APPENDIX A

North Yorkshire Council

Community Development Services

Selby and Ainsty Area Planning Committee

13 MAY 2026

2023/0030/FULM - RESIDENTIAL DEVELOPMENT OF 204 RESIDENTIAL DWELLINGS - LAND OFF MILL LANE, BRAYTON, SELBY, NORTH YORKSHIRE

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT – COMMUNITY DEVELOPMENT SERVICES

1.0 Purpose of the Report

1.1 To determine an application for full planning permission for residential development of 204 residential dwellings at Land off Mill Lane, Brayton, Selby, North Yorkshire.

1.2 This application is reported to Committee because the Head of Development Management considers this application to raise significant planning issues.

2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to prior completion of a Section 106 Agreement and subject to the conditions detailed below.

2.1. This is a full planning application for the development of agricultural land for 204 dwellings with associated infrastructure, landscaping and open space at Mill Lane Brayton. The proposed site layout shows internal roads, provision of open space and drainage. The site adjoins existing development to the north and east, there are dwellings to the south and agricultural fields to the west. The site was intended to be an allocation (BRAY-X) within the former emerging Selby Local Plan.

2.2. The Local Planning Authority cannot demonstrate a five-year supply of housing land. Although the principle of locating the majority of development towards the towns, local service centres and the designated service villages defined within Policy SP2 of the CSLP still carries weight, the absence of a five-year supply means it can no longer be required to locate this development exclusively within their development limits (DL'S) as required by SP4. Policy SP5 is out of date and carries no weight because the housing need figure it contains is not calculated based on the required standard method. In this regard, the proposed DL's adjacent to sustainable settlements designated in Policy SP2, are a starting point from where applications can be considered on their own merits. This should be done in accordance with paragraph 11d from the NPPF. Permission should be granted unless the proposal fails to satisfy the tests in NPPF paragraph 11d. It requires consideration of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

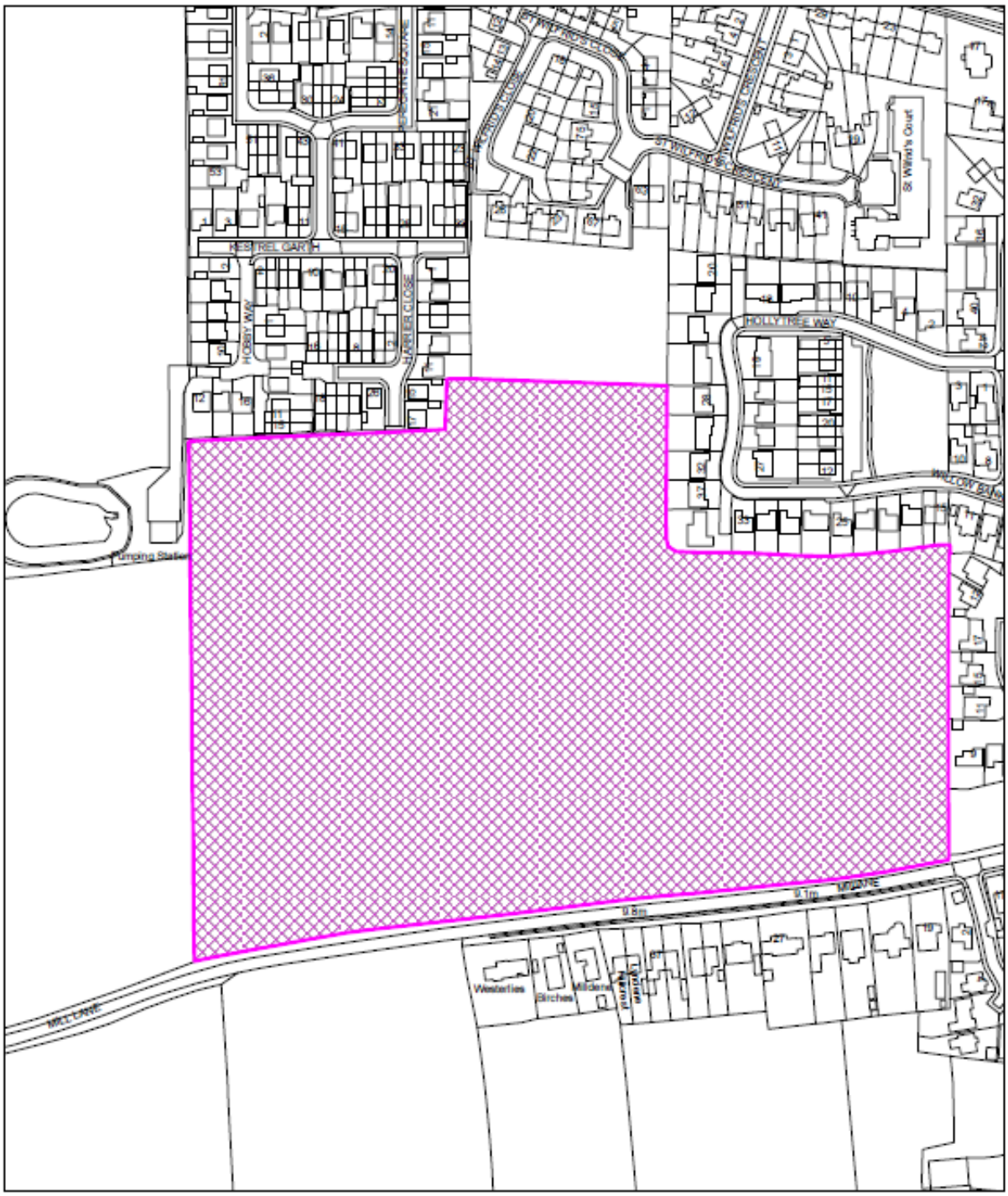
2.3. On this site the benefits include the site being in a reasonably sustainable location; the proposal makes a significant contribution to market and affordable housing (great weight is given to this consideration); the housing mix will deliver a mixed and balanced community; there will be contributions to recreational open space and biodiversity net gain and ecological enhancements; economic development both during construction phase and once the houses are occupied which are afforded moderate weight.

2.4. Neutral matters include the lack of conflict with mineral policies; density of development; the site specific flood risk implications are acceptable and suitable drainage can be controlled by condition; there would be no harm arising from highway access; there would be no harm to protected species or designated sites; the site can be made safe from contamination and residential amenity would not be harmed.

2.5. The adverse impacts include visual and landscape character harm; the loss of best and most versatile agricultural land; and conflict with the development plan.

2.6. It is concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. 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 off Mill Lane, Brayton
2023/0030/FULM



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:- Documents for reference 2023/0030/FULM: Public Access

3.2. There is no planning history for this site.

4.0 Site and Surroundings

4.1. The site lies on the western edge of Brayton to the north of Mill Lane. The site is bounded by fields to west and is adjacent to existing dwellings to the north and east. There are also dwellings to the south on the opposite side of Mill Lane. The application site comprises 7.84ha of flat agricultural land. There are hedgerows to north and east and intermittent hedgerows to the south and western boundaries.

4.2. The defined development limit for Brayton runs along rear of Steward Close to the east and to the north of Mill Lane to the end of the run of dwellings. The site lies outside the development limit in open countryside. A Locally Important Landscape Buffer lies immediately to the west and Brayton Barff beyond. Parts of Brayton Barff to the east of the site are classified as ancient woodland, and a site of importance to nature conservation (SINC). The site is in flood zone 1 for sea and river flooding and there are localised areas of low-risk surface water flooding on the site

5.0 Description of Proposal

5.1. The site is accessed from Mill Lane to the south and an emergency access also exits onto Mill Lane. Internally a circuitous distributor road with secondary roads and private drives serves the development. A central area of open space is shown which includes a LEAP. Dwellings face Mill Lane and the open space. Walking and wheeling routes are shown though the site to connect with the wider highway network.

5.2. A pedestrian link is also proposed to link the site to St Wilfrid's Close to the north crossing third party land.

5.3. As submitted the application was for 200 dwellings which was then increased during the application to 204 units.

5.4. The application is supported by a suite of technical documents that may be viewed on Public Access.

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 was the Selby Local Plan revised publication 2024 (Reg 19). Following reports to committees and finally to North Yorkshire Council's Full Council on 26 February 2025, work on the ELP has ceased.

6.4. Having regard to the above, there is no emerging local plan to consider, but some weight may be given to the evidence base. The site was a draft allocation in the emerging Selby Local Plan, reference BRAY-X.

6.5. The North Yorkshire Local Plan is the emerging development plan for this site however no weight can be applied in respect of this document at the current time as it is at an early stage of preparation. As the emerging Local Plan progresses through the various stages, it can attract increasing weight in decision making. At the point of adoption, it is a statutory document to which Section 38(6) of the Planning and Compulsory Purchase Act 2004 can apply.

6.6. Guidance - Material Considerations

Relevant guidance for this application is:

- National Planning Policy Framework December 2024
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing Supplementary Planning Document (AHSPD) 2014
- Developer Contributions Supplementary Planning Document (DC SPD) 2007
- Brayton Village Design Statement SPD

6.7. The Government began a consultation exercise on a new draft of the NPPF in December 2025, which has closed. One of the proposed changes is to introduce a less restrictive approach to the development which is well-related to or is within the existing settlements. Policy S4 of the draft NPPF states that development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects and policy S5 (j) states that development which would address an evidenced unmet need (including where a LPA cannot demonstrate a five-year supply of deliverable housing sites) and where the development proposals would be well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

6.8. 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 and represents a shift from current policy, no more than negligible weight should be given to the suggested changes.

7.0 Consultation Responses

7.1. Consultations were carried out in February 2023 on submission of the application and re-consultations carried out in June 2024, July 2025 and January 2026 following subsequent amendments of the application.

7.2. **Brayton Parish Council -** We believe this is too many properties on this site and it is out of keeping to the area, being so rural. The access onto the A19 is a major concern - this is a very busy road and with the addition of 190 properties with perhaps 400+ cars, we cannot see how the road will cope with this increase. Also there does not seem to be enough room at the properties for these vehicles - so more cars parking on the road will cause problems for access. When discussing other areas in Brayton with Cllr Mark Crane - there are concerns with narrow roads/not enough room for a Refuse Wagon to turn. It seems more problems will arise with these plans. Then if any cars are parked on the road, vehicles will struggle to pass safety.
We believe there is insufficient infrastructure in the locality for such an increase in population- schools, doctors and dentists to name a few. The exit onto Mill Lane needs reviewing and perhaps adding another road. But our main concern is the exit onto the A19 from Mill Lane, it simply will not be able to cope with the influx of vehicles. We hope that no further amendments will see a change to either 3 or 2.5 storey properties.

7.3. **NYC Education** – No objection. Financial contributions are sought towards Primary Education and Special Educational Needs and Disabilities (SEND) provision.

7.4. **NYC Environmental Health** - No objection. Conditions recommended to protect residential amenity, including mitigation of noise, vibration, dust, and dirt; adherence to specified working hours; no piling or ground compaction works without prior approval of schedule and mitigation measures. Conditions are also recommended to protect proposed dwellings from traffic noise (provision of written scheme and implementation of approved scheme).

7.5. **NYC Landscape Architect –** Objection - the landscape proposals are acceptable within the given layout however masterplan does not create a strong sense of place or respect the site's wider landscape context. The relationship with the adjacent open countryside is too abrupt; lack of meaningful street trees; harm to an important and informative panoramic view of Brayton Barff and the setting of the LILA.

Combined comments were provided with h Urban Design 2025 - This is a significant site that helps define the village edge and interface with the surrounding countryside, a more landscape-led, contextually rich and inclusive approach with design is recommended.

7.6. **NYC Urban Design –** Objection - Combined comments provided with Landscape (see paragraph 7.5). Proposed layout considered to overly dense, car-dominated, poorly connected for pedestrians and cyclists, lacking strong placemaking, and weakening opportunities for landscape-led design, green infrastructure, and social integration,

7.7. **NYC Waste and Recycling –** No objection raised, comments provided. The site needs to have enough access or space to accommodate a 26t RCV, reversing manoeuvres need to be kept to a minimum on site as this poses a significant health and safety risk. Any properties that are accessed on private or shared private driveway need to present their bins for collections to the nearest adopted highway so will need a bin presentation point. Also, each household will need enough room to be able to store a minimum of 4 bins.

7.8. **NYC Archaeologist -** No objection to the development. A written scheme of investigation (WSI) has been submitted which proposes archaeological excavation over a group of complex anomalies and further trial trenching to establish the presence or absence of archaeological features elsewhere on the site. Implementation of the WSI should be made a condition of the consent.

7.9. **NYC Conservation Officer** – No comments to make on the application.

7.10. **NYC Ecologist –** No objection subject to conditions including Construction Ecological Management Plan, BNG implementation and Species Enhancement Plan.

7.11. **Lead Local Flood Authority –** No objection raised. The submitted documents demonstrate a reasonable approach to the management of surface water on the site.

7.12. **NYC Highways –**. No objection and comments provided. Conditions recommended and S106 contributions requested, including contributions towards bus service improvements, Brayton and Gowthorpe traffic lights, extended 30mph zone on A19 and sustainable travel improvements.

7.13. **NYC Minerals and Waste** – No comments to make as the proposed development is in a Minerals Safeguarding Area and falls under the following exemption criteria stated in paragraph 8.55 of the MWJP (2022): Infilling in an otherwise built-up frontage within a settlement.

7.14. **NYC Affordable Housing** – No objection. 10% affordable housing and proposed mix and tenure split is acceptable.

7.15. **NYC Public Rights of Way** – No Public Right of Rights (PROW) within or adjacent to the site.

7.16. **NHS Humber and North Yorkshire Integrated Care Board** – Approval of the proposed development will have an impact on the primary healthcare provision in the area and its implication if unmitigated would be unsustainable. A financial contribution is sought to provide additional primary healthcare provision.

7.17. **Contaminated Land Consultant -** No objection raised, recommend conditions applied relating to ground investigation, submission of a remediation strategy, verification of remediation works, reporting of unexpected contamination.

7.18. **Yorkshire Water -** No objection to the proposed on-site and off-site drainage; the proposed foul water discharge to the public foul sewer to be pumped at a rate of 4.75litres/second; proposed surface water discharge to the public surface water to be pumped at a rate of 4.5litres/second; The proposed point of discharge of foul and surface water to the respective public sewers submitted on drawing, MLB-16-06-002 (revision F) dated 10/12/2025 prepared by Redrow Homes. Request condition to ensure compliance with submitted plan and approval of site drainage details.

7.19. **North Yorkshire Fire and Rescue Service –** Observations provided. Raise concern over road lengths without suitable turning heads.

7.20. **North Yorkshire Police** - No objection, comments provided. It is considered that this application accords with the core principles and design objectives set out in the National Planning Policy Framework in respect of developments creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

7.21. **Selby Area Internal Drainage District –** No objection and recommend conditions regarding surface water drainage and restricted flow measures.

7.22. **Environment Agency** – No comments to make.

7.23. **Yorkshire Wildlife Trust** – No comments to make on the application.

7.24. **Sherburn AeroClub** – No objections if there is nothing above 60 metres above mean sea level.

7.25. **NYC Arboricultural Officer** - No arboricultural objection as there are no substantive trees on or adjacent to the site. Any tree planting close to highway infrastructure will need to be planted in crate systems (noted in the emerging Landscape Design Guide). It is recommended that once the landscape detail is secured that the trees be made the subject of a Tree Preservation Order to help ensure that the trees are retained through to maturity to deliver the climate change benefits noted in the DAS.

Publicity and Local Representations

7.26. The application was advertised by press and site notices in February 2023. Further rounds of consultation were carried out in June 2024, August 2025 and January 2026.

7.27. OBJECTIONS (162 in total across all consultations)

1. Principle of Development / Planning Policy
    - Loss of greenfield land

- Land is within the Green Belt
- Brownfield sites should be prioritised
- Brayton has already taken a fair share of development
- Housing numbers exceed the indicative figure in the emerging Local Plan draft allocation
- Over-development of the site
- Erosion of the development limit
- Development should be directed to DSVs (noting Brayton is already a DSV)
- Further development would encourage coalescence of Brayton and Thorpe Willoughby
- Need for a comprehensive village wide plan rather than piecemeal development

2. Housing Mix, Type and Amount
- Level of affordable housing proposed is unacceptable
- Smaller dwellings are required
- Housing mix should include bungalows
- Too many houses proposed on the boundary with 35 Willow Bank, harming residential amenity
- Garages should not be converted
- Lack of parking provision
- Self-build plots?
- Blocks of multiple houses should not be on the site edges

3. Impact on Village Character and Residential Amenity
- Harm to village character
- Detrimental impact on the character of Mill Lane
- Loss of views
- Loss of light and privacy to properties on Steward Close
- Noise disturbance from proposed air source heat pumps
- Construction noise lasting many years
- Light pollution
- Impact on local amenity use of Mill Lane
- Detrimental impact on health arising from the development
- Loss of individual house value
- Rising house prices in the village pushing local people out of area
- Urban heat island effect and contribution to climate change
- Urban Design comments not addressed

4. Transport, Accessibility and Sustainability
- Increased traffic and air pollution
- Mill Lane is narrow and the junction with the A19 is unsafe with poor visibility, particularly to the north
- Local roads are likely to become rat-runs
- No public transport provision
- Development is unsustainable as residents will need to rely on private cars to access services

- Can a junction be created at the western end of Mill Lane and the bypass to alleviate traffic?
- Can the site realistically connect to land to the north (BRAY-Z)?
- Mill Lane speed limit should be reduced to 30 mph

5. Infrastructure and Services
    - Lack of village infrastructure, particularly GP provision, with knock-on impacts for schools
    - Development would affect Thorpe Willoughby as well as Brayton due to shared services
    - Need for greater engagement with the village and local community
    - Concern over use of a management company to maintain the estate

6. Landscape, Ecology and Biodiversity
    - Landscape and visual impact
    - Loss of best and most versatile (BMV) agricultural land and impact on food security
    - Impact on Brayton Barff and wildlife, particularly farmland birds
    - Adjacent to a LILA, resulting in unacceptable impacts
    - Impact on boundary hedgerow to Steward Close and concerns over future maintenance
    - Detrimental impact on protected species and local SINCs
    - Loss of hedgerow on Mill Lane

7. Drainage, Flooding and Environmental Risk
    - Unspecified impacts on drainage and flood risk
    - Impact on local drainage and flooding on The Poplars
    - No information on noise or emissions from the pump station

8. Open Space, Safety and Anti-social Behaviour
    - Proposed on-site open space may attract anti-social behaviour
    - Increased dog fouling and littering
    - Need for on-site children's play space

SUPPORT (1 in total across all consultations)

- Housing is needed

8.0 Environment Impact Assessment (EIA)

8.1. The Local Planning Authority have screened the development, taking account of the criteria set out in Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the indicative screening thresholds in National Planning Practice Guidance (NPPG) and determined that no significant effects on the environment are likely and an Environmental Impact Assessment is not required. The Screening opinion can be viewed on Public Access.

9.0 Main Issues

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

- Principle of development
- Loss of agricultural land
- Minerals
- Housing density and mix
- Character and appearance
- Landscape
- Residential amenity
- Flood risk and drainage
- Access and highway safety
- Ecology and biodiversity
- Affordable housing
- Recreational open space
- Contaminated land
- Heritage assets
- Developer contributions

10.0 ASSESSMENT

Principle of development

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

10.2. Policy SP1 of the Selby District Core Strategy Local Plan outlines that "*when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework*" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in the NPPF. The Council does not have the required five-year housing land supply and therefore Paragraph 11d of the NPPF is engaged and the “tilted balance” applies.

10.3. Policy SP2 of the CS sets out the long-term spatial hierarchy for the distribution of future development within the District, focusing development firstly in the Principal Town of Selby, Local Service Centres, Designated Service Villages and smaller villages.

10.4. Selby, as the Principal Town, is the focus for new housing. Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing growth can take place appropriate to the size and role of each settlement. The supporting text to Policy SP2 of the Core Strategy at paragraph 4.12 states *“villages which are considered capable of accommodating additional limited growth have been identified as ‘Designated Service Villages’”.* With regards to Designated Service Villages,

paragraph 4.27 states *"The overriding strategy of concentrating growth in Selby and to a lesser extent in the Local Service Centres means that there is less scope for continued growth in villages on the scale previously experienced. However, there is insufficient capacity to absorb all future growth in the three towns without compromising environmental and sustainability objectives. Limited further growth in those villages which have a good range of local services…is considered appropriate"*.

10.5. The Core Strategy designates Brayton as a Designated Service Village. Policy SP2A(a) of the Core Strategy sets out that Designated Service Villages have some scope for additional residential growth to support rural sustainability. However, the application site is not within the development limits of Brayton, but adjacent. As such, the application site is classed as being located within the open countryside in planning policy terms. Therefore, Policy SP2A(a) has less relevance, other than to note the settlement hierarchy and indicate the strength of Brayton as a Designated Service Village. The development limits for Brayton are adjacent to the part of the northern, the eastern and southern boundaries of the application site and the site is considered to be closely related to the settlement.

10.6. Policy SP2A(c) of the Core Strategy says: "*Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances*."

10.7. The proposal does not constitute any of the forms of development set out under SP2A(c).

10.8. In light of the above policy context the proposals for residential development are contrary to Policy SP2 of the Core Strategy. Substantial weight to the conflict with the development plan (and the related conflict with the intentions of the Framework) should be given in this case. The proposal should therefore be refused unless material considerations indicate otherwise.

10.9. The application site was identified as a draft allocation in the 2024 Regulation 19 publication version of the emerging Local Plan. The draft allocation had a reference of BRAY-X in Policy HG1 and detailed an indicative capacity of 188 dwellings along with a series of other site requirements. The application broadly complies with the site requirements as detailed later in this report. This site was one of two draft allocations for Brayton. The other site BRAY-Z lies between the application site and St Wilfrid's Close to the north.

10.10. It is also noted that two other housing sites which lie outside of the village development limit have received consent in Brayton:

- Land at Barff Lane (2022/1410/OUTM) – 95 dwellings allowed on appeal 2023
- Land off Evergreen Way (ZG2023/0507/OUTM) – 80 dwellings granted 2025. Reserved matters granted February 2026.

10.11. Reserved matters applications for both sites are currently before the Council for consideration.

Housing Supply Requirements

10.12. Currently there is a lack of a five-year housing land supply in the Selby legacy area, due to the increase in housing requirements arising from the NPPF (December 2024). The most up to date figure is 2.4 years (April 2025). Policy SP5 is out of date and therefore carries no weight because the housing need figure it contains is not calculated based on the required standard method. As such applications are required to make decisions in accordance with Paragraph 11d of the NPPF (December 2024).

10.13. Paragraph 11d states that in terms of decision-making and the presumption in favour of sustainable development:

"*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
i. the application of policies in this Framework that protect areas or assets of particular importance 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 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"

10.14. Footnote 7 notes that the "assets of particular importance" are: habitats sites (and those sites listed in paragraph 189) 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". These do not apply to the application site.

10.15. 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. The development is in a sustainable location on the edge of a Designated Service Village and would contribute to housing supply. The housing would make effective use of the land in terms of the proposed density of development which is also delivering affordable housing provision. In this context it is considered under Paragraph 11d of the NPPF that the principle of development on the site should be supported subject to satisfying Paragraph 11d ii.

Sustainability

10.16. Paragraph 11 of the NPPF (December 2024), sets out the presumption in favour of sustainable development in determining applications and that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local

communities as such development that does not accord with an up-to-date plan will not normally constitute sustainable development. However, Paragraph 12 of the NPPF (December 2024), makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. When a planning application conflicts with an up-to-date plan permission should not normally be granted.

10.17. Material circumstances in this case are the need for housing supply and the wider sustainability benefits of the proposal.

10.18. In terms of sustainability, the application site abuts Brayton which is identified as a Designated Service Village in the Core Strategy. The settlement provides a range of services and is identified as one of the key settlements in the Selby legacy area for growth. The settlement includes a school, butchers and post office/shop. There are bus services into Selby and the wider area including Leeds and Pontefract.

10.19. Paragraph 8 of NPPF outlines that there are three overarching objectives which are interdependent and need to be considered in assessing whether a scheme is sustainable development, i.e. the economic objective, social objective, and environmental objective. Paragraph 9 notes that planning policies and decisions should play an active role in guiding development towards sustainable solutions but in doing so should take account of local circumstances to reflect the character needs and opportunities of each area. With Paragraph 10 stating that "*sustainable development should be pursued in a positive way, at the heart of the framework is the presumption in favour of sustainable development (Paragraph 11*)".

10.20. The following benefits would arise from the proposed development:

Economic

10.21. The proposal would generate employment opportunities in both construction and other sectors linked to the construction market. The proposal will bring additional residents to the area who in turn will contribute to the local economy through supporting the existing local facilities and increasing the demand to sustain existing services. The proposals could enhance provision of local workforce for the businesses, although this will depend upon potential employee skill matches and vacancy requirements.

Social

10.22. As well as market housing the proposal will deliver 20% affordable housing units to meet a defined need in the area. In addition, the scheme would include provision of on-site recreational open space and will make contributions to provision of ecology and highway mitigation. The application is for full planning permission and subject to discharge of any conditions in the event of any approval would be implemented without delay.

Environmental

10.23. The proposed development can consider environmental issues such as climate change, ecology and biodiversity and will deliver environmental benefits in the form of

open space provision. The proposal would provide housing outside the boundaries of the Designated Service Village, but this is one of the more sustainable settlements in the Selby legacy area.

10.24. The site is on the edge of a Designated Service Village and is a sustainable location. Due to the housing supply position, the presumption in favour of sustainable development is engaged under paragraph 11d and relevant material factors need to be taken into consideration as part of the planning balance. The proposal would provide 204 dwellings and would boost the housing land supply as well as providing economic, social and environmental benefits. All these factors weigh in favour of the proposal.

Previous levels of growth

10.25. CS Policy SP5 designates levels of growth to each of the 3 main towns, the group of Designated Service Villages and the Secondary Villages based on their infrastructure capacity and sustainability. Brayton has received recent housing growth however, in the context of the increase of housing land requirements arising from the NPPF there remains a need to release more sites for development, which are deemed to be a sustainable location. This is an opportunity that should be supported by in the context of Paragraph 11d, notwithstanding levels of growth the settlement has already incurred. The growth of the Designated Service Village is preferable to growth of lower ranking settlements and as such all opportunities should be considered in the context of the guidance in the NPPF.

Deliverability

10.26. In terms of deliverability, the application seeks full planning permission, and the applicants have confirmed that they will be seeking to bring the site forward for early delivery. Ultimately, the NPPF aims to boost and maintain the supply of housing, and this is a material consideration when evaluating planning applications.

Conclusion on the Principle of Residential Development

10.27. Policies SP2 and SP5 are the most important for determining the application and are of limited weight because the LPA cannot demonstrate a five-year supply of deliverable housing sites. Furthermore, Policy SP5 is out of date because the housing need figure it contains is not calculated based on the required standard method.

10.28. The proposal would release a greenfield site for development which is outside of development limits. It would therefore conflict with the fundamental aims of Policies SP1 and SP2 of the Core Strategy. However, significant weight is given to the Council's lack of a 5-year housing land supply and the engaged tilted balance of Paragraph 11d.

10.29. 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, the weight afforded to Policy SP2 is diminished as it does not include the more nuanced approach to the consideration of development that is found in the NPPF. Thus, although it serves as a useful guide for the sustainability of settlements enabling the Council to still resist development in the least sustainable locations, during this period where the Council does not have a 5-year land supply, the strict application and locational limitations of SP2 c) and SP4 should be given limited weight.

10.30. The development of the site would deliver a number of socio-economic benefits to Brayton and the wider Selby/North Yorkshire area alongside making an significant contribution to the Council's ongoing 5-year housing land supply requirements. These are anticipated to be within 5 years of the approval of the planning application,

10.31. There remains a requirement to consider the impacts of the development and whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

Loss of agricultural land

10.32. The site is currently in use for agriculture (arable). 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.

10.33. Agricultural land is classified using grades 1, 2, 3a, 3b, 4 and 5. Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Yorkshire and Humber Agricultural Land Classification indicates the site to be grade 3 "Good to Moderate" agricultural land.

10.34. At 7.84 hectares the site size is below the 20-hectare threshold specified within Article 18 and Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) above which Natural England is a statutory consultee for the loss of best and most versatile agricultural land. Notwithstanding this the proposal would result in the permanent loss of best and most versatile agricultural land. Given the site's conflict with the spatial development strategy, this loss is considered unnecessary. The development would therefore result in minor harm to the local agricultural economy and wider food self-sufficiency. Harm (even minor harm) arising from the loss of agricultural land is in conflict with Core Strategy Policy SP18 and NPPF paragraph 187 b) needs to be weighed in the planning balance against the benefits of providing housing.

Minerals

10.35. The application site lies partially within the Minerals and Waste Sand and Gravel safeguard area. There are no active quarry sites or waste facilities within 500m of the site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone.

10.36. The proposed development lies within a Minerals Safeguarding Area and falls within the exemption criteria stated in paragraph 8.55 of the MWJP (2022):

• Infilling in an otherwise built up frontage within a settlement

10.37. Given the sites location immediately adjacent to dwellings, it would not be considered practical or suitable to extract minerals in this location without unacceptable impact on local communities. There is no conflict with the Minerals and Waste Local Plan.

Housing density and mix

Density

10.38. Saved 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 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."*

10.39. 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".

10.40. NPPF paragraph 124 requires that decisions should support development that makes efficient use of land.

10.41. The proposed net density of the development is 26 dwellings per hectare. The supporting text to Policy H2B states that densities over 40 dwellings per hectare are unlikely to be generally appropriate other than in parts of the market towns and encourages densities of between 30-40 dwellings per hectare in larger villages or locations with good public transport. The policy itself allows for lower densities where there is an overriding need to safeguard form and character and address other site circumstances. Policy S19 in the Core Strategy adopts a more design led approach by seeking densities that do not compromise local distinctiveness, character and form.

10.42. Concerns have been raised over site density from the Council's Urban Design officer however the proposed density is lower than that required under Policy H2B and is

considered satisfactory to reflect village character and the site's edge of settlement location and the provisions set out in the Brayton Design Statement and draft site requirements. It is not considered that there is any conflict with SDLP PolicyH2B and Core Strategy Policy SP19.

Housing Mix

10.43. Core Strategy Policy SP8 provides guidance with regards to housing mix and requires that proposals for housing must contribute to the creation of mixed communities, and that the type and size of proposed dwellings reflect the most recent strategic housing market assessments. The proposed housing mix is shown in the table below:

Unit size	HEDNA	Application Proposal
1-bedroom	0-10%	2.94% (6 units)
2-bedrooms	25-35%	10.78% (22 units)
3-bedrooms	40-50%	39.71% (81 units)
4+-bedrooms	15-25%	46.57% (95 units)

The proposed housing mix is considered acceptable.

Character and appearance

10.44. Policy ENV1 of the SDLP requires that the impact of new development on the character of the area and the standard of design, relative to the site and its context, is given due consideration when assessing planning proposals. Similarly, Core Strategy Policy SP18 seeks to sustain high-quality environments and local distinctiveness by protecting, and where possible enhancing, the historic and natural environment, including the landscape character and the setting of areas recognised for their importance.

10.45. Policy SP19 requires that residential developments should: *"Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for larger sites and those located on the edge of settlements where appropriate."*

10.46. Paragraph 135 of the Framework outlines a series of expectations for achieving high-quality design in new development, while Paragraph 187 of the Framework encourages planning decisions to contribute to, and enhance, the natural and local environment by recognising the intrinsic character and beauty of the countryside.

10.47. NPPF Footnote 9 requires consideration to Paragraph 135, which requires that planning decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, provide effective landscaping, while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 139 resists bad design and supports good design.

10.48. The adopted Brayton Village Design Statement sets out design guidance for development in the village.

10.49. The proposed dwellings are a mix of detached, semi-detached, terraced houses and bungalows, between one-two storeys in height and constructed from a palette of materials including red brick and render and grey and red roof tiles. The dwellings are arranged off a circuitous distributor road that runs north south, with smaller shared private drives to either side. The road extends to the northern boundary to allow future connection to the site to the north (BRAY-Z) should that site comes forward for development. Dwellings face the open space and onto Mill Lane and are set in to allow for landscaping on the western boundary. Gardens back onto existing gardens.

10.50. Since submission amendments have been made to the site layout to respond to consultation comments. Pedestrian and wheeling connectivity has been improved with routes through the site east/west and north/south, linking internal streets and public open spaces and Mill Lane to St Wilfrid's Close. Existing hedgerows are retained where possible and enhanced, street trees are proposed across the site and additional planting shown.

10.51. The site lies to the south-west of the village with built form to the north and east and partially to the southern boundaries. The western boundary joins open countryside and the Locally Important Landscape Area. Landscape and Urban Design objections relating to the impact of the development on views of Brayton Barff and the character of the western village edge are noted however the application site would be contained by existing built form and presents as a logical and contained extension to the village. Proposed mitigation to the western boundary would soften the transition between the built form and agricultural land, and gaps in the planting will enable views of Brayton Barff through the development

10.52. Improvements have been made to the site layout to improve pedestrian permeability and provide walking and recreation routes within the site, to Mill Lane and, subject to the footpath link, St Wilfrid's Close to the north. The improved pedestrian routes will allow opportunities for recreation and everyday walking within the site which in turn is likely to reduce pressure on Brayton Barff.

10.53. While the proposal does not fully resolve all concerns raised by Landscape and Urban Design officers, it is considered that the amended scheme demonstrates sufficient regard to its context, will incorporate meaningful mitigation and will not result in unacceptable harm to the character and appearance of Brayton. The proposal would accord with SDLP Policy ENV1, CS Policies SP18, SP19 and SP8, and paragraph 135 of the NPPF.

Landscape

10.54. CS Policy SP18 seeks to safeguard and where possible, enhance the historic and natural environment, including landscape character and the setting or areas of acknowledged importance. The site within the Selby Landscape Character Assessment (November 2019) Character Area 14 Hambleton Sandstone Ridge within which Brayton Barff is identified as a key landscape feature of high local value. The Selby District Landscape Sensitivity Study (October 2021) identifies the application site as lying within Landscape Assessment Parcel BR1: Brayton Western Fringes and

identifies the western edge of Brayton as sensitive to expansion, particularly where development interrupts views of Brayton Barff or undermines the sense of separation between settlements. These sensitivities were highlighted in both landscape and urban design consultation responses.

10.55. Development of the site would introduce built form into views currently experienced from Mill Lane towards Brayton Barff, however the Barff would remain visible above rooflines, with intervening fields and the development will not encroach into the LILA itself. The proposed landscape strategy includes boundary planting, structural tree bels and public open space with emphasis on the western edge to soften the transition between urban and countryside.

10.56. The site layout has been amended since submission to improve landscaping provision, which has resulted in improved landscaping to southern and eastern boundaries, increased tree planting across the site and improvements to the proposed open space provision. It is considered that the over, time, the proposed landscaping will soften the western boundary of the site.

10.57. In reaching this conclusion, consideration has been given to the appeal decision for application 2022/1410/OUTM (APP/U2750/W/23/3327616), Land at Barff Lane, where it was concluded that that the proposed development on Barff Lane would not cause unacceptable harm to the landscape character or setting of areas of acknowledged importance. Like the appeal site, the application site at Mill Lane also lies outside of designated settlement limits, lies outside of the LILA and incorporates mitigation to its western boundary. Unlike the appeal site however, which projects westward as a “finger” from the village, the application site is a logical rounding off to the settlement and is more related to existing built form.

10.58. Subject to the implementation of the landscape strategy and ongoing maintenance it is not considered that the proposal would result in landscape harm. On balance and with regard to recent planning appeals, it is considered to comply with SDLP Policy ENV1 and Core Strategy Policy SP18 and paragraph 135 of the NPPF in terms of landscape.

Residential Amenity

10.59. The considerations in respect of residential amenity are 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.

10.60. The proposed dwellings provide an acceptable size of accommodation and meets the Nationally Described Space Standards. Each dwelling has a reasonable external area, front and rear gardens and off-road parking. Separation distances between the proposed dwellings are also acceptable.

10.61. Representations have been received from occupiers of neighbouring dwellings objecting to impacts to residential amenity. Where proposed dwellings are located to the rear of existing properties around the site perimeter, appropriate separation

distances are provided. It is acknowledged that the introduction of new dwellings will result in a change to the existing outlook for some neighbouring residents; however, change in itself is not indicative of planning harm. Having regard to the proposed layout and separation distances, it is considered that the development would not result in unacceptable impacts in terms of overlooking, loss of privacy, overbearing effect or otherwise harm the residential amenity of neighbouring occupiers.

10.62. Development by its nature will cause an element of noise and disturbance during the construction phase. Due to the proximity of existing dwellings, Environmental Health has requested conditions to restrict working hours. It is also recommended that a scheme to control the impact of noise, vibration, dust and dirt be submitted prior to commencement. If piling is required, then a scheme detailing mitigation measures will be required.

10.63. The proposal would accord with Policy ENV1 (1) of the SDLP and CS Policy SP19 and with paragraph 135 of the NPPF in terms of amenity.

Flood risk and drainage

Flood Risk

10.64. Relevant policies are ENV1(3) of the Local Plan, SP15, SP16, SP19 Core Strategy and Paragraph 170, 173 and 175 of the NPPF.

10.65. The site is in Flood Zone 1 (low risk for river and sea flooding) and small parts of the site are at low risk of surface water flooding. The western part of the site is shown to be an area of risk from flooding from failure of a major reservoir. As the site is situated in Flood Zone 1 but comprises a site of over 1 hectare, a Flood Risk Assessment has been submitted. The Flood Risk Assessment has considered the site as existing in the context of future development considering flood risk, foul and surface water drainage, flooding from various sources and sets out flood mitigation measures. It confirms that there are no requirements for Sequential or Exception Tests in accordance with paragraph 175 of the NPPF. Whilst there are no specific requirements for flood mitigation measures, the Flood Risk Assessment recommends that Finished Floor Levels are set at 0.15m above adjacent ground level.

Drainage

10.66. Surface water management is set out in the Drainage Strategy. There is no existing formal drainage system for the site. Surface water storage will be provided on site and will be designed to include urban creep and 1 in 100 + 40% climate change storm. Surface water will be stored on site and discharged to the existing public sewer.

10.67. Following submission of further information, the LLFA do not object to the proposal and recommend that surface water can be controlled via condition.

10.68. Selby Area Internal Drainage Board do not object to the proposal and have requested conditions to ensure drainage is carried out in accordance with the Drainage Strategy and discharge rates.

10.69. It is intended to pump foul water to the existing public sewer system. Yorkshire Water do not object to the proposal and have provided comments and requested conditions relating to surface and foul drainage.

10.70. The proposal would accord with Policy ENV1 (1) of the SDLP and CS Policy SP15 in terms of flood risk and drainage.

Access and highway safety

10.71. Saved Policies ENV1(2), T1 and T2 of the Selby District Local Plan require development proposals to have a suitable access and no detrimental impact on the existing highway network. This accords with the NPPF, which requires development proposals to have a safe and suitable access and only supports refusal of development proposals on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios (paragraph 116).

10.72. Core Strategy Policy SP15 requires the proposal should minimise traffic growth by providing a range of sustainable travel options (including walking, cycling and public transport) through Travel Plans and Transport Assessments and facilitate advances in travel technology such as Electric Vehicle charging points; and make provision for cycle lanes and cycling facilities, safe pedestrian routes and improved public transport facilities.

10.73. Core Strategy Policy SP19 requires the proposal to be accessible to all users and easy to get to and move through; and create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts.

10.74. Policy CS6 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”. The foreword to the policy states “It is equally important to ensure that, where appropriate, proposals for development incorporate measures to compensate for the consequences of development including off-site works. These may include the provision of traffic calming, footpath and cycleway links”.

10.75. The development plan policies are considered broadly consistent with the NPPF and are given significant weight.

10.76. Mill Lane is not a through road as it is stopped up by the A63 to the west. Mill Lane serves other residential properties, and commercial properties to the west. The stretch of Mill Lane to the site frontage is straight and subject to National Speed Limit and 40mph speed limits. The junction of Mill Lane with the A19 is at an acute angle for vehicles turning south, the A19 at this point has a 40 MPH speed limit. The site is accessed from Mill Lane with an emergency (secondary) access to the east of the site frontage. There are five additional private drives (serving 21 dwellings) directly

accessed from Mill Lane. The site layout provides a hierarchy of roads and private drives and allows pedestrian and cycle connectivity throughout the site. Visitor parking is shown throughout the site, and each dwelling has private parking.

10.77. The site directly to the north, BRAY-Z, has informal pedestrian access across it at present. There is no currently direct link to BRAY-Z or the housing to the north.

10.78. Local representations have raised concern over increased traffic volume, speed and use of the A19/Mill Lane junction.

10.79. The Local Highway Authority has assessed the proposal and submitted highway specific documents. Subject to conditions and developer contributions they raise no objection to the proposal.

10.80. The proposed vehicular access from Mill Lane is acceptable, with appropriate visibility splays, swept paths and emergency access provision. Traffic modelling has demonstrated that the Mill Lane/A19 junction and wider highway network will continue to operate within acceptable capacity in both short and long term with no severe residual cumulative impacts and collision data has not indicated any significant safety issues.

10.81. A package of road safety measures and traffic improvements have been agreed, which includes KEEP CLEAR markings to the Mill Lane/A19 junction, reduction of the Mill Lane speed limit to 30mph, and extension of the 30mph speed limit south of the A19. These measures can be secured through Traffic Regulation Orders and Section 278 works funded by the applicant.

10.82. The internal site layout is acceptable although there are some concerns over driveway lengths and potential for on-street parking. This can be mitigated by a condition to remove permitted development for garage conversion to residential and to retain off street parking.

10.83. The development proposes significant improvements for sustainable travel, including a continuous footway along the site frontage. The BRAY-X draft site requirements required connection between the application site and the draft site allocation to the north (BRAY-Z) which is within third party ownership. The site layout provides a highway to the site boundary which could connect into BRAY-Z if that site comes forward. The applicant is also willing to provide a temporary footpath across BRAY-Z to connect the application site to St Wilfrid's Close to the north, providing pedestrian and cycle connectivity north and south between Barff Lane and Mill Lane Financial contributions are requested to improve bus services, improve bus stops on Barff Lane and improvements to signalling at Brayton and Gowthorpe traffic lights.

10.84. Subject to conditions and S106 and S278 contributions, it is considered that the proposed development is acceptable in terms of highway safety and accords with SDLP Policies ENV1(2), T1 and T2 and NPPF paragraph 116.

Ecology and Biodiversity

Ecology

10.85. Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats. The foreword to Core Strategy Policy SP2 states the protection and enhancement of biodiversity and natural resources is a basic principle of national planning guidance, which can also influence the location of development. Policy SP18 seeks to protect and enhance the natural environment and NPPF paragraph 187 requires decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

10.86. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the LPA to determine if the proposal may affect the protected features of a habitats site before deciding whether to permit development. This requires consideration of whether the proposal is likely to have significant effects on that site

10.87. The development plan policies are consistent with the NPPF and are given significant weight.

10.88. An Ecological Impact Assessment has been submitted. The application was submitted prior to mandatory Biodiversity Net Gain. Notwithstanding the applicant proposes to provide BNG on site and submitted a Metric which states that there would be an increase of 10.13% habitat units and 92.13% hedgerow units. Conditions are recommended to secure BNG implementation along with ecological avoidance and mitigation measures.

10.89. The NYC Ecologist initially raised concerns about recreational impacts on ancient woodland and Brayton Barff SINC. Subsequent comments reiterate concerns but concede that following the Inspectors decision at Barff Lane, Brayton APP/U2750/W/23/3327616 (appendix B) which note the lack of an evidential base for the LPA to quantify harm to these sites, it is considered that this application would not present a conflict with paragraph 186c of the NPPF related to irreplaceable habitats. The focus should instead be on providing suitable on-site open space at reserved matters stage.

10.90. The proposal demonstrates ecological and protected sites impacts are acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policies SP2 and SP18 of the Core Strategy, the NPPF and the standing advice of Natural England.

Affordable Housing

10.91. Policy SP9 Affordable Housing seeks to achieve a 40/60% affordable/general market housing ratio within overall housing delivery; in pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10

dwellings (or sites of 0.3 ha) or more; the tenure split and the type of housing being sought will be based on the Council's latest evidence on local need; and an appropriate agreement will be secured at the time of granting planning permission to secure the long-term future of affordable housing. The actual amount of affordable housing, or commuted sum payment to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development.

10.92. 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 Affordable Housing SPD states "1.4 The latest Strategic Housing Market Assessment (2009) ("SHMA") identifies the scale of need for affordable housing in the District over the Local Plan period. The SHMA establishes an overall target of 30-50% intermediate housing and 50-70% social rented housing. To meet identified need, affordable housing needs to be the right kind of housing in the right locations. Following the introduction of the Government's Affordable Rent category, the Council will be gathering evidence to establish the identified need and tenure split of rented housing. This will be set out through a combination of this SPD, future Strategic Housing Market Assessments (SHMAs) and future development plan documents (as appropriate).……6.3 Negotiations on affordable housing provision on specific sites will also be informed by any further up to date evidence, which will include the latest Strategic Housing Market Assessment (SHMA), current information from the Selby District / North Yorkshire Housing Register, and evidence of existing affordable housing provision in the locality, including the Census 2011."

10.93. There is a Strategic Housing Market Assessment Update dated February 2019 but this has been overtaken by the more recent Housing and Economic Development Needs Assessment October 2020. Pages 13-15 and 125 of the HEDNA state:

- "When looking at the need for affordable homes to rent, we suggest a need for 141 affordable homes per annum."
- "The majority of the rented need is for social rented housing, although there is also a role for affordable rent."
- "It is not recommended that the Council have a rigid policy for the split between social and affordable rented housing."
- "There are some households likely to be able to afford to rent privately but who cannot afford to buy a suitable home. However, there is also a potential supply of homes within the existing stock that can contribute to meeting this need. It is thus difficult to robustly identify an overall need for affordable home ownership products."
- "If the Council does seek to provide 10% of housing as affordable home ownership (the default figure suggested in the NPPF), then it is suggested that shared ownership is the most appropriate option. This is due to the lower deposit
- requirements and lower overall costs (given that the rent would also be subsidised)."
- "There is no basis to increase the provision of affordable home ownership above the 10% figure currently suggested in the NPPF and indeed does

provide evidence that the 10% figure could be challenged if the Council wished to do so."

- "However, it does seem that many households in Selby are being excluded from the owner-occupied sector. The analysis would, therefore, suggest that a key issue in the District is about access to capital (e.g. for deposits, stamp duty, legal costs) as well as potentially mortgage restrictions (e.g. where employment is temporary) rather than simply the cost of housing to buy." (page 125).

10.94. 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."

10.95. Policy SP9 provides a broad basis for securing affordable housing and is consistent with the NPPF. The Selby Local Plan and CIL Viability Assessment (August 2022) indicates 10% affordable housing should be sought for this area.

10.96. Affordable housing and viability matters were explored in an appeal decision dated 30th January 2025 for a site in Hambleton reference APP/U2750/W/24/3347885 The inspector set out:

- The maximum 40% affordable housing in Policy SP9 is derived from an assessment in around 2009.
- However, in 2022 evidence was prepared on behalf of the Council by Aspinall Verdi consultants (Selby Local Plan & CIL Viability Assessment (2022) to inform Policy HG7 in the emerging Selby Local Plan, and this says it considers a greenfield delivery of 20% affordable housing to be viable in that area of Thorpe Willoughby.
- Core Strategy Policy SP9 could be read as requiring developers to provide 40% affordable housing unless they can show a lesser amount is justified. However, given the recentness of the evidence in the Aspinall Verdi report when compared to that informing the Core Strategy, the Inspector considered this report constitutes a material consideration to which was given significant weight in his assessment of affordable housing delivery, as it better reflects the current situation. Having said that, Core Strategy Policy SP9 seeks 'up to a maximum' of 40% affordable housing, so acknowledging a lesser amount could be acceptable. As such, if viability evidence was forthcoming to show accord with the Aspinall Verdi report, the resultant level of delivery would not be contrary to Core Strategy Policy SP9.
- The appellants viability appraisal showed with an 18% profit, 10% affordable housing was viable. The Council considered 30% affordable housing was viable due mainly to differing opinions regarding gross development value and abnormal costs.

- Such appraisals involve subjective judgements. Neither is necessarily wrong. The appellants proposal of 10% would be in line with the Aspinall Verdi report. That report did not say 10% is the starting point for negotiations for a higher percentage. Such an approach would remove any certainty or confidence from the process.
- The Inspector favoured the appellants use of historic sales values from the specific settlement, adjusted by index linking, rather than those from nearby villages.
- The Inspector found in favour of the appellants approach to viability.
- The Inspector dismissed the Council suggestion that affordable housing levels be revisited at reserved matters stage because there would be no need to have undertaken such work at outline stage and in his opinion delivery rates are matters better resolved when outline permission is sought, to bring a degree of certainty to the developer as they move forward.

10.97. The same matter was considered in an appeal decision dated 20th February 2025 at land east of Broadacres, Mill Lane, Carlton reference APP/U2750/W/24/3347833. The Inspector considered "*11. Overall, though I note that the appellant and the Council have commissioned viability assessments which both suggest more than 10% is achievable, I consider that only a 10% contribution is necessary to meet policy SP9 in this regard. This would accord with the conclusions of the recent appeal where the Inspector Ref: APPU2750/W/24/3347885 considered that there is nothing in the Aspinall Verdi report to suggest 10% should be the starting point from which negotiations for a higher figure should begin. In addition, an appeal decision relating to a development in Hemingbrough noted that although SP9 required a maximum of 40%, the 20% provided by the development would be acceptable as it would reflect the ELP informed by the Viability Report. There is no suggestion in that decision that it was necessary to demonstrate if a greater proportion could be achieved.*"

10.98. Brayton lies in a high value area where viability evidence indicates that 10% affordable housing should be provided. The application proposes 10% affordable housing (20 units) as follows:

Unit size	Number
1 bed	4 units
2 bed	8 units
3 bed	8 units

Unit size	Number	Tenure
1 bed	4	Rented
2 bed	6	Rented
2 bed	2	Shared ownership

3 bed	6	Rented
3 bed	2	Shared ownership

10.99. In light of the recent appeal decisions, it is considered appropriate to accept the proposed 10% affordable housing because it aligns with the most up to date viability evidence that supported the now withdrawn emerging local plan. The proposed affordable housing is agreed with the Affordable Housing team. This is in accordance with Policy SP9. Affordable housing can be secured through a S106 agreement.

Recreational Open Space

10.100. 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."

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

10.102. 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.

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

10.104. Under Policy RT2 the required level of open space for 204 dwellings is 12,000m^2 (1.2ha). The proposal provides informal recreational opportunities and a Locally Equipped Area of Play with amenity planting totalling 12,300m^2 (1.23ha). It is considered that the type of open space provided is sufficient.

10.105. The proposal complies with Policy RT2 and the Selby District Local Development Framework Adopted Developer Contributions Supplementary Planning Document.

Contaminated Land

10.106. Policy ENV2 of the Local Plan states "Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated

as an integral element in the scheme." Part B of the policy allows contaminated land conditions to be attached to permissions.

10.107. CS Policies SP18 and SP19 (k) seek to prevent development from contributing to or being put an unacceptable risk from unacceptable levels of soil or water pollution or land instability. These policies reflect and are consistent with national advice in paragraphs 187 and 198 of the NPPF and are given significant weight.

10.108. The application is supported by a Preliminary Geo-environmental Investigation. The Contaminated Land Officer confirms the report findings are acceptable. Conditions are recommended regarding submission of a remediation strategy; verification of remediation works; and reporting of unexpected contamination.

10.109. Subject to conditions the proposal would meet the requirements of Policies ENV2, SP18 and SP19.

Heritage Assets

Archaeology

10.110. Policy ENV28 requires that where development proposals affect sites of known or possible archaeological interest, the Council will require an archaeological assessment/evaluation to be submitted as part of the planning application; where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development; where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.

10.111. NPPF paragraph 207 requires that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The development plan policy is consistent with the NPPF and is given significant weight.

10.112. A Written Scheme of Investigation (WSI) has been submitted following geophysical survey and trial trenching on site which proposed a set piece of archaeological excavation over a group of complex anomalies and further trial trenching to establish the presence or absence of archaeological features elsewhere on the site. A condition is recommended to secure the implantation of the WSI and its recommendations.

Designated Heritage Assets

10.113. There are no designated heritage assets nearby and Brayton Conservation Area lies approximately 1.9km to the north-east with intervening built form. It is not considered that the proposal would have any impact on local designated heritage assets.

10.114. There is no conflict with Policy SP18 or the NPPF. As such, the proposal is in accordance with the duties placed upon the Authority by the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 66 and 72 as they relate to planning applications affecting listed buildings and conservation areas respectively.

Developer Contributions

10.115. Local Plan Policy ENV1 requires account is taken of the capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure.

10.116. Policy CS6 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”.

10.117. Policy SP12 requires where infrastructure and community facilities are to be implemented in connection with new development, it should be in place or provided in phase with development and scheme viability. They should be provided on site, or if justifiable they can be provided off site or a financial contribution sought. Opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimise the consequences of development. This will be secured through conditions or planning obligations.

10.118. The Developer Contributions SPD provides further guidance regarding contributions towards education facilities and primary health care facilities amongst others.

10.119. 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.

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

10.121. NYC Education have requested developer contributions for Secondary, Special Educational Needs and Disabilities and Early Years provision.

10.122. NHS Humber and North Yorkshire Integrated Care Board have requested a developer contribution to fund improvements to capacity either by way of reconfiguration of, or extension to existing premises or providing additional resource for a new build health development.

10.123. Highways and affordable housing contributions and monitoring fees are also sought.

10.124. The following Heads of Terms have been agreed:

Category/type	Contribution
Education	£680,539.86 – Secondary £152,246.16 – Special £173,007.00 – Early Years **Total** £1,005,793.02
Healthcare	£240,660
Highways – Bus service improvements	£1,266 per dwelling
Highways – Brayton Lights	£50,000
Highways – Gowthorpe Lights	£10,000
Highways – Extension of 30mph speed limit on A19	£7,500
Highways – Traffic Regulation Order	£3,000
Highways – Brayton-Selby cycle link	£1,350 per dwelling
Highways – Travel Plan monitoring fee	£5,000 – payable 3 months prior to occupation
Affordable Housing	10% of all units Submission of Affordable Housing scheme
Recreational Open Space	Submission of ROS scheme Implementation and maintenance
S106 Monitoring fee	£505.00

10.125. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

Section 149 of The Equality Act 2010

10.126. Under Section 148 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.127. The development of the site for residential purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics and could in the longer term have a positive effect.

Human Rights Act 1998

10.128. It is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in particular the right to health and the right to private and family life.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The spatial development hierarchy outlined in Policy SP2 seeks to deliver sustainable development across the former District, directing new development towards the most sustainable settlements. Brayton is a Designated Service Village with scope for additional growth. This proposal is for significant development outside of the village development limits in the countryside, and as such is contrary to Development Plan Policy SP2A(c) of the Core Strategy.

11.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to a balance, stating development should be in accordance with the development plan unless material considerations indicate otherwise. Therefore, whilst the primacy of the development plan remains and its status is unaffected, there are circumstances where a scheme can be supported despite development plan conflict. To assess that requires a judgement based on the relative weights afforded to material considerations.

11.3. In favour of the scheme the applicants present that the proposal is in a sustainable location and would contribute to the housing land supply. Other benefits cited are affordable housing provision, provision of a Locally Equipped Area of Play and biodiversity net gain, although this is not mandatory for this application.

11.4. In terms of the Council wide policies on housing delivery, the report above highlights that the Core Strategy in relation to housing is out of date because the housing needs figure it contains is not calculated based on the required standard method. Core Strategy Policy SP2 is inconsistent with NPPF paragraph 61 which seeks to significantly boost the supply of housing and aims to meet an area's identified housing need. A continued strict application of Policy SP2, which prevents market housing outside development limits in the countryside such as this, would not allow the LPA to meet the identified local housing needs. Furthermore, the weight afforded to conflict with Core Strategy Policy SP2 is diminished as it does not include the more detailed approach to the consideration of development that is found in the NPPF. Thus, the policy is inconsistent with the NPPF and should be given limited weight.

11.5. The Local Planning Authority acknowledges that it cannot demonstrate a five-year supply of housing land as required by the NPPF. Therefore, the policies most important for determining the application, SP2 and SP5, are out of date as set out in NPPF paragraph 11. Permission should be granted unless the proposal fails to satisfy

the tests in NPPF paragraph 11d). The proposal complies with paragraph 11d)i because no NPPF policy that protects areas or assets of particular importance provides a strong reason for refusing the development proposed. The requirements of paragraph 11d)ii are more detailed as set out below. It requires consideration of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.6. The site can be made safe from contamination; residential amenity would not be harmed; there is no harm to heritage; noise and air pollution matters can be mitigated by condition; education and healthcare contributions can be secured to ensure no detriment to existing services are caused.

11.7. Benefits include the site being in a sustainable location and well related to the village; the proposal makes a significant contribution to needed market and affordable housing (great weight is given to this consideration); a suitable housing mix can be secured; there would be biodiversity net gain and ecological enhancements; economic benefits both during the construction phase and once the houses are occupied are afforded moderate weight.

11.8. In terms of neutral matters, suitable drainage can be controlled by condition; there; there would be no harm to protected species or designated sites; landscape harm can be mitigated.

11.9. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The proposal benefits from the presumption in favour of sustainable development. Therefore, planning permission should be granted subject to conditions and prior completion of a S106 agreement.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to prior completion of a Section 106 Agreement and subject to the conditions detailed below.

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

   Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans/drawings listed below:

   Location Plan – MLB-16-02-08
   Proposed Site Layout – MLB-16-02-01H
   Accommodation Schedule – MLB-16-02-01F
   Affordable Housing Plan – MLB-16-02-02F
   Proposed Boundary Plan – MLB-16-02-05E

Proposed Material Plan - MLB-16-02-06E
Street Scenes – MLB-16-02-07D
Proposed Highways Plan – MLB-16-02-09C
Vehicle Parking Plan – MLB-16-02-13A
Proposed Open Space Typology – MLB-16-02-11 rev H
Proposed Movement and Connectivity Plan – MLB-16-02-12
Vehicle Parking Plan – MLB-16-02-13A
Proposed Levels Layout – MLB-16-06-001E
Landscape Masterplan – P22-1736.001G
Topo 1216-129_2D (A0) (1)

Boundaries
Closed Boarded Fence – EG-M5121

Metal Estate Railings – EG-M5132
Knee Rail Fence – EG-M5117
Post and Rail Fence – EG-M5115
External Gate_Ver1 – DB-SD13-014
Boundary Wall Type 3_Ver1 – DB-SD13-013_F
Post & Rail Fence_Ver1 (1) – DB-SD13-007
Close Boarded Fence – DB-SD13-006_B

Drainage
Proposed Drainage Layout – MLB-16-06-002F
Proposed Exceedance Plan - MLB-16-06-005C
Proposed Impermeable Areas – MLB-16-06-006B
Temp SW Management Phase 1 – MLB-16-06-007B
Temp SW Management Phase 2 – MLB-16-06-008B
Temp SW Management Phase 3 – MLB-16-06-009B
SW Network Calcs December 2025

Highways

KEEP CLEAR Scheme Mill Lane_A19 jct – dwg no. 1900 501B
Footway & Traffic Calming Scheme – dwg no. 1900 401B
Footway & Traffic Calming Scheme – dwg no. 1900 402A
Highway Improvement Works St Wilfrids Crescent – dwg no. 1900 601

Housetypes
Alfreton AS – BAFT AS rev A
Alfreton OP – BAFT OP rev A
Ashburton AS – BABN AS
Ashburton OP – BABN AS
Cambridge - AS Brick Elevation – EG_CAMB_DM.2
Cambridge - AS Render Elevation – EG_CAMB_DM.2
Cambridge - Elevation Treatment AS-A1 Plot 66 – EG_CAMB_DM.2 rev A
Cambridge - Elevation Treatment OPP- B1 Plot 32 – EG_CAMB_DM.2 rev A
Cambridge - OPP Brick Elevation – EG_CAMB_DM.2
Chester - AS Brick Elevation – EG_CHTR_DM.2 rev A
Chester - AS Render Elevation – EG_CHTR_DM.2 rev A
Chester - Elevation Treatment AS-B1 Plot 37 – EG_CHTR_DM.2 rev A

Chester - OPP Brick Elevation – EG_CHTR_DM.2 rev A
Chester - OPP Render Elevation – EG_CHTR_DM.2 rev A
Denby AS – dwg no. BDBY AS rev A
Denby OP – dwg no. BDBY OP rev A
Denford Semi – dwg no. BDNF SEMI
Guelder Semi – dwg no. ZGLD SEMI
Hampstead - AS Brick Elevation – EG_HAMP_DM.2
Hampstead - AS Render Elevation – EG_HAMP_DM.2
Hampstead – Floorplans – EG_HAMP_DM.2 rev B
Hampstead - OPP Render Elevation – EG_HAMP_DM.2
Harrogate - AS Brick Elevation – EG_HARR-DM.2
Harrogate - AS Render Elevation – EG_HARR-DM.2
Harrogate - Elevation Treatment - AS - P42 – EG_HARR-DM.2
Harrogate - OPP Render Elevation – EG_HARR-DM.2
Hemsworth AS – BHSW AS rev B
Hemsworth OP – BHSW OP rev B
Henley - AS and OPP Floor Plans – EG_HENL_DM.2 rev A
Henley - AS Brick Elevation – EG_HENL_DM.2 rev A
Henley - Elevational Treatment - OPP - B1 - Plot 61 – EG_HENL_DM.2
Henley - Elevational Treatment Floor Plan - OPP Plot 61 – EG_HENL_DM.2
Henley - OPP Brick Elevation – EG_HENL_DM.2 rev A
Kew Semi – NKEW SEMI
Kingsley AS – BKEY AS rev B
Kingsley OP – BKEY OP rev B
Lamberton AS – BLBM AS
Lamberton OP – BLBM OP
Large Double Garage – LDG1H8 rev B
Large Single Garage – LSG1H8 rev B
Letchworth - AS and OPP Brick Elevation – EG_LETC_SM.2
Letchworth - AS and OPP Render Elevation – EG_LETC_SM.2
Letchworth - Floor Plans – EG_LETC_SM.2
Maidstone Semi – BMAI SEMI rev B
Marlow - OPP Render Elevation – EG_MARO_DM.2
Moresby AS – BMMS AS rev A
Moresby OP – BMMS OP rev A
Overton - AS Render Elevation – EG_OVER_DM.2 rev A
Overton - OPP Render Elevation – EG_OVER_DM.2 rev A
Oxford - AS - Brick Elevation – EG_OXFO_DM.2 rev *
Oxford - AS - Render Elevation – EG_OXFO_DM.2 rev *
Oxford - Elevational Treatment AS - B1 - Plot 27 – EG_OXFO_DM.2
Oxford - Elevational Treatment OPP - B1 - Plot 45 – EG_OXFO_DM.2
Oxford - OPP - Brick Elevation – EG_OXFO_DM.2
Oxford - OPP - Render Elevation – EG_OXFO_DM.2
Redpoll 3 Block_01 – CRED 3 BLOCK
Redpoll 3 Block_02 – CRED 3 BLOCK
Redpoll Semi – CRED SEMI
Shaftesbury - Elevation and Floor Plans - AS - A1 – EG_SHAF_DM.2
Shaftesbury - Elevation and Floor Plans - OPP - A1 – EG_SHAF_DM.2
Shrewsbury 3 - AS - Brick Elevation – EG_SHR3_DM.2

Shrewsbury 3 - OPP - Brick Elevation – EG_SHR3_DM.2
Shrewsbury 3 - AS - Render Elevation – EG_SHR3_DM.2
Standard Single Garage – SSG1--H8 rev C
Warwick - AS - Brick Elevation – EG_WARW_DM.2
Warwick - AS - Elevation Treatment Plot 62 – EG_WARW_DM.2
Warwick - Elevation Treatment - OPP - Plot 61 – EG_WARW_DM.2
Warwick - OPP - Brick Elevation – EG_WARW_DM.2
Yorkshire Garages - Double Garage – Apr-24
Yorkshire Garages - Single Garage – Apr-24
Yorkshire Garages - Twin Garage – Apr-24

Reason: For the avoidance of doubt.

Drainage/Flood Risk

3. The development shall be carried out in accordance with the details shown on the submitted plan, MLB-16-06-002-F Proposed Drainage Layout, unless otherwise agreed in writing with the Local Planning Authority.

   Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding, in accordance with Core Strategy Policy SP15.

4. 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 timetable for its implementation.
   • adoption/maintenance, including drawings showing assets to be adopted and a maintenance plan covering requirements until the assets are vested.
   • Exceedance Flow Plan.
   Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

   Reason: To ensure the approved surface water drainage scheme is fully implemented, functions as intended, does not increase flood risk, and is appropriately maintained for the lifetime of the development, in accordance with Core Strategy Policy SP15 and the National Planning Policy Framework.

Highways

5. 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.

   An independent Stage 1/2 Road Safety Audit 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.

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 Policies ENV1, T1 and T2 of the Selby District Local Plan and Core Strategy Policy SP15 and SP19.

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 can provide 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.

6. 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 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 userss in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and Core Strategy Policy SP15 and SP19.

7. The development must not be brought into use until the access to the site at Mill Lane 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 crossing of the highway verge and/or footway must be constructed in accordance with the approved details and the following requirements.

   - Any gates or barriers must be erected a minimum distance of 12 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 4 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.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

The access for each private drive directly off Mill Lane must be constructed in accordance with the above before any dwelling on that close is occupied.

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 with Policies ENV1, T1 and T2 of the Selby District Local Plan and Core Strategy Policy SP15 and SP19.

Informative to condition

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate 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: Road adoption | North Yorkshire Council
The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

8. There must be no access or egress by any vehicles between the highway and the application site at Mill Lane until splays are provided giving clear visibility of 120 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 with Policies ENV1, T1 and T2 of the Selby District Local Plan and Core Strategy Policy SP15 and SP19.

Informative to condition

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

9. There must be no access or egress by any vehicles between the highway and the application site at Mill Lane 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 with Policies ENV1, T1 and T2 of the Selby District Local Plan and Core Strategy Policy SP15 and SP19.

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

10. Prior to the commencement of development, other than investigative or site clearance works, a scheme for the delivery of the following off-site highway mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority:

    1. A new footway on Mill Lane between the main site access and the existing footway at No. 2 Mill Lane, to be completed prior to the occupation of 50% of the dwellings.
    2. A new footway on Mill Lane between the main site access and the western site boundary, to be completed prior to the occupation of any dwelling on plots 1–12 inclusive.
    3. KEEP CLEAR junction road markings at the Mill Lane / A19 junction, to be installed prior to the commencement of any construction works, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.
    4. Speed mitigation measures along the site frontage, the form and extent of which shall be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority and implemented in accordance with the approved details.

    For each approved scheme of off-site highway mitigation, no excavation, groundworks, or deposition of materials forming part of that scheme shall take place until full detailed engineering drawings, including details of any structures, services or apparatus forming part of the works, have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

    Where applicable, the detailed designs shall be accompanied by an independent Stage 1/2 Road Safety Audit undertaken in accordance with GG119 – Road Safety Audits (or any superseding guidance). The approved schemes shall be amended, where necessary, to address the recommendations of the Road Safety Audit, or any agreed departures, prior to the commencement of the relevant works.

A programme for the delivery of each off-site highway mitigation scheme, including the timing of implementation and its relationship to the occupation of the development, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

All off-site highway mitigation works shall be implemented in full in accordance with the approved engineering details and approved programme, and shall be retained thereafter.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and Core Strategy Policy SP15 and SP19.

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. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

    Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with Selby District Plan Policy VP1.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order), the garages hereby approved shall be retained for the parking of vehicles and for no other purpose at any time.

    Reason: To ensure the availability of adequate on-site car parking in the interests of highway safety and to accord with the requirements of the Local Plan and the National Planning Policy Framework.

13. Prior to the first occupation of the development, a Final Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Final Travel Plan will include: -

    • agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
    • a programme for the delivery of any proposed physical works;
    • effective measures for the on-going monitoring and review of the travel plan;
    • a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
    • effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Final Travel Plan. Those parts of the Approved Final 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 and Policy SP19 of the Selby Core Strategy Local Plan.

Informative to condition
Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at: Road adoption | North Yorkshire Council

14 No development for any phase of the development must commence until a Construction Management Plan 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 Construction Management Plan.

The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. highway dilapidation survey of existing carriageway for construction routing, accesses and off site highway work
8. protection of carriageway and footway users at all times during construction;
9. protection of contractors working adjacent to the highway;
10. erection and maintenance of hoardings including decorative displays and security fencing
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;

15. details of external lighting equipment;
16. a detailed method statement and programme for the building works; and
17. 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 and Policy SP19 of the Selby Core Strategy Local Plan

Noise and Construction Mitigation

15 Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority. Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. The plan should also provide detail on the management and control processes. The development shall be carried out in accordance with the approved scheme.

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 Selby District Council's Policy's SP19 and ENV2.

16 No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

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 Selby District Council's Policy's SP19 and ENV2.

17 Should any of the proposed foundations be piled, no development shall commence until a schedule of works to identify those plots affected, and setting out mitigation measures to protect residents from noise, dust and vibration has been submitted to and approved in writing by the local planning authority. The proposals shall thereafter be carried out in accordance with the approved schedule.

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 Selby District Council's Policy's SP19 and ENV2.

18 Prior to commencement of the dwellings a written scheme for protecting the proposed noise sensitive development from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the gardens of the proposed properties shall not exceed 50 dB LAeq (16 hours) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory residential amenity is afforded to new dwellings and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

19 Prior to commencement of the dwellings a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved shall not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) and 45 dB LAmax in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason: To ensure satisfactory residential amenity is afforded to new dwellings and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

Ecology

20 Prior to commencement of development 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 in line with the recommendations in the Ecological Impact Assessment (SLR, February 2026) and should also include or be supported by pre commencement update surveys. The development shall be carried out in accordance with the agreed CEMP and mitigation measures.

Reason: To safeguard the amenities of the area and to ensure that the development is carried out in an environmentally responsible manner in accordance with Local Plan policies and the National Planning Policy Framework.

21 A Biodiversity Enhancement Management Plan shall be submitted for the written approval of the Local Planning Authority and shall confirm how the new and retained habitats will be established, managed and monitored for a minimum of 30 years and incorporate the recommendations of the Ecological Impact Assessment. The agreed

scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure the long-term establishment, management and monitoring of new and retained habitats, securing measurable biodiversity enhancement in accordance with Policy SP18 of the Core Strategy.

22 Prior to the commencement of any above-ground construction works, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the location, number, and type of ecological enhancement features to be installed within the development for bats, birds and small mammals.

The approved measures shall be implemented in full in accordance with the approved Plan prior to first occupation of the development (or in accordance with an alternative timetable approved in writing by the Local Planning Authority) and shall thereafter be retained and maintained

Reason: To secure biodiversity enhancement as part of the development and ensure that opportunities to incorporate features for protected and notable species are maximised, in accordance with Policy SP18 of the Core Strategy.

23 The development shall be carried out in accordance with the approved Biodiversity Metric, achieving the biodiversity enhancements identified therein. All biodiversity enhancement measures shall be implemented in accordance with the approved details and retained thereafter.

Reason: To secure measurable biodiversity enhancement in accordance with Core Strategy Policy SP18 and the National Planning Policy Framework.

Landscape

24 No dwelling shall be occupied until a detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to and approved by the Local Planning Authority (LPA). The scheme shall specify materials, species, tree and plant sizes, number and planting densities and the timing of the implementation of the scheme, including any earthworks required. The proposed tree planting pits, to be located within or adjacent to the highway infrastructure, are to include calculations for the required soil volume for the proposed species at maturity and specification for cellular confinement systems and root barriers to protect the highway infrastructure form root activity. Once approved the scheme shall be implemented in full.

Reason: To ensure a good quality of development and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

25 No dwelling shall be occupied until a landscape management plan including long term design objectives, management responsibilities, and maintenance schedules for all communal landscape areas has been submitted to and approved in writing by the

Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a good quality of development and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

Contamination

26 Prior to commencement of development (excluding demolition), 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 and to accord with Core Strategy Policy SP18.

27 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been be 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 site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Core Strategy Policy SP18.

28 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 site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Core Strategy Policy SP18.

29 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.

Materials

30 Prior to the development reaching above slab level, details of the materials to be used in the construction of the exterior walls, roof and any other external facing materials of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

Archaeology

31 No development, including any demolition, groundworks or site clearance, shall take place until a programme of archaeological work has been secured and implemented in accordance with the Written Scheme of Investigation (WSI) “Land off Mill Lane – Written Scheme of Investigation: Archaeological Strip, Map and Record and Trenching” prepared by MAP Archaeological Practice Ltd, Version A dated 15 July 2022.

The archaeological works shall be carried out in full accordance with the approved WSI, and the development shall not proceed beyond the relevant stages until those archaeological works have been completed.

Reason: To ensure that archaeological remains are appropriately investigated, recorded and preserved in accordance with Section 16 of the National Planning Policy Framework, in order to safeguard heritage assets of archaeological interest that may be affected by the proposed development.

32 Prior to first occupation the site investigation and post investigation assessment shall be 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.

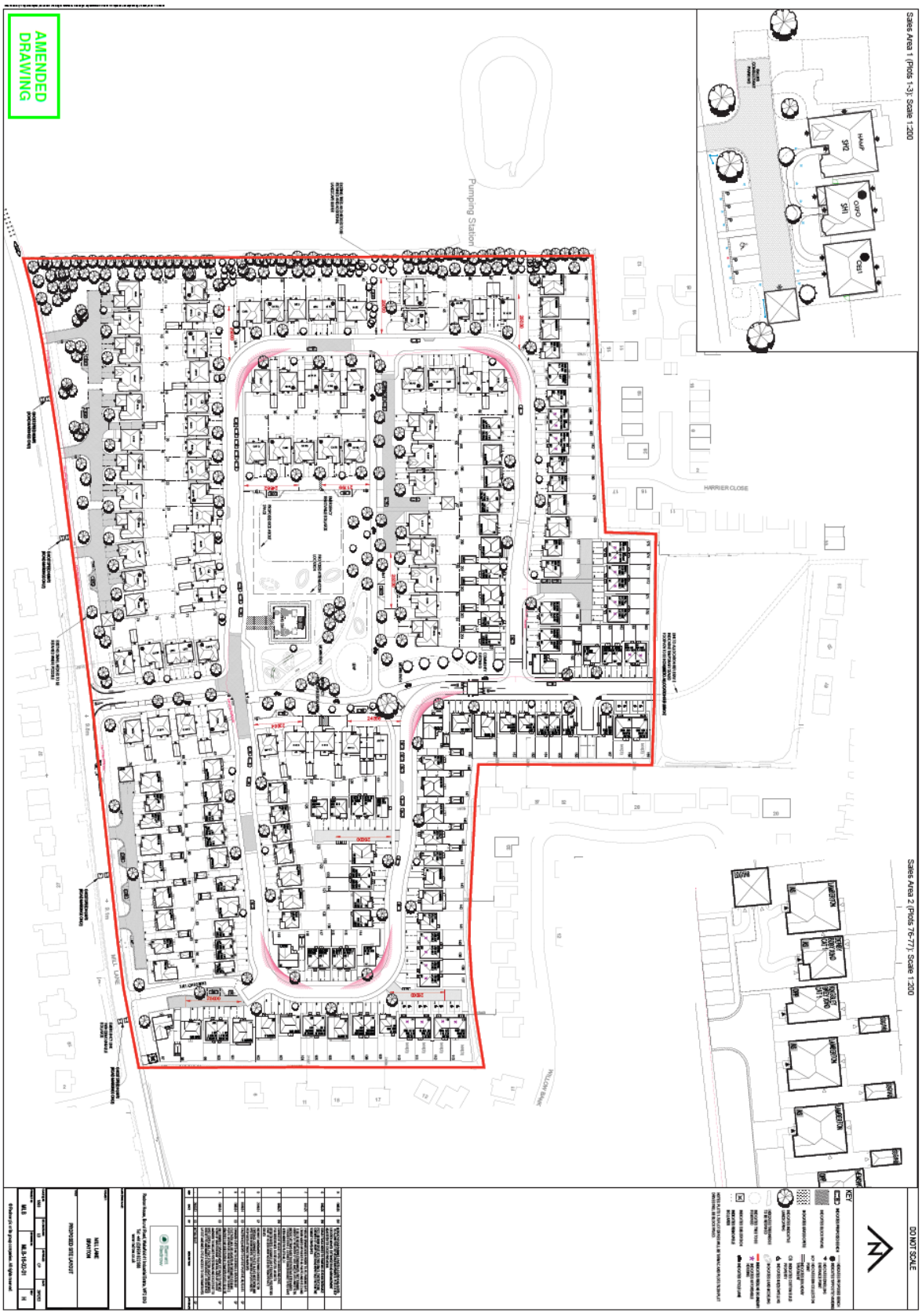
Reason: To ensure that the results of the archaeological investigation are appropriately analysed, recorded, disseminated and archived prior to occupation, in accordance with Section 16 of the National Planning Policy Framework, which requires the conservation of heritage assets and the advancement of understanding of the historic environment.

Footpath

33 No development shall commence until a scheme for the provision, timing, routing, construction, surfacing, drainage, lighting (if required), signing, and temporary management of a temporary pedestrian footpath across land to the north of the application site (ref. 2023/0030/FULM) has been submitted to and approved in writing by the Local Planning Authority. The approved temporary footpath shall be fully implemented in accordance with the approved details and retained, maintained, and kept available for public use for agreed duration, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure safe and convenient pedestrian access in the interests of highway safety and sustainable travel, and because the required works are to be carried out on land not within the applicant's control.

Target Determination Date: 15.05.2026

Case Officer: Linda Drake

Appendix A: Site Layout Plan