on the site can be supported as a grey belt site, and under the “golden rules” with the NPPF and can be supported in the context of not only of the Council’s position on housing land supply but also having assessed the scheme against the development plan and the approach of the NPPF in terms of grey belt, sustainability and the test under the NPPF Golden Rules, notwithstanding the conflict with Policy SP2 of the Core Strategy.
- 2.6. It is considered that an acceptable scheme could be achieved on this site at the reserved matters stage in relation to the internal access, layout, scale, design, appearance and landscaping which would not result in any adverse impacts on nearby residential properties and would be acceptable in relation to the impacts on highway safety subject to conditions. The housing mix would be dealt with at reserved matters stage and could be delivered to comply with the HEDNA.
- 2.7. Further, the proposed development is considered to be acceptable in terms of all technical matters and appropriate design can be achieved at the reserved matters stage.
- 2.8. It is concluded that any harm identified due to the construction of residential development outside settlement boundary would not significantly and demonstrably outweigh the benefit of approving the proposed development in a sustainable location. The proposal benefits from the presumption in favour of sustainable development. Therefore, planning permission should be granted subject to conditions and the prior completion of a S106 agreement.

Land At E449770 N4361050, Low Street to South Milford By-Pass, South Milford  
ZG2025/0983/OUTM



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### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here - [ZG2025/0983/OUTM | Outline planning application for the construction of up to 180 dwellings \(Class C3\) including access from Low Street \(all other matters are reserved\) | Land At E449770 N4361050 Low Street To South Milford By-pass South Milford North Yorkshire](#)
- 3.2. During the course of the application, following consultations, additional and amended information was received from the Applicants including an updated Transport Assessment and Travel Plan, a revised Access Plan, updated framework and parameters plans and an updated enhanced Design and Access Statement, and additional information relating to heritage, namely archaeology, and bats. Consultation was undertaken on this information in February 2026.
- 3.3 There is no planning history for the site of relevance for this application. There is an existing dog walking area in the northeastern section of the site which is within the area which is identified as an area for Biodiversity Net Gain on the Parameters Plan and Framework Plan.

### **4.0 Site and Surroundings**

- 4.1. The application site lies immediately to the south of South Milford, fronts Low Street to the west and is bounded by Lund Sike Lane and the A162 to the south and east. Existing residential development along Field View, Southlands Close and Nursery Close adjoins the site to the north.
- 4.2. The application site is made up of three parcels and has a total site area is 6.38 hectares. The main part of the site is in active agricultural use and is where the residential development is proposed, and then two further parcels separated from the main development parcel by Lund Sike Lane are both currently in mixed use including the Dog Walk Park and grassland within the north eastern parcel, and the grazing for horses within the southern parcel. The total site area is 6.38 hectares.
- 4.3. In terms of the boundaries to the main development parcel, then the boundaries to the residential development to the north of the site consist of a range of boundary treatments including established hedgerows interspersed with medium sized trees. The eastern boundary to Low Street is defined by an established hedgerow which goes along the full frontage and around the corner into Lund Sike Lane. The boundaries of the main development parcel to Lund Sike Lane are a mix of open or established tree and hedgerow planting. The two areas to the south of Lund Sike Lane have established tree and hedgerow boundaries to the Lane and to the A162 and accesses into these areas are from single access points off Lund Sike Lane.
- 4.4. There are some changes in the gradient of the site which slopes slightly away from Low Street at its eastern end to the west end.
- 4.5. The site is within the Green Belt, within a brick clay, and limestone mineral safeguarding area. The site is in flood zone 1 (low risk) and small parts of the site are at low risk, some at medium and some at high risk of surface water flooding. It is also

within consultation zones for Sherburn Aero Club, Leeds East Airport and within an area of low risk of impact from coal activity.

## 5.0 **Description of Proposal**

- 5.1. This is an application an outline application for residential development on the site with all matters reserved other than access into the site from Low Street. The red line is shown on **Plan YE-10-002 Planning Portal Site Location Plan**.
- 5.2. This Preliminary Site Access Plan (Ref DLP SK001 REV C) shows that the vehicular access will be taken from Low Street utilising a priority T-junction.
- 5.3. The submitted Planning Support Statement references that a secondary 4-metre-wide emergency and active-travel link to Lund Sike Lane will be provided however, only a possible footpath link to Lund Sike Lane is shown on the Parameters Plan and this is noted as a “possible connection” and there is no reference on the Parameters Plan or the Framework Plan to the proposed location of any emergency access link. The location of the Emergency Access would be considered as part of the reserved matters stage should outline consent be granted as the location of this link would be related to the internal road layout which is not being considered at this stage.
- 5.4. The application includes a **Parameters Plan (ref YE-10-101 Rev A)** which sets a main scope of the scheme and the A **Framework Plan (ref YE-10-100 Rev D)** has also been provided confirming more detail on the linkages and the use of spaces The submitted **Design and Access Statement (ref YE-10-103 REV B)** then sets out considered the sites location and context and sets a framework for the design of the scheme at the reserved matters stage.
- 5.5. The application proposes 50% affordable housing provision, so 90 units, out of the 180 units proposed on the site. During the life of the application then then developer, Barratt David Wilson (BDW) have confirmed that the mix they would be offering would be

	Social Rent	Affordable Rent	Shared Ownership	Total
1 - bed	18			18
2 – bed	6	12	18	36
3 – bed		8	19	27
4 – bed		2	7	9
	24	22	44	90

- 5.6. A draft S106 Agreement has been submitted and is available to view on the Application file on Public Access. This will be considered by the Council’s Legal Section should Committee be minded to support the application subject to the signing of a S106 Agreement and the scope of the Agreement would be in line with the matters noted in this Report.

## 6.0 **Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in

accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

#### Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Selby District Core Strategy Local Plan (adopted 22nd October 2013)
- Those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy
- Minerals and Waste Joint Plan (adopted 16 February 2022)

#### Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is:

- Revised Publication Selby Local Plan 2024 (Reg 19)
- North Yorkshire Local Plan

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered. From 8 March to 19 April 2024 the Council held a six-week consultation on the Pre-Submission Revised Publication Selby Local Plan. The responses have been considered.

On 17th January 2025, a report was taken to the Selby and Ainsty Area Committee and Development Plans Committee recommending that work on the emerging Selby Local Plan is ceased. A report was taken to North Yorkshire Council's Executive on 4 February and then North Yorkshire Council's Full Council on 26 February with the same recommendation which has been agreed.

Having regard to the above, there is no emerging local plan to consider, but some weight may be given to the evidence base.

No weight can be given to the North Yorkshire Local Plan at the current time as it is at an early stage of preparation.

#### Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide
- Affordable Housing Supplementary Planning Document (AHSPD) 2014

- Developer Contributions Supplementary Planning Document (DC SPD) 2007
- South Milford, Lumby and Newthorpe Village Design Statement SPD (December 2009)

### Proposed changes to the NPPF

A consultation recently closed in relation to a new draft NPPF. Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation, no more than negligible weight should be given to the draft document at this stage.

## **7.0 Consultation Responses**

The following consultation responses have been received and have been summarised below. Full comments are available on Public Access.

### **7.1 South Milford Parish Council:** note “Objection” on the basis that “will have a material detrimental effect on the quality of life for local residents and there is nothing within the reports that changes that opinion”, the comments can be summarised as follows:

- *Education* – The funding sought by NYC is notional mitigation and there is nothing to show how and if this could be achieved. Existing residents have failed to gain primary places in the village and the expected increase in school age children as a result of the development seems very low compared to the likely reality. Consider that the schools should be approached to deduce whether the increase in numbers could be catered for and, if so, how that would be achieved and without this firm reassurance we have serious concerns about the impact the development would have on the educational facilities provided to South Milford’s residents.
- *Healthcare provision* – Note the NHS request for funding and want assurances that impact can be actually mitigated, again we feel the service available to our residents would reduce, which is unacceptable.
- *Highways Impacts* – Do not agree with the NYC Highways comments noting that in their view the proposed entry / egress point would make ten junctions on/off Low Street within the short distance from Harvesters Way to the A162 roundabout (approximately 450m), including the very busy BP garage entry and egress points. Low Street is a busy road and is the main exit point from the village, with the route to the A63 Selby / Leeds or onto the A1.
- *Cumulative Impact on Highways* - there is no consideration for the local cumulative transport increase created by local projects that are planned, including Yorkshire Green / Sherburn 2 / Sherburn 42 / Gascoigne Interchange, plus others being considered currently such as Light Valley Solar and the limestone quarry near Lumby.
- *A162 Roundabout* – consider that the traffic over the A162 roundabout will increase significantly over time, so the increase in village traffic could be significant and presently there is nothing identified that sufficiently negates that.
- *Walking Cycling and Public Transport* - There are presumptions made with the transport assessment in relation to walking, cycling and the use of public transport that do not fit the everyday village experience. We would expect

comprehensive traffic surveys at peak time to be completed and future increases estimated prior to further consideration.

- *Over-development* - the proposed density of houses is very high, and importantly we note that the figures quoted for this in the application are misleading. The land area they use to calculate the density of housing includes the two areas of land on the other side of Lund Sike Lane where no houses would be built. If the density calculation was done just using the piece of land where houses are proposed to be built, the calculated density figure would be higher than quoted.
- *Green Belt* - The proposed development is within Green Belt and the scheme would result in a material extension of the village (into adjacent green belt land).
- *Other Developments* – there is no assessment of the scheme in the context of the proposals for a large solar farm adjacent to the village, and the potential for a significant loss of local Green Belt land if that goes ahead.

Re-consultation upon receipt of the revised / additional information with the Parish Council advised that their initial comments still stood.

- 7.2 **Active Travel England:** advised that standing advice should be considered by the Local Planning Authority,
- 7.3 **NYC Highways Authority:** No objection subject to conditions and S106 mitigation.
- 7.4 **Public and Community Transport Officer:** provided clarification of the position noted in the Highways response of the 10<sup>th</sup> November 2025, and confirmed revised contribution levels for bus service improvement and bus infrastructure contributions to be secured via S106.
- 7.5 **Yorkshire Water:** note objection to the application given not an allocation in the Emerging Selby Local Plan and as such has not been considered in the current asset management period for Yorkshire Water.  
*Waste Water* –The local waste water treatment works does not have adequate capacity available to accommodate the anticipated foul water discharge from this proposal. Yorkshire Water wishes to object to the development on the grounds that flood risk, pollution and public health may all be negatively impacted as a result of the development”  
However, they advise that “should the LPA wish to grant planning permission” then they request that conditions should be attached to the consent relating to:
- Agreement of details for foul water drainage
  - Agreement of outfalls to existing local public sewerage for surface water
- As well as suggesting informatives for any consent advising the Developer of contact points.
- 7.6 **Selby Internal Drainage Board:** advised scheme to follow SUDS principles and recommend a condition to secure on site SUDS and to restrict off site flows.
- 7.7 **Lead Local Flood Authority:** advised discharge to the watercourse is acceptable to LLFA and this should be restricted to a restricted rate of 8.93 litres per second, due to the 6.38 hectares and the IDB’s allowable discharge rate of 1.4/s per hectare. Also confirm that the volume control calculations as provided are also and the submitted

documents demonstrate a reasonable approach to the management of surface water on the site”.

- 7.8 **NYC Environmental Health:** No objections subject to conditions on noise and construction management plan.
- 7.9 **NYC Conservation:** No comments made and advise Officers should use relevant guidance.
- 7.10 **NYC Ecology:** No objection subject to conditions including on BNG and securing of monitoring fee via S106
- 7.11 **Yorkshire Wildlife Trust (YWT):** No objection and confirmed no impact from the development on Site is Sherburn Willows SSSI. and gave a view on the BNG aspects of the scheme noting that 10% uplift was proposed and that there will be a HMMP and a need for monitoring for 30 years.
- 7.12 **NYC Scientific Team (Contaminated Land):** No objection subject to conditions.
- 7.13 **NYC Minerals and Waste Team:** No objection as the mineral in this location is not economically viable and can be extracted elsewhere in the County.
- 7.14 **NYC Public Rights of Way:** advised PROW within or immediately adjacent to the site and therefore requested an informative.
- 7.15 **NYC Waste and Street Scene:** No objection advised on scale of bin storage, presentation points and RCV vehicle requirements to be considered at reserved matters.
- 7.16 **NYC Urban Design:** - Initial comments noted that there was a need for further refinement of the plans to secure a distinctive and contextually responsive scheme. At re-consultation upon receipt of the updated information in **February 2026**, the Officer advised

*“From an urban design perspective, the applicant has made several modest refinements to the outline application. The southern boundary includes a slightly wider landscaped buffer and a potential recreational route, which has resulted in dwellings being pulled marginally northwards. The north-west corner of the site now incorporates a slightly increased building setback and a strengthened landscape buffer adjacent to the convenience store. Minor adjustments have been made to dwelling arrangement and massing in several locations, and the updated material also introduces a pedestrian connection into the eastern area of public open space.*

*A subtle landscaped break has been introduced along the northern linear street; however, the overall character remains continuous and heavily linear in form. A small amount of additional tree planting has also been introduced. The applicant has submitted an Access & Movement Plan which shows the southern recreation route and the eastern POS connection (but has missed out the new northern pedestrian break illustrated in the Framework Plan). Collectively, these changes represent incremental improvement.*

*However, several core matters previously raised remain unresolved and require further refinement to ensure the outline submission secures the fundamental design, character and landscape principles necessary at this stage”.*

So overall, the Officer concluded that “Overall, the revisions show some progress but do not yet provide the parcel-specific design, character or landscape principles needed to give confidence that a distinctive, landscape-led scheme can be secured at reserved matters.”

- 7.17 **NYC Landscape:** Initial comments supported the approach of the Urban Design Officer and added the following comments on the “Landscape Framework Plan”
- With regards to the removal of a section of hedge to allow new access - can opportunity be explored to retain as much hedgerow as possible and transplanting the existing hedge set back and outside of the visibility splay in order to provide a continuous hedgerow edge.
  - Recommend including smaller specification trees 4-6 and 8-10cmg as well as the larger specimens proposed, as smaller trees are known to establish more quickly, while the larger ones provide immediate impact.
  - Recommend including disease resistant elm and sycamore across the site, as well as large canopy street trees where possible.
  - Whilst the streets within the framework plans do appear to be tree lined (which is welcome) a reminder that all new streets should be tree lined (in accordance with the NPPF). Tree planting on streets and within green space needs to be considered early in the design process to ensure there is sufficient room both above and below ground for trees to thrive, having taken into account the requirements for utilities, driveways, position of streetlights and visibility splay

In terms of the “Landscape and Visual Impact Appraisal” the Officer advised that “The LVIA concludes: ‘assessment demonstrates that the proposed development is acceptable in landscape and visual terms, subject to the implementation of the comprehensive mitigation strategy outlined in the Illustrative Landscape Masterplan’. The LVIA gives a comprehensive assessment of effects on the landscape and visual character of the study area, which is welcome, and NYC concur with the conclusion of the report”.

Re-consultation in February 2026, the comments from the Landscape Officer remain unchanged.

- 7.18 **NYC Trees:** No objection subject to conditions for any consent relating to Arboricultural Impact Assessment, Tree Planting scheme including tree pit details, soil volume calculations, root barriers, integration with drainage and utilities and installation and verification requirements.

- 7.19 **NYC Children and Young People’s Service:** – based on 180 dwellings coming forward on the site then the contributions would be  
Primary - shortfall of 24 places generated by this development, multiplied by the current cost of £18,990 per primary place, so contribution of **£455,760.00** to be used for the provision of primary education facilities at South Milford

Primary School and/or another primary school serving the locality of the development.

Secondary – expect development generating 23.4 pupils, there would be a forecast shortfall of 23.4 places generated by this development, multiplied by the current cost of £26,117 per secondary place, we would seek contribution of **£611,137.80** to be used for the provision of secondary education facilities at Sherburn High School and/or another secondary school serving the locality of the development.

Special Educational Needs and Disabilities (SEND) contribution of **£136,728.00** to be used for the provision of SEND provision at the new Selby Special School for children and young people with complex special educational needs in the areas of communication and interaction needs, including autism and speech language and communication needs; and/or cognition and learning needs (moderate/severe learning difficulties); or another school with SEND provision serving the locality of the development. Early Years provision - seek a contribution of 9 places at £18,990 per place, total **£170,910.00** to be used for early years provision serving the locality of the development.

Therefore, a total of **£1,374,535.80** was sought for education contributions.

As the application was not considered by Committee prior to the 1<sup>st</sup> April 2026, then these figures will be re-calculated to reflect the latest contributions requirements of education, which is an approach set out in their policy. The figures were not in place at the time of the collation / publication of this Officers Report.

- 7.20 **Yorkshire and Humber Integrated Care Board:** requested financial contribution via S106 for use at advised that the South Milford Surgery or and/or contribute towards a new development related to the Primary Care Network (PCN) of **£212,174** via S106.
- 7.21 **NYC Affordable Housing:** Confirmed the mix offered is acceptable and requested S106.
- 7.22 **NYC Archaeology:** No objection subject to condition on archaeological recording.
- 7.23 **North Yorkshire Police:** Provide advice and recommendations on design.
- 7.24 **North Yorkshire Fire & Rescue Service:** Offer observations for reserved matters stage.
- 7.25 **Sherburn Aero Club:** no response received.

#### Local Representations

- 7.26 Site notices were erected upon receipt of the application and when amended information was received in February 2026. 74 representations have been received which includes 32 comments in support via a website called “Just Build Homes” ([www.justbuildhomes.co.uk](http://www.justbuildhomes.co.uk)). A summary of the comments is provided below, however, please see website for full comments.

### Principle of Development

- The majority of objections relate to the principle of developing Green Belt land, with concerns that the proposal conflicts with Green Belt purposes, is not identified in the emerging Selby Local Plan, and would set an undesirable precedent. While some respondents accept residential development in principle, many consider the **scale** of development excessive for South Milford, citing cumulative growth in the village and surrounding settlements. Comments are also made stating that lack of a 5 year plan for Selby District shouldn't result in an inappropriate development and the benefit is only to meet targets or benefit the landowner.

### Infrastructure and Services

- Concerns are raised regarding the capacity of local infrastructure, including schools, healthcare provision, shops, and community facilities. Respondents state that schools are already at or near capacity, public transport is limited, and there is insufficient local service provision to support additional housing without significant investment.

### Highways, highways safety and pedestrians

- Highways impacts are a significant concern.
- Objectors consider that the development would worsen congestion on a constrained network and lead to highway safety issues, particularly on Low Street and surrounding routes including Lund Sike Lane and on Common Lane as well as on the Bypass and into Sherburn in Elmet and increase rat running.
- Issues raised include increased traffic movements, pedestrian safety (especially for schoolchildren), on-street parking pressures, rat-running through nearby lanes, and cumulative impacts from other approved developments, industrial traffic, and proposed solar schemes.
- The adequacy of the submitted Transport Assessment is also questioned.
- Pedestrian safety is a serious concern, particularly for schoolchildren walking along or crossing Low Street, where pavement provision and visibility are already limited.
- It is unrealistic to assume that public transport will be used to any great extent, particularly if not simply wanting to travel from one point on a bus or train route to another - or unable to carry shopping for any distance.
- Effective speed deterrents on Low Street would be beneficial should this proposal go ahead

### Amenity and Character

- Significantly impact the on the rural character, appearance and liveability of South Milford and its surrounding area
- Impacts noted include loss of greenspace and views, the number of dwellings given in a village, loss of greenspace for existing residents, increased traffic noise and disturbance, loss of privacy and open views
- That the development will be impacted by noise from the bypass

### Drainage and Water

- Respondents express concern about existing drainage and sewer capacity, localised flooding during heavy rainfall
- Concern of potential impacts of proposed drainage features on neighbouring properties.
- Uncertainty regarding long-term maintenance and flood risk management and already issues with pollution of watercourses in the area

## Ecology

- Site currently supports important wildlife habitats and green space that contribute to local biodiversity and climate resilience. The removal of trees and natural land will negatively affect drainage and increase the risk of surface water flooding in the area.

## Other Matters

- Additional issues raised include loss of informal recreational space, safety concerns for children near the bypass, potential short-term impacts on property values during construction, and scepticism about whether infrastructure mitigation would be delivered.

## Support Comments

- Supportive representations emphasise the need for affordable housing, particularly for first-time buyers and young families, the importance of enabling local people to remain in the area, and the benefits of new homes, green spaces, and walking routes. Supporters cite high house prices and limited housing choice as key reasons for backing the proposal.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 of The Environmental Impact Assessment Regulations 2017 (as amended). The development falls within Schedule 2 Category 10(b) Urban Development Projects and exceeds the thresholds for screening. A Screening was undertaken by Officers within 21 days of the validation of the application and it was concluded that the proposal is not EIA development. A copy of this Screening Assessment is available on Public Access.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:

- Principle of development including grey belt and golden rules
- Loss of agricultural land
- Minerals
- Highways
- Affordable housing
- Housing density and mix
- Design
- Character and appearance including landscape impact and trees
- Flood risk, drainage and climate change
- Impact upon nature conservation and protected species
- Recreational open space
- Residential amenity
- Contaminated land and ground conditions
- Noise, air pollution and odour
- Archaeology
- Other matters arising from third party comments
- Education, healthcare and scope of S106

## 10.0 **ASSESSMENT**

### **Principle of development including grey belt and golden rules**

- 10.1. Core Strategy Policy SP1 provides a presumption in favour of sustainable development which reflects that found within the NPPF.
- 10.2. The entire application site is located outside the South Milford development limit and within the Green Belt. Core Strategy Policy SP2 provides a spatial development strategy wherein the designated service village of South Milford has some scope for additional residential growth and requires proposals for development on non-allocated sites must meet the requirements of Policy SP4., which include the site been in a sustainable location, and in terms of Designated Service Villages (DSV\_ such as South Milford, then be conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land, with SP4(d) noting that “appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy”.
- 10.3. Policy SP3 (B) of the Core Strategy states that “In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted”.
- 10.4. NPPF paragraph 11 sets out the presumption in favour of sustainable development which states “11. Plans and decisions should apply a presumption in favour of sustainable development..... For decision-taking this means:..... d) where..... the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>.”
- 10.5. It is still possible to give weight to development plan policies even if they are considered out of date. As set out in NPPF paragraph 232, due weight should be given to policies, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). NPPF paragraph 61 states “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed..... The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.” The hierarchy outlined within Policy SP2 itself remains soundly based on an understanding of the role and function of different settlements within the former District. However, continued strict application of Policy SP2A(c), which prevents market housing outside development limits in the countryside, would not allow the LPA to meet the identified local housing needs.

Furthermore, Policy SP2 does not include the more nuanced approach to the consideration of development that is found in the NPPF. Policy SP2 is inconsistent with the NPPF and should be given limited weight. Policy SP4 part a) seeks to restrict the types of non-allocated development within development limits that will be supported. This is more restrictive than the NPPF so this section should be given diminished weight. The remaining sections relate to design, amenity, character and green belt amongst other matters which are consistent with the NPPF. These are given significant weight. In terms of SP3 of the Core Strategy this states within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted. The scheme is not appropriate development in the green belt under the definitions in the NPPF.

10.6. The NPPF considers schemes within the Green Belt in Section 13 and sets the context for the consideration of the application in terms of whether the principle of development can be supported and Paragraph 143 sets out the purpose of the Green Belt.

10.7. Paragraph 155 of the NPPF outlines that

*“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.”*

10.8. Footnote 56 of the NPPF applies to Paragraph 155(b) and notes that “Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years.....” and Grey Belt is defined as

*“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.*

10.9. Footnote 7 states

*“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in*

*paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.”*

10.10. The update to the NPPF of February 2025 added that

*“When making judgements as to whether land is grey belt, authorities should consider the contribution that assessment areas make to Green Belt purposes a, b, and d.”*

and then it set out the criterion by purpose.

10.11. Paragraph 156 of the NPPF states that:

*“Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (“Golden Rules”) should be made:*

*a. affordable housing which reflects either:*

*(i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or*

*(ii) until such policies are in place, the policy set out in Paragraph 157 below;*

*b. necessary improvements to local or national infrastructure; and*

*c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.”*

10.12. Paragraph 157 of the NPPF states that:

*“Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.”*

10.13. Paragraph 158 of the NPPF states that:

*“A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.”*

10.14. Paragraph 159 of the NPPF states that:

*The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.”*

10.15. Paragraphs 67-68 within Section 6 of the NPPF relate to the “Delivery of Sufficient Supply of Homes” and state the following:

*“67. As part of the ‘Golden Rules’ for Green Belt development set out in paragraphs 156-157 of this Framework, a specific affordable housing requirement (or requirements) should be set for major development involving the provision of housing, either on land which is proposed to be released from the Green Belt or which may be permitted on land within the Green Belt. This requirement should:*

- a) be set at a higher level than that which would otherwise apply to land which is not within or proposed to be released from the Green Belt;*
- and*
- b) require at least 50% of the housing to be affordable, unless this would make the development of these sites unviable (when tested in accordance with national planning practice guidance on viability).”*

*“68. The affordable housing requirement for land within or released from the Green Belt may be set as a single rate or be set at differential rates, subject to the criteria above.”*

10.16. The Council is not able to demonstrate a Five-Year Housing Land Supply and therefore any scheme for housing on a Green Belt site has to be considered in this context of the approach of the NPPF and application of the tests in the NPPF in taking a view as to whether the site is “grey belt” so an assessment of the sites contribution to purposes (a), (b) and (d) in Paragraph 143 and then consideration of the site characteristics and setting in terms of those referenced in Footnote 7 save for green belt

Assessment of site against the Purposes of Green Belt (a), (b) and (d)

10.17. The purposes of the Green Belt as defined in Paragraph 143 of the NPPF, and those that are considered in assessing the site in terms of “grey belt” and in the assessment of the site against the Golden Rules are purposes (a) (b) and (d). If the site contributes “strongly” to any of these purposes, then it would not be considered to be “Grey Belt”. So, taking these in turn.

*Purpose A - to check the unrestricted sprawl of large built-up areas*

10.18. Purpose A relates to the sprawl of large built-up areas, with the PPG confirming that “villages should not be considered large built up areas”.

10.19. The Applicants have argued that

*“The proposal represents the logical rounding-off of South Milford and is naturally limited by the A162 to the south and east, and Low Street to the west, creating a defensible boundary preventing unrestricted sprawl beyond the site boundary. Further to this, as a village, South Milford should not be considered to be a ‘large built-up area’ nor is the site in the vicinity of another ‘large built-up area’. Finally, the proposal seeks to enhance the existing landscaped buffer along the southern and eastern boundaries, which will be secured through the BNG obligation for at least 30 years, preventing further development by turning a soft boundary into a hard one, preventing policy sprawl. It therefore falls within the ‘weak or none’ category”*

10.20. It is agreed that the site will have a defined boundary formed by the A162 and this is stronger than the current boundary formed by the adjacent residential development to the north. South Milford is defined as a “Designated Service Village” in the Core Strategy under Policy SP4, it is not considered to be a “large built-up area” or “town”, so it is reasonable to conclude that the development of the site would not result in the unrestricted sprawl of a “large built up area”. Thus, its contribution against Purpose A is “weak or none”.

*Purpose B - to prevent neighbouring towns merging into one another*

10.21. The Applicants have argued that

*“The proposal seeks to round-off the south of South Milford with a defensible boundary formed by the A162 and Low Street on the western, southern and eastern boundaries. The development of this site will not result in coalescence between South Milford and Monk Fryston, nor are either of these settlements ‘towns’. Therefore, the site should be considered to fall within the ‘weak or none’”*

10.22. It is considered that the sites contribution to the Purpose B is “weak or none” given that it will not result in any coalescence with any of the adjacent settlements, including Monk Fryston or Sherburn in Elmet, neither of which are defined as towns in the settlement hierarchy as defined in the Core Strategy.

*Purpose D - to preserve the setting and special character of historic towns*

10.23. The Applicants have argued that

*“The settlement adjacent to which the site is located is not a ‘historic town’. Nor are there any historic towns in the vicinity of the site. The proposal site therefore does not form part of the setting of a historic town, and has no*

*visual, physical or experiential connection to the historic aspects of a historic town and thus should be considered to make weak to no contribution to Purpose (d) of the Green Belt.”*

10.24. It is considered that the sites contribution to the Purpose D is “weak to none” given the South Milford is not a town (it is a village) it is also not identified as a historic town nor does it form part of the setting of a historic town.

#### Assessment against Footnote 7 of the NPPF

10.25. In this context, the status of the site in terms of whether it is Grey Belt, needs to be then assessed against Footnote 7. The application site does not include any protected habitats, any Site of Scientific Interest (SSSI), any protected local green space, any national landscape, land defined as being National Park, any irreplaceable habitats, any designated heritage assets or assets of archaeological interest, nor is it an area at risk of flooding or coastal change.

10.26. The site is in close proximity to the Sherburn Willows Site of Scientific Interest (SSSI) which has been considered in the submitted Ecological Impact Assessment (EclA). It is considered that the proposal provides sufficient natural space and walking routes to prevent recreational impacts on the SSSI, and also the landscape plan provides sufficient nature improvements, so it is considered that there will be no unmitigated detrimental impacts to the SSSI as a result of the development.

#### Conclusion of whether the site is Grey Belt

10.27. The PPG is clear that if the land subject of consideration does not strongly contribute to the Green Belt purposes under (a), (b) and (d) and the application of the policies in Footnote 7 of the NPPF (other than Green Belt) do not provide a strong reason for refusing development then the site can be considered to be “Grey Belt”.

10.28. The PPG also advises at Paragraph: 009 Reference ID: 64-009-20250225 that where grey belt sites are not identified in existing plans or Green Belt assessments, it is expected that authorities should consider evidence, in light of this guidance, on:

- whether the site strongly contributes to the Green Belt purposes a, b or d; and
- whether the application of policies to areas and assets of particular importance identified in footnote 7 to the NPPF (other than Green Belt) provide a strong reason to restrict development; and
- whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area, as set out in national policy and this guidance.

10.29. Having considered the site against purposes (a), (b) and (d) under Paragraph 143 it concluded that the sites contribution to these purposes is “weak to none” and that it would not detrimentally impact any of the designated areas or assets protected under the Footnote 7. Turning to whether the “whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area, as set out in national policy and this guidance” (i.e. the PPG) then it is not

considered that the development of the site would fundamentally undermine the remaining Green Belt as a result of its strong defensible boundaries and its ability to enhance the boundary to the settlement through BNG provision and landscaping. Nor is it considered that the development of the site would undermine the function and purposes of the Green Belt as a whole in this area given the scale of the land subject of the application against the scale of the land designated as Green Belt in the area. On this basis, having applied the assessment set out in the NPPF and having following the approach of the PPG it is considered that the site can be considered as “Grey Belt” under the definitions in Annex 2 the NPPF, and as such the scheme should be considered in this context against the NPPF and the Councils position on the five year housing land supply.

#### Assessment against Paragraph 155 (a) to (c) of the NPPF

10.30. As noted above Paragraph 155 of the NPPF states

*The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.*

10.31. In terms of 155 (a) and (b) then as outlined above the site is considered to be “grey belt” and development would not fundamentally undermine the purposes of the Green Belt taken together across the plan area, in addition the Council is not able to demonstrate a 5 year housing land supply, so there is a demonstrable unmet need for need for the type of development proposed, i.e. residential development.

10.32. Paragraph 10 of the NPPF states that at the “heart of the framework is a presumption in favour of sustainable development”.

10.33. Paragraph 110 of the NPPF states

“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

10.34. Paragraph 115 then outlines that in considering applications for development it should be ensured that

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

10.35. In terms of the sites location and an assessment against Paragraph 155 (c) then the village contains a primary school, two village hall / meeting spaces, a doctors surgery, a pharmacy, a petrol station with M&S Food / coffee station, South Milford Cricket Club and South Milford Football Club, on Common Lane, St Marys Church, recreational spaces including within the adjacent residential development, a pre-school, two public houses and three cafes / takeaways / restaurants. There is also a Post Office service currently operating at the Community Centre twice a week for 2 hours per session. There are also two bus services serving the settlement providing connection to South Milford Train Station as well as to Selby and Leeds (Service 164) and Ferrybridge / Knottingley / Pontefract (Service 493) with stops near the site on Low Street. In addition, South Milford Railway Station is within 1km of the site offering links to Selby, Leeds, Halifax, Bradford York and Hull. In addition, there are major employment sites in the area located to the northeast of South Milford, within Sherburn in Elmet which are by bus routes 164 and 493, which pass by the site along Low Street. In terms of access to services and facilities and a choice of mode of transport, the site can be considered as being in a fairly sustainable location with some alternatives to car-based travel. In this context, then the settlement as Designated Service Village and given the scope of services available and the transport links there is a genuine choice of transport modes available for further residents. In addition, there are services within walking distance of the site including education and healthcare, the scheme will be required to provide for EV charging against building regulations, meet the required parking standards, provision of a Travel Plan and that a design can be secured at the reserved matters stage to ensure that pedestrians and vehicle modes are accommodated effectively.

10.36. It is also considered that the site can be accessed and that an emergency access can be facilitated to the site as part of the reserved matters stages which is expected to be combined with footpath links to Lund Sike Lane.

10.37. On this basis it is considered that the scheme meets the requirements of the NPPF in terms of Paragraph 155 (a), (b) and (c), as well the requirements of Paragraph 110 and 115.

Assessment against Paragraph 155 (d) and Paragraph 156 of the NPPF – The Golden Rule requirements

- 10.38. As noted above Paragraph 155(d) of the NPPF states the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where (a), (b) and (c) applies and under (d) “Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157”.
- 10.39. The Applicants have outlined in the Planning Support Statement that the proposals will secure an affordable housing contribution of 50% meeting the requirements of paragraph 156/157, that the necessary infrastructure improvements are capable of being accommodated within or provided for via financial obligations and the Landscape Framework shows on-site connected green space within a short walk of all homes, as well as providing for required off-site facilities via financial contribution under legal obligation. Thereby meeting the local standards set out within the Developer Contributions SPD. So, on this basis they conclude that “the Golden Rules are met, in line with Paragraph 158 significant weight in favour of the grant of planning permission should be given to the proposal.” They have also confirmed that the mix will be “informed by the prevailing need for affordable housing in South Milford. Notwithstanding this, our client’s intention is to offer a mix of affordable dwellings for those whose needs are not met by the market, in line with Annex 2 of the NPPF. In lieu of ‘First Homes’, BDW Yorkshire East will be seeking to deliver the portion of affordable homes for ownership as ‘Shared Ownership’ properties.”
- 10.40. The provision of 50% of the units as affordable homes can be secured through a S106 and this can set the mix and the mechanism for delivery, any required off site highways improvements can also be secured via condition or agreement under S278 or through reference to the Framework Plan and Parameters Plan alongside conditions and clauses within the S106 it is also considered that landscaping can be secured as well as open space. As such, subject to technical matters being acceptable the principle of development of the site can be supported in the context of not only of the Council’s position on housing land supply but also having assessed the scheme against the development plan and the approach of the NPPF in terms of grey belt, sustainability and the test under the NPPF Golden Rules.

**Loss of agricultural land**

- 10.41. The main part of the site is currently used for agricultural purposes (5.07 hectares), the Southern field beyond Lund Syke Lane is used for livestock grazing (mainly horses) (0.415 hectares) and the Eastern field beyond Lund Syke Lane is currently used largely to exercise dogs (0.894 hectares).
- 10.42. Policy SP18 of the Core Strategy seeks to sustain the natural environment by steering development to areas of least agricultural quality. NPPF paragraph 187 states that decisions should contribute to and enhance the natural and local environment by b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and

other benefits of the best and most versatile agricultural land. Policy SP18 is consistent with the NPPF and is given significant weight.

- 10.43. The Agents have confirmed that the Agricultural Land Classification for the main part of the site is a mix of Grade 2 to the western side of the parcel and subgrade 3a and 3b to the eastern part of the site. So it is a mix of grades with only part of the site been considered to be very good quality and the remainder been good to moderate quality. Given part of the main site is Grade 2 land The scale of loss of best and most versatile agricultural land would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and Page 18 NPPF paragraph 187 b). This must be weighed in the planning balance. The loss of agricultural land is however outweighed by the benefits of the provision of housing.

### **Minerals**

- 10.44. The site is within a brick clay safeguard area, and limestone safeguard area designated by the Minerals and Waste Joint Plan, so Policy S01 and S02 are relevant. The Applicants provided additional information provided in February 2026 in the form of a “Mineral Resource Assessment”, which considered the policy context, the nature of the mineral resource drawing on borehole data available for the vicinity of the site, outlined potential constraints for extract of minerals from the site and sets out the Applicants case as to why the scheme can be supported for residential development notwithstanding the sites identification within “brick clay safeguarding area” and partly within a “limestone safeguarding area” in the Waste & Minerals Local Plan. The Assessment concludes that the nature of the deposits, the depth of deposits and the sites relationship to existing residential areas and the settlement mean that the extraction is not economically viable in terms of clay and materials would be of a poor quality for extraction and construction in terms of limestone.
- 10.45. The submitted Assessment argues that “the provision of housing on the land east of Low Street, South Milford outweighs the need to safeguard the land for minerals in accordance with Policy S02 of the Minerals and Waste Joint Plan” given the Council’s position on housing land supply and the need for the assessment of the application in the context of Paragraph 11D of the NPPF (2024) and that it is unviable to extract. It is considered that the applicants have met the requirements of the noted policies in the Minerals and Waste Local Plan, notwithstanding the need for the assessment of the scheme in the context of Paragraph 11D of the NPPF.
- 10.46. Having considered the assessment and the location of the application site, immediately adjacent to existing residential properties it is considered that it is unsuitable for minerals extraction due to the impact this would have upon residential amenity. In addition, it has been demonstrated that it would not be economically viable to extract minerals from the site given these constraints. Potential mineral resource impacts are considered acceptable in accordance with Policy S02 and there is no conflict with the Minerals and Waste Local Plan.

## Highways

- 10.47. Relevant policies include Core Strategy Policy SP15, Policy SP19, Selby District Local Plan Policies ENV1, T1, T2, T7 and CS6. The latter states “The District Council will expect developers to provide for or contribute to the provision of infrastructure and community facility needs that are directly related to a development, and to ensure that measures are incorporated to mitigate or minimise the consequences of that development” including traffic calming, footpath and cycleway links.
- 10.48. The NPPF also requires transport issues to be considered and footnote 9 requires consideration of paragraph 110 which states requires the planning system should actively manage patterns of growth in support of these objectives. With Paragraph 115 focusing on securing sustainable transport modes and Paragraph 117 prioritising pedestrians and cyclists.
- 10.49. The aforementioned development plan policies are considered broadly consistent with the NPPF and are given significant weight.
- 10.50. There were a number of queries arising from the initial review of the submitted information from the Applicants in terms a series of aspects upon which additional information was required from the developer including matters relating to the junction into the development, the need for crossing points on Low Street, cycle / footway improvements / provision of a pedestrian access statement / the approach to the emergency access for the development / the impact of the development on the A63 / A162 roundabout at Monk Fryston and bus stop provision. The response also set out a series of queries in relation to the submitted Transport Assessment, confirmed the need for a series of changes to the Travel Plan and also a series of S106 contributions and informatives.
- 10.51. A revised Transport Assessment (ref 2025457/001/B prepared by Development Planning Ltd) and Residential Travel Plan (ref 2025457/002/B prepared by Development Planning Ltd) were submitted in February 2026 alongside a revised plan for the proposed access from Low Street (ref Preliminary Site Access Plan (Ref DLP SK001 REV C). Also, at this stage the Applicants provided a Stage 1 Road Safety Audit (ref RSI-MH-0126-005 Issue 1.0) and Designers Response Assessment (dated 4th February 2026 prepared by Development Planning Ltd).
- 10.52. This Preliminary Site Access Plan (Ref DLP SK001 REV C) shows that the vehicular access will be taken from Low Street utilising a priority T-junction designed with 10 metre kerb radii and a transition-style carriageway widening to 5.5 metres before the first internal junction with 2 metre footways, a 3 metre shared cycle/footway on Low Street connecting to existing provision to the north, and a 2 metres footway to the south. The visibility at the junction is also confirmed as 2.4 metres by 43 metres and a new dropped crossing to be provided on Low Street by the Filing Station and on the frontage to the site to the south of The Meadows / Low Street junction. Also. within the site access, a raised crossing would be implemented, inset into the junction to manage vehicle speeds, whilst provided pedestrians and cyclists with an at-grade crossing point.

10.53. The TA considers the impacts of the scheme on the highways network including cumulative impacts, sets out the approach to the access from Low Street, offsite improvements and the mitigation associated with bus service enhancement and bus stop improvement as well as considering the sustainability of the location to access services and facilities on by non-car modes.

10.54. In addition, the TA outlines that the development proposals include the upgrading of the site-frontage footway on Low Street to a minimum of 2m (from the site access to the northern boundary of the site). Onward journeys on foot would utilise the existing footway networks across the village and as part of the scheme off site works are also proposed to improve dropped kerb tactile paved crossings at

- Site access (integral to the site access design);
- Low Street, south of Sand Lane;
- Sand Lane, across Steincroft Road;
- Sand Lane, across South Milford Primary School entrance;
- Sand Lane, across School Lane;
- Sand Lane, across Legion Street;
- Sand Lane, across Grove Crescent;
- School Lane, across Church View;
- Westfield Lane, across Westfield Lane; and
- High Street, across High Street

10.55. These works would be delivered under the S728 Agreement under Highways legislation, alongside the delivery of a new pedestrian crossing near the Petrol Station and through the reserved matters scheme it will be possible to secure an emergency access to Lund Sike Lane which the submitted Transport Assessment confirms will be an additional pedestrian access point.

10.56. The initially submitted Travel Plan was considered by the Highways Officers and comments are awaited on the revised Travel Plan submitted in February 2026 which is acceptable to Highways Officers and a condition is required to requirement the development to be in accordance with the Plan and a monitoring fee for the Travel Plan is to be secured through the S106.

10.57. In assessing the scheme in terms of highways impacts then Highways Officers have considered the wider impacts and cumulative impacts, noting no objections to the scheme subject to conditions and a suite of S106 contributions.

10.58. The contributions related to highways are the following

Bus Service Improvement	£1,266 per dwelling payable prior occupation of the 50th dwelling
Bus Stop / Infrastructure Improvement	£20,000 payable prior to first occupation
A162/A63 Roundabout Improvements	£1,000 per dwelling payable at 50% occupation

Travel Plan Monitoring	£5,000 payable prior to the occupation of any dwelling
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10.59. In this context the scheme is considered acceptable in terms of highways and in accordance with the noted policies.

### **Housing density and mix**

#### *Density*

- 10.60. Policy H2B of the Local Plan states “Proposals for residential development will be expected to achieve a minimum net density of 30 dwellings per hectare in order to ensure the efficient use of land. Higher densities will be required where appropriate particularly within the market towns and in locations with good access to services and facilities and/or good public transport. Lower densities will only be acceptable where there is an overriding need to safeguard the existing form and character of the area or other environmental or physical considerations apply.”
- 10.61. Core Strategy paragraph 7.80 states “The quality of design in its local context is more important than relying on a minimum housing density figure to benchmark development..... Therefore, the Council does not propose to set a development density figure in this strategic plan”. Policy SP19 states residential development should “Positively contribute to an area’s identity and heritage in terms of scale, density and layout”.
- 10.62. NPPF footnote 9 requires consideration of NPPF paragraph 129 which requires “Planning policies and decisions should support development that makes efficient use of land, taking into account: (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; (b) local market conditions and viability; (c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; (d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and (e) the importance of securing well-designed, attractive and healthy places.” Paragraph 130 encourages consideration of minimum densities “where there is an existing or anticipated shortage of land for meeting identified housing needs”.
- 10.63. The Agents have confirmed that the site area of the main development parcel is 5.074 hectares meaning that the development will have a density of 35 dwellings per hectare. The minimum density requirement in Policy H2B is in conflict with the design led approach in Policy SP19. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted which is Policy SP19. It is considered the proposed housing density is appropriate in these circumstances given the surrounding context and the sustainability of the location and it would make efficient use of land.

Mix

- 10.64. Policy SP8 Housing Mix states “All proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.” NPPF paragraph 64 seeks to create mixed and balanced communities through affordable housing provision. This policy is consistent with the NPPF and is given significant weight.
- 10.65. The Housing and Economic Development Needs Assessment (HEDNA) (2025) recommends the following mix:

Table 10.15 Recommended Housing Mix – North Yorkshire

	Market	Affordable home ownership	Affordable housing (social / affordable rented)	
			Under 65	65 and over
1-bedroom	10%	15%	20%	50%
2-bedrooms	35%	45%	35%	50%
3-bedrooms	40%	35%	35%	
4+-bedrooms	15%	5%	10%	

- 10.66. The Design and Access Statement confirms that “The development will have a mix of accommodation types of differing size and arrangements, potentially including detached, semi-detached and terraced properties”
- 10.67. The proposed housing mix will be weighed in the planning balance. A condition can be used to ensure the mix at the reserved matters stage is in accordance with the HEDNA.

**Affordable housing**

- 10.68. Policy SP9 Affordable Housing seeks to achieve up to 40% affordable and provides a broad basis for securing affordable housing and is consistent with the NPPF. The tenure split and the type of housing being sought will be based on the Council’s latest evidence on local need which is the North Yorkshire Housing and Economic Development Needs Assessment May 2025. The Developer Contributions SPD (2007) contains a section called “affordable housing for local needs” which is considered to have been superseded by the Affordable Housing Supplementary Planning Document (2014). The Selby Local Plan and CIL Viability Assessment (August 2022) indicates 20% affordable housing should be sought for this area. Appeal decision APP/U2750/W/24/3347885 dated 30th January 2025 for a site in Hambleton adopted that approach as did appeal decision APP/U2750/W/24/3347833 dated 20th February 2025 in Carlton.
- 10.69. NPPF paragraph 65 permits affordable housing to be sought on major developments such as this. NPPF footnote 9 requires consideration of Paragraph 66 which expects that the mix of affordable housing required meets identified local needs, across Social

Rent, other affordable housing for rent and affordable home ownership tenures. Footnote 31 states “The requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in ‘Affordable Homes Update’ Written Ministerial Statement dated 24 May 2021, no longer applies. Delivery of First Homes can, however, continue where local planning authorities judge that they meet local need.”

10.70. The latest Housing and Economic Development Needs Assessment (HEDNA) (May 2025) considers the need for First Homes and concludes that Shared ownership is likely to be suitable for households with more marginal affordability (those only just able to afford to privately rent) as it has the advantage of a lower deposit and subsidised rent, and also notes that “More generally, there was no evidence of a need for First Homes or discounted market housing”.

10.71. There are different types of affordable housing which can be provided and the HEADNA including social rent, affordable rent, rent-to-buy, shared ownership, discounted market sale and first homes.

10.72. The Housing and Economic Development Needs Assessment (HEDNA) (2025) recommends the following mix:

Table 10.15 Recommended Housing Mix – North Yorkshire

	Market	Affordable home ownership	Affordable housing (social / affordable rented)	
			Under 65	65 and over
1-bedroom	10%	15%	20%	50%
2-bedrooms	35%	45%	35%	50%
3-bedrooms	40%	35%	35%	
4+ bedrooms	15%	5%	10%	

10.73. Following the initial consultation response and discussions, then in February / March 2026 the Developers confirmed the following affordable housing approach:

Bedspaces	Social Rent	Affordable Rent	Shared Ownership	Total
1	18			18
2	6	12	18	36
3		8	19	27
4		2	7	9
	24	22	44	90

which equates to 27% of the units being for Social Rent, 24% being Affordable Rent and 49% being Shared Ownership.

10.74. It is considered that the developer has defined a mix which is acceptable to Officers and that the S106 can be drafted to secure this mix on the scheme, with adjustment accordingly if the scheme is not to deliver 180 units. It would be drafted in such a manner so as to ensure that 50% affordable housing was delivered of the eventual scheme with a mix reflecting this approach.

## Design

- 10.75. Policy SP18 seeks to sustain the high quality and local distinctiveness of the natural and man-made environment by safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Policy SP19 requires proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes; positively contribute to an area's identity and heritage in terms of scale, density and layout. Policy ENV1 supports proposals that achieve a good quality of development and requires consideration of the effect upon the character of the area, the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.
- 10.76. NPPF paragraph 131 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. NPPF paragraph 132 requires "Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics." NPPF paragraph 135 requires "Planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit".
- 10.77. Paragraph 139 states "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes." These development plan policies are consistent with the NPPF and are given significant weight.
- 10.78. In terms of the application site, to the north of the site is a modern residential housing estate consisting primarily of detached two storey dwellings as well as a smaller number of semi-detached and terraced dwellings. External finishing materials include yellow and red bricks, and grey concrete roof tiles and red pantiles. These dwellings are rectangular in footprint and form, with front projections providing gable features. The primary road leads to a series of cul-de-sacs. The local area can be described as having a wide range of dwelling types and designs primarily finished with red bricks

and concrete roof tiles. There is a adopted village designed statement for South Milford which provides local design guidance.

- 10.79. The Councils' Urban Design Officer in commenting on the application sought securing of a "site-wide design code at this outline stage to secure key structuring and placemaking principles that ensure quality and coherence at reserved matters stage.". However, this was not required from the Applicants having considered the policy context for such a requirement, but an enhanced Design and Access Statement was provided by the Applicants in March 2026, further clarifying their approach over the version sent in February 2026.
- 10.80. Having considered the submitted Design and Access Statement, Framework Plan and Parameters Plan it is considered that these together do set a robust context for the bringing forward of a reserved matters scheme for the site and are considered to take account of the site context, the key features of the site and will allow the Council at the reserved matters stage to secure a robust design for the site which sits on the edge of the settlement and adjacent to a relatively modern development.
- 10.81. Overall, it is considered that a design could be brought forward at the reserved matters stage that is reflective of the surrounding context and accords with the VDS and the submitted Design and Access Statement.

#### **Character and appearance including trees and landscaping**

- 10.82. CS Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by safeguarding and, where possible, enhancing the historic and natural environment. The aforementioned design policies are also relevant. The NPPF also specifically supports planting such as street trees.
- 10.83. The submitted Arboricultural Report prepared by JCA identifies trees within the site and categorises the trees in accordance with the British Standard, to guide the design of potential development in terms of constraints and opportunities related to trees and provide details of which trees should be retained, and which could be removed. The Report confirms retention of trees within Category B on the boundaries to the adjacent residential area and within the land parcels to the east of Lund Sike Lane, with only one tree in the northeast corner being identified for removal.
- 10.84. The submitted Landscape and Visual Impact Appraisal (LVIA) prepared by Pegasus Group for the developer considers the landscape effects of the development on the existing character of the site, its potential impacts and defines mitigation. The submitted Landscape Framework Plan (Ref P25-0982\_EN\_0001 Rev 04) sets a context based on this mitigation, which are also reflected in the Framework Plan and the Parameters Plan.
- 10.85. The Framework and Parameters Plan set development back from site boundaries to provide visual buffers to Low Street, the A162 corridor, and agricultural land to the south, existing properties to the north, and Lund Sike Lane through the site area. In addition, the submitted plans confirm new structural planting to all sides of the development and within internal green corridors would provide an enhanced

landscape framework for the development. Such, additional screening would also filter and soften views of the development and act as a buffer for neighbouring properties and in limited views from the wider landscape.

- 10.86. In terms of new planting then the planting strategy shown on the submitted Landscape Framework Plan would strengthen and enhance the existing landscape structure, provide attractive and accessible public open space, and create green spaces between development areas which focus on physical and visual connectivity with the wider landscape.
- 10.87. The Councils Tree Officers has noted no objections to the scheme subject to conditions, and although the Landscape Officer has raised concerns in relation to the approach within the Parameters and Framework Plan alongside the design and access statement do on balance provide a robust context for the preparation and consideration of the reserved matters scheme although noted that the Developer has demonstrated a commitment to the delivery of a scheme that accounts wholly for the context of the site.
- 10.88. On balance, it is considered that the landscape and visual mitigation proposals seek to integrate the development with the surrounding landscape and existing settlement edge by retention and enhancement of hedgerow boundaries. There is no significant harm to the character and appearance of the area arises from the proposal and any effect on landscape character would be limited and localised and the proposed development would relate well to its context as a well-contained extension to the existing village settlement of South Milford. On this basis the proposed development is acceptable in landscape and visual terms, subject to the implementation of the comprehensive mitigation strategy outlined in the Illustrative Landscape Masterplan which can be controlled via Condition and the detail would be required to be confirmed at the reserved matters stage.

### **Flood risk and drainage**

- 10.89. Relevant policies are ENV1(3) of the Local Plan, SP15, SP16, SP19 Core Strategy and Paragraph 170, 173 and 175 of the NPPF
- 10.90. The site is in Flood Zone 1 (low risk for river and sea flooding) and small parts of the site are at varied risks of surface water flooding, so it is land assessed as having less than 1 in 1,000 annual probability of river or sea flooding in any year.
- 10.91. Paragraph 173 of the NPPF notes that “A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding”, with the focus been to direct development to those areas with the lowest flood risk from any source.
- 10.92. The submitted Flood Risk & Drainage Assessment (FR&DA) considers the site as existing and in the context of future development considering flood risk, foul water drainage, surface water drainage, flood risk and flooding from various sources. It also sets out flood mitigation measures.

10.93. Groundwater flooding has also been considered by the submitted FR&DA and concludes that any “groundwater emergence is likely to be limited, and closely linked to periods of prolonged or intense rainfall”, however it notes that “Given that the proposed development does not include any basements or other below-ground structures, the risk of groundwater ingress into buildings is considered to be very low. Additionally, finished floor levels will be set above surrounding ground levels, further mitigating the potential for surface expression of groundwater during peak conditions. Therefore, no specific groundwater flood mitigation measures are considered necessary within the current design.”

10.94. In terms of surface water flooding then it will be necessary for finished floor levels to be set at 10.750m AOD so to be above the expected surface water levels in both current and future climate scenarios. As such the FR&DA confirms that “the site wide drainage strategy and proposed ground levels will be carefully refined at detailed design stage to ensure that all surface water runoff is appropriately managed and that the development does not exacerbate flood risk to surrounding land or properties.”

10.95. The FR&DA also confirms that

- a. there is a known Internal Drainage Board (IDB) owned ditch serving the existing arable field to the east. Mill Dike is located 400m to the north of the development and the River Aire is 5km to the southwest. It also confirms that a detailed topographic survey has been undertaken to inform the proposed development. The survey identifies a fall across the site from a high point of approximately 15.50m AOD in the north-western corner, to a low point in the general land of around 9.67m AOD near an unnamed IDB ditch that runs parallel to Lund Sike Lane. This results in an overall level change of approximately 5.83 metres across the site.
- b. Site gradients vary, ranging from approximately 1 in 500 in the eastern portion to a steeper 1 in 22 in the western area. The agricultural ditch, with an invert level of approximately 8.57m AOD, provides drainage for the existing arable field.
- c. To the east of Lund Sike Lane, on the adjacent parcel of land, the ground continues to fall west to east toward another ditch located at the foot of a wooded embankment. Within this woodland, levels rise sharply from approximately 9.25m AOD at the base to 13.15m AOD at the top of the bank.
- d. The existing drainage pattern across the site reflects typical surface water behaviour for existing agricultural land in this area. The main parcel of land naturally drains via overland flow towards an unnamed IDB owned ditch located adjacent to Lund Sike Lane, which serves as the primary receptor for surface runoff. The eastern parcel of the site drains independently towards a separate ditch situated along the edge of the woodland, indicating a split catchment within the site boundary.

10.96. The foul water drainage strategy as set out in the FR&DA for the site would be to into the 225mm foul public sewer network located within Lund Sike Lane and a foul water pumping station may be required depending on the final site layout and the location of connection points in relation to the existing sewer network, details of which would be determined at the detailed design stage.

- 10.97. The approach for surface water as set out in the FR&DA for the site would be dealt with through a sealed surface water drainage strategy as a soakaway system is not considered feasible due to underlying geology. Any discharge to watercourse would be at a controlled rate managed through on-site attenuation and subject to Internal Drainage Board approvals regime. If this is not sufficient or possible then a connection to the sewers would be sought through Yorkshire Water.
- 10.98. The submitted FR&DA also considers the impact of climate change, peak flows mechanisms, pollution control, designing for exceedance, as well as operation and maintenance and defines mitigation.
- 10.99. The Applicants have not submitted a sequential test in support of the application; however the site is in Flood Zone 1 and mitigation has been identified in the submitted FR&DA to mitigate the impact of surface water flooding, which is only on a small part of the site. So the site-specific flood risk assessment has demonstrated mitigation and it is considered that through the reserved matters design of the scheme then the scheme could ensure that there is no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, in any area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
- 10.100. As outlined above the Environment Agency did not comment on the application, the Selby IDB and the Council SUDS / LLFA Officer confirmed no objections subject to conditions.
- 10.101. Yorkshire Water have objected to the application on the basis that the scheme is not an allocated site in the Selby Local Plan and as such it has not been considered in their current Assessment Management Plan (AMP) period, noting that "the local waste water treatment works does not have adequate capacity available to accommodate the anticipated foul water discharge from this proposal. Yorkshire Water wishes to object to the development on the grounds that flood risk, pollution and public health may all be negatively impacted as a result of the development". They have however, advised that should the LPA wish to grant permission then they would request conditions on any consent relating to submission and agreement of schemes for disposal of foul water drainage and their implementation as well as conditions pertaining to foul water connections.
- 10.102. The developer has been asked to consider the position of Yorkshire Water and they have confirmed that in this instance they have in relation to surface water this will be managed through on-site attenuation measures and SUDS, with the final outfall connecting directly to the unnamed ditch within the site at greenfield run off rate, and thus surface water would therefore not enter Yorkshire Water assets or network. Whereas in relation to foul water they have argued that it is Yorkshire Water's duty to connect the foul drainage to the network for treatment. It is YW's statutory responsibility to provide additional capacity if required. In this context they have requested that a condition approach be used akin to that on the recent Appeal decision at North of Hull Road Hemingbrough (ref Appeal Ref: APP/U2750/W/25/3366264), where a similar issue arose.

10.103. In this context a condition is proposed to cover drainage connections and agreement of a scheme so scheme is considered to accord with the policies in the development plan and the NPPF.

### **Impact upon nature conservation and protected species**

10.104. The submitted Ecological Impact Assessment prepared by BSG Ecology (EcIA) assesses the site's context to designated assets, its current characteristics, habitats and species baseline. The impact of the scheme is then considered in the assessment and mitigation defined.

10.105. The full suite of submitted ecological information including the EcIA and the initial BNG information has been considered by the Councils Ecologist who has confirmed no objection to the scheme and that she is "satisfied that the Statutory Biodiversity Metric has been completed accurately and the baseline habitat plan within the BNG Assessment is consistent with the metric. The post development calculations are based on the Framework Landscape Plan. Baseline habitats comprise low distinctiveness types such as modified grassland and native hedgerows, medium distinctiveness habitats including other neutral grassland, mixed scrub, and broadleaved woodland, and high distinctiveness hedgerows associated with banks or ditches". Also noting that "At the reserved matters stage, the applicant should provide a finalised layout showing retained and enhanced habitats, detailed planting plans and an updated BNG assessment to demonstrate continued compliance with the objectives of the EcIA and BNG assessment".

10.106. As such advising that in addition to the statutory BNG requirements (which requires inclusion of the statutory deemed condition as informative wording on the decision notice) and in order to secure ecological avoidance, mitigation and enhancement as set out above, it is recommended that if approved, planning conditions or obligations are used to secure the following:

- Submission of a Construction Ecological Management Plan (CEcMP) to address habitat and species protection during site clearance and construction in line with the recommendations in the Ecological Impact Assessment (EcIA). It should also include or be supported by pre commencement update surveys of mobile species including but not limited to badger.
- Submission of a Species Enhancement Plan (or equivalent) to secure measures for species enhancements set out in the EcIA including but not limited to bat boxes, bird boxes/bricks, fence gaps for hedgehogs. Including on going maintenance of these features.
- Sensitive lighting strategy to demonstrate how external lighting will avoid light spill onto boundary habitats, thus minimising impacts on bat foraging and commuting routes.
- Submission of a Habitat Monitoring and Management Plan (HMMP) for the BNG onsite delivery.
- Onsite Biodiversity Net Gain implementation and long-term management for 30 years. BNG is intended to be provided wholly onsite. The habitat types and

scale of the onsite BNG are considered to be significant and as such long-term management is required to be legally secured.

- Securing obligations through a section 106 agreement including a financial contribution for monitoring by the local planning authority

10.107. In this context and subject to these conditions and s106, the ecological implications of the proposal are acceptable the scheme is considered to accord with the policies in the development plan and the NPPF.

### **Recreational open space**

10.108. Policy RT2 requires the proposal to provide recreational open space at a rate of 60sqm per dwelling on the following basis “provision within the site will normally be required unless deficiencies elsewhere in the settlement merit a combination of on-site and off-site provision. Depending on the needs of residents and the total amount of space provided, a combination of different types of open space would be appropriate in accordance with NPFA standards.”

10.109. The Developer Contributions Supplementary Planning Document 2007 provides further guidance on the provision of open space.

10.110. The NPPF at paragraphs 96 and 98 advises that decisions should aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs for example through the provision of safe and accessible green infrastructure and the provision and use of shared spaces such as open spaces. Paragraph 103 reinforces the importance of access to open space, sport and physical activity for health and wellbeing. Policies should be based on robust and up to date assessment of needs and opportunities for new provision.

10.111. Policy RT2 is considered consistent with the NPPF and is given significant weight.

10.112. The Framework Plan and the Parameters Plan show areas of open space within the main site and also the provision within the area to the north east of Lund Sike Lane. Within the area to the north east of Lund Sike Lane the Parameters Plan / Framework Plan show the provision of a trim trail, and this is reconfirmed in the Design and Access Statement.

10.113. In accordance with RT2 of the Selby Local Plan (2005) and the SPD on Developer Contributions that the scheme would be required to provide 60 sq m per dwelling of open space and the scheme would also be required to provide equipped play as part of the details of which would be expected to be part of the reserved matters submission. The total area open space would be defined by the unit numbers that came forward at the reserved matters stage, however, if 180 units were to come forward then the extent of open space would be expected to equate to 10,800 sqm to meet the requirement to comply with Policy RT2 and the SPD. It is considered that the site is of a scale that can accommodate open space on site and that will also be able to provide equipped play provision.

10.114. The maintenance, management and trigger for delivery for all open space and equipped play areas will form part of the s106. Recreational open space proposals are acceptable subject to the S106 the scheme is considered to accord with the policies in the development plan and the NPPF.

### **Residential amenity**

10.115. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1. Significant weight is given to this policy as it is broadly consistent with NPPF paragraph 135 (f) which seeks to ensure a high standard of amenity for existing and future users.

10.116. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

10.117. The noise and disturbance generated by a residential development in proximity to existing residential development is not considered to result in harm to residential amenity. These land uses are compatible.

10.118. The site is adjacent to a Petrol Station on Low Street and the submitted framework Plan and Parameters Plan account for this relationship with a buffer area being shown in this area. It will be expected that any layout progressed at the reserved matters stage accounts for this relationship and that in line with the comments from Environmental Health that the noise environ in this part of the site is assessed to ensure that any mitigation is defined and amenity is protected within the dwellings in this part of the site but also with garden areas.

10.119. Construction disturbance and inconvenience will be minimised by a construction management plan condition which will control matters such as hours of construction, dust and deliveries. Overall, the impact upon residential amenity is considered to be acceptable subject to conditions and is in accordance with Policy ENV1 of the Local Plan and paragraph 135 of the NPPF.

### **Contaminated land and ground conditions**

10.120. Policy ENV2 of the Local Plan and Core Strategy Policy SP18 require consideration of contaminated land. NPPF paragraph 187 requires consideration of contamination matters.

10.121. These development plan policies are consistent with the NPPF and are given significant weight.

10.122. The application did not include any initial Phase 1 Assessment of ground contamination and in commenting on the application the Council's Contamination Officer advised that "it is likely that the land has a historical agricultural use for crops but an assessment of the site to demonstrate its suitability is required as well as more information on the site's environmental setting". In this context they did not object to

the application but noted that should the Planning Authority be minded to support the application then conditions should be included to require investigation, remediation, the verification of any required remediation works and to cover unexpected contamination. As the site investigation condition is a pre-commencement condition this has been agreed with the applicants.

10.123. Ground conditions may result in a requirement for piled foundations which will require a condition controlling related amenity impacts. Contaminated land and ground condition matters are acceptable subject to conditions and is in accordance with Policy ENV2 of the Local Plan, SP18 of the Core Strategy and paragraph 187 of the NPPF.

### **Noise, air pollution and odour**

10.124. The policies referred to in the contaminated land section above are relevant.

10.125. As noted above, the proposed scheme is in outline but is accompanied by a Parameters Plan, Framework Plan and Design & Access Statement. However, the application is also accompanied by a Noise Impact Assessment (NIA), an Odour Assessment (OA) and an Air Quality Assessment (AQA) which have been considered by the Council's Environmental Health Officers.

10.126. Changes made in February 2026 to these plans enhanced stand off from the adjacent petrol station and reference is made to the need for the consideration of this relationship in the design of the scheme at the reserved matters stage on the submitted plans.

10.127. The Council's Environmental Health Officer has considered the NIA, AQA and OA and has noted no objections on odour and subject to conditions relating to noise impact assessment of the layout at the reserved matters stage to define specific mitigation, a requirement for a Construction Environmental Management Plan (CEMP) defined construction hours, and a condition relating to piling works has noted no objections to the scheme. Some of these conditions are pre-commencement conditions and these have been agreed with the applicants.

10.128. On this basis it is considered that the developer has demonstrated subject to conditions that the scheme is acceptable in terms of noise, odour and air pollution and is in accordance with Policy ENV2 of the Local Plan, SP18 of the Core Strategy and paragraph 187 of the NPPF.

### **Archaeology**

10.129. Policy ENV28 requires consideration of archaeological matters as does NPPF paragraph 207.

10.130. The application is accompanied by a Geophysical Survey Report prepared by Magnitude Surveys in February 2026 following initial comments from the Council's Heritage Officer on the initial Archaeology and Heritage Desk Based Assessment prepared by MapArch when the application was submitted.

10.131. As noted above the LPA Archaeologist considered the initial Archaeology and Heritage Desk Based Assessment prepared by MapArch and the Geophysical Survey Report prepared by Magnitude Surveys dated February 2026. The response received advised in the context of the findings of the Geophysical Survey Report prepared by Magnitude Surveys in February 2026 that the Survey has evidenced some possible anomalies potentially related to later pre-historic or Roman period field boundaries and there is also a possible structure from the Iron Age evidenced on the site. In this context the Officer has confirmed that a condition is appropriate for archaeological mitigation in relation to the ground disturbing works associated with the development in advance of the development of the site, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, (to be deposited with the Historic Environment Record) and archive preparation (to be deposited with the relevant local museum or other public depository). This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

10.132. Having considered the findings of the submitted reports, this response and the approach of policy ENV28 and the NPPF it is considered that a condition should be utilised. The suggested condition is a pre-commencement condition which has been agreed with the applicants.

#### **Other matters arising from Consultations**

10.133. There are a series of matters arising from consultations from third parties which have not been considered in the wider assessment of the scheme, so taking these in turn.

10.134. Objectors have noted that there is no need for more housing, that brownfield sites should come forward and that people should be encouraged to buy existing stock not new builds. The NPPF sets the context for housing delivery and therefore there is a clear need for sites to come forward for development for new builds which given the housing numbers results in greenfield sites coming forward. There is nothing within planning which can limit new builds on the basis that existing stock is available for purchasers.

10.135. Objectors have noted that this is a significant development for the South Milford and services already pushed in the area and under strain as a result of development in nearby Sherburn in Elmet. The schemes' location and impact on services has been considered and assessed and mitigation in terms of contributions for education and healthcare have also been secured. The settlement is a Designated Service Village so it is a location considered to be sustainable and in the context of the position on needing to meet housing land supply it is considered that the scheme can be supported in principle.

10.136. The fact that the site was not identified as a potential allocation in the Emerging Selby Local Plan (which is not progressing) does not mean that it cannot be supported at this time, subject to its assessment against the development plan and the material considerations including the NPPF.

- 10.137. Reference is made in third party comments to another development not delivering “planted buffer” between existing housing and existing gardens. This is not specifically relevant to this scheme and through the reserved matters inter-relationships between the existing and proposed development would be considered and controls will be in place to ensure such mitigation is delivered.
- 10.138. Third parties have stated that the development will result in the “loss of greenspace for existing residents”. The main development site is currently agricultural, and the other two parcels are in private use or used for a dog exercise area. The Parameters Plan and Framework Plan illustrate how open space is expected to be provided on the site and this will be accessible to the wider population. None of the application site is formal open space.
- 10.139. In terms of the sites relationship to the bypass (A162) in terms of child safety, then the residential development is within the main agricultural field with some open space in the northernmost field on the opposite side of Lund Sike Lane. The relationship of the development to the A162 is reflective of existing built form to the north and is not considered so close in proximity to amount to a significant risk in these terms.
- 10.140. The impact on house price values on existing properties is not a material planning consideration in the determination of an application.
- 10.141. Third parties have made reference to “whoever is receiving the commission payments for the poorly planned but extremely regular temporary traffic lights across the roads of the district will be quids in.” This is not relevant to the determination of the application.
- 10.142. The noted comments in support of the application are noted, concern has been raised by the Parish Council that these comments have been accepted. Third parties are able to comment on applications wherever they reside and do not need to be local to the site.

### **Education, healthcare and scope of S106**

- 10.143. Local Plan Policies ENV1 and CS6 and Core Strategy Policy SP12 relate to developer contributions and mitigation of impacts arising from development via financial contributions.
- 10.144. NPPF paragraph 35 requires plans to set out the contributions expected from development. Paragraph 100 confirms “It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities.” Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 requires planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
- 10.145. These development plan policies are consistent with the NPPF and are given significant weight.

10.146. NYC Children and Young People Services advised that contributions would be required towards provision for early years, primary, secondary and SEND, and set out contributions accordingly calculated as a total assuming 180 were to be brought forward for the site, which can be then considered as an amount per dwelling given this is a reserved matters scheme and the development may reduce in numbers from the up to figure of 180 units. The developer has confirmed agreement to these contributions based on the 2025/26 multiplier, however, Committee will be updated on the position on these contributions at the meeting given that from the 1st April 2026 new multipliers will be in place and would apply to the scheme given that the consideration of the application by Committee is post this date. The Update Note to Members will clarify these figures accordingly and the uplift will have been discussed with the applicants prior to the meeting.

10.147. NHS Humber and North Yorkshire Integrated Care Board advised that the scheme would in their view directly impact on South Milford Surgery and note that the existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development which they estimate to be approximately 432 residents which will subsequently increase demands upon existing services. As such they have requested a contribution of £212,174 to fund works South Milford Surgery or and/or contribute towards a new development related to the Primary Care Network (PCN) that will accommodate the additional population created by the proposed development. They have requested that this is secured via a Section 106 Agreement.

10.148. As such the scope of financial contributions as described above together with other obligations are therefore as follows;

**Table 1**

Affordable Housing	50% of the total number of dwellings to be affordable, to deliver the following mix / tenure:				
	Bedspaces	Social Rent	Affordable Rent	Shared Ownership	Total
	1 - bed	18			18
	2 – bed	6	12	18	36
	3 – bed		8	19	27
	4 – bed		2	7	9
		24	22	44	90
	which equates to 27% of the units being for Social Rent, 24% being Affordable Rent and 49% being Shared Ownership.				
	A pro rata re-calculation will be afforded by the S106 to allow this mix to be reviewed if less than 180 units are brought forward at the Reserved Matters stage. 50% of the units will be required to be Affordable Housing and the mix / tenure will be required to reflect the above splits.				

	<p>An affordable Housing Plan to be submitted at reserved matters to include the type, size, location and tenure type.</p>
<p>Primary Education Contribution</p>	<p>A financial contribution of up to £455,760 calculated at the time of any Reserved Matters Application in general accordance with the Council’s document “Developer Contributions for Education Policy” adopted July 2020 and more particularly in accordance with the following formula</p> $((A \times 25\%) - B) \times C$ <p>Where A is the number of dwellings with 2 or more bedrooms and B is the existing spare capacity and C cost multiplier £18,900 (2025/26).</p> <p>Such sum shall be calculated in accordance with the formula and payable towards costs of providing educational facilities at South Milford Primary School and/or another primary school within the locality of the development and will be payable on a phased basis.</p> <p>(this is subject to the position noted in Paragraph 10.146 above to updating the figures)</p>
<p>Secondary Education Contribution</p>	<p>A financial contribution of up to £611,137.80 calculated at the time of any Reserved Matters Application in general accordance with the Council’s document “Developer Contributions for Education Policy” adopted July 2020 and more particularly in accordance with the following formula</p> <p>This is based on the following formula:</p> $((A \times 13\%) - B) \times C$ <p>Where A is the number of dwellings with 2 or more bedrooms and B is the spare capacity and C is the current cost multiplier £26,117 (2025/26).</p> <p>Such sum shall be calculated in accordance with the formula above and payable towards costs of providing secondary educational facilities at Sherburn High School and/or another secondary school within the locality of the development and will be payable on a phased basis.</p> <p>(this is subject to the position noted in Paragraph 10.146 above to updating the figures)</p>

<p>Special Educational Needs and Disabilities Contribution</p>	<p>A financial contribution of up to £136,728 calculated at the time of any Reserved Matters Application in general accordance with the Council's document "Developer Contributions for Education Policy" adopted July 2020 and more particularly in accordance with the following formula This is based on the following formula:</p> $(A \times 1\%) \times C$ <p>Where A is the number of dwellings with 2 or more bedrooms and C is the current cost multiplier £75,960 (2025/26).</p> <p>Such sum shall be calculated in accordance with the formula above and payable towards costs of providing educational facilities at Selby Special School and/or another school with Special Educational Needs and Disabilities provision serving the locality of the development and will be payable on a phased basis.</p> <p>(this is subject to the position noted in Paragraph 10.146 above to updating the figures)</p>
<p>Early Years Contribution</p>	<p>A financial contribution of up to £170,910 calculated at the time of any Reserved Matters Application in general accordance with the Council's document "Developer Contributions for Education Policy" adopted July 2020 and more particularly in accordance with the following formula</p> $((A \times 5\%) - B) \times C$ <p>Where A is the number of dwellings with 2 or more bedrooms and bedrooms and B is the existing spare capacity and C is the current cost multiplier £18,990 (2025/26).</p> <p>Such sum shall be calculated in accordance with the formula above and payable towards costs of providing early years provision serving the locality of the development and will be payable on a phased basis.</p> <p>(this is subject to the position noted in Paragraph 10.146 above to updating the figures)</p>
<p>Healthcare (ICB)</p>	<p>£212,174 for funding works at the South Milford Surgery and/or contribute towards a new development related to the Primary Care Network (PCN) that will accommodate the additional population created by the</p>

	proposed development and to be paid upon occupation of 50% of the dwellings approved at the initial Reserved Matters stage and will be payable on a phased basis.
Bus Service Improvement	£1,266 per dwelling payable prior occupation of the 50th dwelling
Bus Stop / Infrastructure Improvement	£20,000 payable prior to first occupation
A162/A63 Roundabout Improvements	£1,000 per dwelling payable prior to the occupation of 50% of the development
Travel Plan Monitoring	£5,000 payable prior to the occupation of any dwelling
Recreational Open Space	Recreation open space in accordance with Policy RT2 at 60sqm per dwelling with a LAP and LEAP play area provided within the development site Implementation, ownership, management and maintenance of the play areas and all recreation open space
BNG Monitoring	£3,208.00 payable within 10 (no) working days of the Commencement Date
Monitoring Fee for S106	£571 payable on commencement of development

10.149. The S106 would include standard clauses and definitions including commencement of development, interest rates, occupation, practical completion, travel plan coordinator and the agreed Travel Plan. It should also be noted that all payments given in accordance with this Deed shall be exclusive of any value added tax properly payable and will be index linked. Clauses will also cover disputes, change of ownership and waivers as normal practice in such agreements.

10.150. These contributions comply with the CIL regulation tests. A S106 is used to secure the contributions and appropriate triggers for payment.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1. The proposal is for residential development on a green belt site, outside the settlement boundaries of South Milford, however the development is considered to meet the tests in the NPPF in terms of green belt/ grey belt, the golden rules and it is in a sustainable location. So, although the proposals for residential development are considered, to be contrary to Policy SP2A and SP3 of the Core Strategy, which is attributed substantial weight indicating that the proposal should be refused unless material considerations indicate otherwise. However, SP2A (c) carries limited weight in the context of the Council's position on housing land supply and the tests in the NPPF in terms of green belt, grey belt and the consideration of the golden rules. As such when balancing the conflict with these policies against the position on housing land supply and engaging paragraph 11d, it is considered that the conflict is

acceptable as the site does not have any “assets of particular importance”, and it is considered that the scheme accords with the NPPF when taken as a whole.

- 11.2. The application is outline but the description specifies up to 180 dwellings, and the developers have confirmed that the scheme will provided 50% of units will be affordable units, with a mix and tenure also agreed.
- 11.3. It is considered that acceptable scheme could be achieved on this site at the reserved matters stage in relation to the internal access, layout, scale, design, appearance and landscaping which would not result in any adverse impacts on nearby residential properties and would be acceptable This is afforded moderate weight.
- 11.4. The proposed development is considered to be acceptable in terms of all other technical considerations subject to conditions and is acceptable in relation to the mandatory BNG. This is afforded moderate weight.
- 11.5. It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights in the Human Rights Act 1998. It is considered that a decision made in accordance with this recommendation would not result in any breach of Rights under the Equality Act 2010 and fulfils the Council’s duties and obligations accordingly.
- 11.6. As such and having taken into account all of the above, it is not considered that the harm identified due to the construction of residential development outside the settlement boundary would significantly and demonstrably outweigh the benefit of approving the proposed development in a sustainable location and the application should therefore be approved in accordance with Paragraph 11 of the NPPF and having taken account of the NPPF in terms of Green Belt, Grey Belt and the Golden Rules.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be granted subject to the following conditions, and completion of a S106 agreement relating to the following as detailed in Table 1 at Paragraph 10.148 relating to:

- Affordable Housing
- Primary Education Contribution
- Secondary Education Contribution
- Special Educational Needs and Disabilities Contribution
- Early Years Contribution
- Healthcare Contribution
- Bus Service Improvement
- Bus Stop Infrastructure Improvement
- A162/A63 Roundabout Improvements
- Travel Plan Monitoring
- Recreational Open Space
- Monitoring Fee for S106

## Conditions

- 01 Details of access (within the site), appearance, landscaping, layout, internal access and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 02 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 03 Unless otherwise amended under the conditions, the development shall be in accordance with drawing Location Plan (Ref: YE-10-002) and the reserved matters shall reflect the Parameters Plan (Ref YE-10-101 REV A), and the access details shown on drawing Preliminary Site Access Plan Ref DPL SK001 Rev C, and in broad accordance with Framework Plan (Ref YE-10-100 Rev C), Landscape Framework Masterplan (YP25-0982\_EN\_0001Rev 4.), and Design and Access Statement (ref YE-10-103 REV B), unless otherwise agreed with the Local Planning Authority at the Reserved Matters stage.

Reason: For the sake of clarity and in the interests of proper planning.

- 04 Any application for the reserved matter of layout shall provide for up to 180 dwellings. The private market housing within the scheme shall broadly accord with the requirements of Selby Core Strategy Local Plan Policy SP8 Housing Mix with reference to the latest HEDNA, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of general amenity and in accordance with Policy SP8 of the Selby Core Strategy Local Plan

## Highways

- 05 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

#### Informative to Condition

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority has provided below a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system (with 100mm level contours and flow direction arrows shown)
- (g) Road Marking and Signage Layout together with Sign Schedules
- (h) traffic calming / traffic engineering measures
- (i) all types of surfacing (including tactiles), kerbing and edging.
- (j) an A4 or A3 'Stick Diagram' of the Road Layout showing all roads to be constructed marked with a road number eg Road 1, Road 2, Road 2A, Road 3 etc
- (k) details of street furniture including bollards, fencing, seating, bins, bus stop infrastructure
- (l) details of vehicle restraint systems
- (m) details of existing utility services apparatus (overhead and underground)
- (n) details and specification of traffic signals, electronic systems, communications equipment
- (o) landscaping and planting details including all trees, hedges and low level planting
- (p) details of wayleaves, public rights of way
- (q) details of bin storage and bin collection points

(2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (a) the existing ground level

- (b) the proposed road channel and centre line levels
- (c) full details of surface water drainage proposals, including SuDS features, storage tanks and attenuation systems

(3) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) kerb and edging construction standard details
- (d) typical drainage construction standard details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting. (This plan is also to show New Trees (green); Existing Trees (Greyscale) and Removed Trees (red))

(6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(7) Full working drawings for any structures including retaining wall features which affect or form part of the highway network.

(8) A programme for completing the work

- 06 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users in accordance Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

- 07 The development must not be brought into use until the access to the site at Low Street has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements.

The access must be formed with 10 metre radius kerbs as per the submitted plans, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with North Yorkshire Council standard details and the following requirements.

- e. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- f. That part of the access extending 10m metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.

- g. The final surfacing of any private access within 3 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- h. Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

Informative to Condition

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate S278 licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf)

[20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf) . The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 08 There must be no access or egress by any vehicles between the highway and the application site at Low Street until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in accordance Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

Informative to condition

An explanation of the terms used above is available from the Local Highway Authority

- 09 There must be no access or egress by any vehicles between the highway and the application site at Low Street until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in accordance Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

Informative to condition

An explanation of the terms used above is available from the Local Highway Authority.

10 Off-site highway mitigation measures must be completed as indicated below:

- a. Footway works on Low Street prior to occupation of the first dwelling.
- b. Crossing point on Low Street prior to occupation of the first dwelling.
- c. Crossing improvement works in accordance with the submitted Transport Assessment for improved dropped kerb tactile paved crossings on school routes prior to the occupation of the first dwelling.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit commissioned in accordance with NYCC protocol to be carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

#### Informative to Condition

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

11 The development must be carried out and operated in accordance with the approved Travel Plan (ref 2025457 – 002 Rev B) as prepared by Development Planning Limited and submitted in February 2026. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport in accordance with Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

### **Drainage**

- 12 No development approved by this permission shall be commenced until the Local Planning Authority has approved a detailed design of the drainage scheme for the disposal of surface water and foul sewage.

The drainage scheme shall include details of

- a. a timetable for its implementation.
- b. adoption/maintenance, including drawings showing assets to be adopted and a maintenance plan covering requirements until the assets are vested.

Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: In the interest of satisfactory and sustainable drainage in pursuance of Policy SP15 of the Core Strategy.

### **Hours / Piling**

- 13 No work associated with the approved development, including demolition or preparatory activities, shall be conducted outside the hours of 08:00 to 18:00 from Monday to Friday, and 08:00 to 13:00 on Saturdays. No work shall occur on Sundays, Bank Holidays, or National Holidays. These working hours must be strictly adhered to and incorporated into the Construction Environmental Management Plan (CEMP).

Reason: To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and North Yorkshire Council's Policy's SP19 and ENV2.

- 14 No piling or ground compaction works shall take place until a detailed schedule of such works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall identify the locations and timing of the works and include mitigation measures to minimise noise, dust, and vibration impacts on nearby residential properties. The approved measures shall be implemented in full and maintained throughout the duration of the piling and compaction works.

Reason: To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and North Yorkshire Council's Policy's SP19 and ENV2.

### **Construction Management**

- 15 No site preparation, demolition, or construction activities shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific measures to control and mitigate noise, vibration, lighting, dust, and dirt emissions, with particular regard to protecting the amenity of nearby residential properties. The development shall thereafter be carried out in accordance with the approved CEMP

Reason: To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and North Yorkshire Council's Policy's SP19 and ENV2.

- 16 No development for any phase of the development must commence until a Highways Construction Management Plan (HCMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved HCMP. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
- a. details of any temporary construction access to the site including measures for removal following completion of construction works;
  - b. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - c. the parking of contractors' site operatives and visitor's vehicles;
  - d. areas for storage of plant and materials used in constructing the development clear of the highway;
  - e. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
  - f. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
  - g. protection of carriageway and footway users at all times during demolition and construction;
  - h. protection of contractors working adjacent to the highway;
  - i. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
  - j. details of external lighting equipment;
  - k. a detailed method statement and programme for the building works; and
  - l. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of highway safety in accordance with Policy ENV1 and ENV2 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy Local Plan (2012).

### **Contamination**

- 17 Prior to development, a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

- 18 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy

must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

- 19 Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

- 20 In the event that unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

### **Trees and Landscaping**

- 21 Accompanying the Reserved Matters, an updated and detailed Arboricultural Impact Assessment (AIA) produced in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, including a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved AIA, TPP and AMS.

Reason: To secure incorporation of existing trees and hedgerows into the development in pursuance of Policy SP19 of the Selby District Local Plan.

- 22 Prior to the commencement of development, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a. Planting and maintenance specifications.
  - b. Cross-section drawings.
  - c. Use of guards or other protective measures.

- d. Confirmation of location, species, sizes, nursery stock type and defect period.

All tree planting shall be carried out in accordance with the approved details and within the agreed timescales.

Any tree that is found to be dead, dying, severely damaged, or diseased within five years of the completion of the building works shall be replaced in the next available planting season with a specimen of similar size and species.

Reason: In accordance with Policies SP18 and SP19 of the Core Strategy.

- 23 Prior to the commencement of above ground works, detailed design drawings and specifications for all proposed tree planting pits and associated underground support systems shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate:

- a. Soil Volume Compliance Each tree shall be provided with a minimum soil volume in accordance with BS 8545:2014 and BS 5837:2012 recommendations, delivered via a structural soil cell system (e.g., modular underground soil cells) designed to support adjacent hard surfaces without compromising root growth.
- b. Root barriers shall be installed where tree pits are adjacent to highways, footways, or underground services, to prevent future root encroachment and protect infrastructure integrity. Barriers shall be impermeable and extend to a depth sufficient to direct roots downward (typically 600–1000 mm), as per BS 5837 Section 7.7 and Arboricultural Practice Note 12.
- c. Integration with Drainage and Utilities All systems shall allow for adequate aeration and drainage to maintain healthy root conditions, and shall avoid conflict with underground utilities in accordance with BS 5837 Section 7.7 and Table 3 (trenchless solutions). Installation and Verification

The approved systems shall be installed prior to tree planting and verified by the project arboriculturist.

A Compliance Statement shall be submitted to the Local Planning Authority upon completion.

Reason: In accordance with Policies SP18 and SP19 of the Core Strategy.

### **Ecology and Biodiversity**

- 24 Accompanying the Reserved Matters, a Construction Ecological Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority and shall incorporate the ecological mitigation measures recommended in the ecological appraisal (BSG Ecology, September 2025) and updated Surveys of mobile species. The scheme shall be carried out in accordance with the agreed CEMP and mitigation measures.

Reason: In the interests of proper planning and in accordance with Policies SP18 and SP19 of the Core Strategy.

- 25 Accompanying the Reserved Matters, a Species Enhancement Plan (or equivalent) shall be submitted for the written approval of the Local Planning Authority to secure

measures for species enhancements as set out in the submitted Ecological Impact Assessment Report (BSG Ecology, September 2025). This should include but not be limited to bat boxes, bird boxes/bricks, fence gaps for hedgehogs and include details of ongoing maintenance of these features. The scheme shall be carried out in accordance with the agreed Species Enhancement Plan (or equivalent).

Reason: In the interests of proper planning and in accordance with Policies SP18 and SP19 of the Core Strategy.

- 26 Prior to the commencement of development, a lighting strategy for the site be submitted for the written approval of the Local Planning Authority to demonstrate how external lighting will avoid light spill onto boundary habitats, thus minimising impacts on bat foraging and commuting routes. The scheme shall be carried out in accordance with the agreed strategy and mitigation measures.

Reason: In the interests of proper planning and in accordance with Policies SP18 and SP19 of the Core Strategy.

- 27 Prior to the commencement of the development hereby approved a timetable for the completion of all habitat creation and enhancement approved under the deemed condition for a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be completed in accordance with the approved timetable.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and policy SP18 of the Core Strategy.

- 28 The date of completion of the habitat creation and enhancements approved under the deemed Biodiversity Gain Plan condition shall be confirmed in writing to the Local Planning Authority within 7 days of the event.

Reason: To enable monitoring of biodiversity net gain.

- 29 Prior to the commencement of the development hereby approved, but after the approval of the Biodiversity Gain Plan a 30-year Habitat Management and Monitoring Plan (HMMP) for the provision of 10% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be based upon Natural England's Habitat Management and Monitoring Plan Template and shall include the HMMPT Companion Document and a list of what will form part of the Habitat Management and Monitoring Reports submitted for Part B) of this condition.

From the date of completion of habitat creation and enhancement works, a BNG Habitat Management and Monitoring Report must be submitted to and approved in writing by the Local Planning Authority by years 1,3, 5, 10, 15, 20, 25 and 30. The development shall proceed on the basis of all approved documents and timings as approved under A) and B) for the duration of the HMMP.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021.

## Archaeology

- 30 No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
  - b. Community involvement and/or outreach proposals
  - c. The programme for post investigation assessment
  - d. Provision to be made for analysis of the site investigation and recording
  - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - f. Provision to be made for archive deposition of the analysis and records of the site investigation
  - g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with Section 16 NPPF (paragraph 212 and Footnote 76) as the site is of archaeological significance.

- 31 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition **(31)**.

Reason: In accordance with Section 16 NPPF (paragraph 212 and Footnote 76) as the site is of archaeological significance.

- 32 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition **(31)** and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with Section 16 NPPF (paragraph 212 and Footnote 76) as the site is of archaeological significance.

## INFORMATIVES

NPPF – The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 39 of the NPPF.

### Deemed condition on Biodiversity Net Gain

Coal – Low Risk - The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is

encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at:  
<https://www.gov.uk/government/organisations/mining-remediation-authority>

Standing Advice valid from 1st January 2025 until 31st December 2026

Topsoil Importation - Domestic Garden - If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site. (Please note that topsoil suitable as a growth medium may not necessarily be free from contamination.) Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

Police Architectural Liaison Officer – Advice has been given by the Police Architectural Liaison Officer on the design for the site which is available to view on Public Access under ZG2025/0983/OUTM. The applicants should look to take account of this advice in the reserved Matters submission. The advice and recommendations are intended to ensure that should this site be developed for housing as proposed; residents will be provided with a safe and secure environment to live by reducing the opportunities for crime and antisocial behaviour to occur. This will accord with the core principles and design objectives set out in the National Planning Policy Framework and local policy.

**Target Determination Date:** 15<sup>th</sup> April 2026

**Case Officer:** yvonne.naylor@northyorks.gov.uk

**Appendix A** - Plan DPL SK001 Rev C – Preliminary Site Access.

**Appendix B** - Parameters Plan (ref YE-10-101 Rev A)

**Appendix C** - Framework Plan (ref YE-10-100 Rev D)



**AMENDED  
DRAWING**



Tel : 01924 684 000 Email : [info@devplanning.co.uk](mailto:info@devplanning.co.uk)  
<http://www.devplanning.co.uk>

CLIENT: .

PROJECT: SOUTH MILFORD

TITLE: PRELIMINARY SITE ACCESS LAYOUT PLAN

SCALE @ A2	1:1000	APPROVED	DRS	DATE	27/11/2025
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PROJECT No:	2025457	DRAWING No:	DPL SK001	REV:	C
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**NOTE:**  
 All information is indicative.  
 The layout is subject to change based on receiving the following information:  
 - Detailed Topographical survey.  
 - Tree locations and BPO's.  
 - BMO location for the site.  
 The above is by no means an exhaustive list and other factors may affect the layout.  
**"ALL INFO IS SUBJECT TO CHANGE BASED ON THE ABOVE"**

**DISCLAIMER**  
 This drawing is prepared for the use of the client and is not to be used for any other purpose without the written consent of the designer.  
 The designer shall not be held responsible for any errors or omissions in this drawing or any consequences arising therefrom.  
 The client shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.  
 The designer shall not be held responsible for any changes to the drawing or any consequences arising therefrom.  
 The client shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.



**Legend**

- Site Boundary
- Proposed setbacks and setbacks within Street Setbacks
- Proposed Development
- Primary roads into development
- Primary roads through development
- Proposed footpaths and cycle routes
- Existing Land Use Lane
- Existing trees and hedgerows
- Proposed trees (shown individually)
- Proposed to be feature

Native landscape buffer proposed to provide screening between the proposed dwellings and the existing convenience store.

Site access to Site a new T junction with a new section of cycle lanes proposed leading north adjacent to Lane Street. Existing hedgerow to be retained where necessary to accommodate the new junction and include cycles. New native planting proposed to enhance the existing hedgerow.

Land Use Lane to be retained in its current form with changes to the speed limit proposed. Potential to include through lanes into and across this from the new development.

Centrally located binary loop with future spaces allowing for outward facing perimeter block structure.

Area designated for BMO enhancement.

Proposed inclusion route with connections in to the development along the southeast edge. Native planting intended to connect the continuity from Lane Green to Land Use Lane and the wider South Millfield along a pedestrian friendly route.

Lower density proposed along the parade with a container built like served from private driveway.

Two local internal roads proposed to take pedestrians from Lane Green to Land Use Lane and the wider community like a centrally located open space.

SOFT feature to be located in the lower part of the site.

Inclusion Play to be included in proximity to the existing and proposed development.

Area designated for BMO enhancement.

Footpath connection to be Land Use Lane with connection in to eastern open space.

Existing tree belt along Land Use Lane to be retained.



AMENDED DRAWING

Parameters Plan	
Project:	Land Office Street South Millfield
Client:	BMO Services East
Draw No:	16-10-201 Rev: A
Date:	1/10/2021 Date: 20/06/2021
Drawn By:	MC Checked By: MC

**URBAN DESIGN**  
 BARRATT DEVELOPMENTS PLC

**NOTE:**

- All information is indicative  
- The layout is subject to change based on receiving the following information:  
- Detailed Topographical survey  
- Tree locations and DPA's  
- DPA's location for the site  
The above is by no means an exhaustive list and other factors may affect the layout.  
**\*ALL INFO IS SUBJECT TO CHANGE BASED ON THE ABOVE\***



**NOTES:**  
Design is based on a plan and site information provided by the client and is not intended to be used for any other purpose.  
This plan is for information only and does not constitute a contract. It is the client's responsibility to ensure that the design meets their requirements and that all necessary permissions are obtained.  
This design is based on the information provided and is not intended to be used for any other purpose.  
The client is responsible for ensuring that the design meets their requirements and that all necessary permissions are obtained.  
The client is responsible for ensuring that the design meets their requirements and that all necessary permissions are obtained.

- Legend**
- Site Boundary
  - Primary roads, through development  
5.5m Corridor
  - Secondary roads, through development  
8.5m Corridor
  - Tertiary roads, through development  
7.5m Corridor
  - Private Drives
  - Paved Paths / Walking Routes
  - Land Use Area
  - Driveway Footings
  - Indicative Landscaping
  - Potential Inclusive Play Areas

**AMENDED DRAWING**

D	Amended Drawing	10/20/2023	10/20/2023
C	Amended Drawing	10/20/2023	10/20/2023
B	Amended Drawing	10/20/2023	10/20/2023
A	Amended Drawing	10/20/2023	10/20/2023

**Framework Plan**

Project:	Land off road Severn South Merton		
Client:	WDA Merton East		
Dwg No:	10-28-320	Rev:	D
Date:	11/20/23 @ 4:11	Date:	10/20/2023
Drawn By:	JP	Checked By:	JP

