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Planning Services
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2 Rossington Street
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Your Ref: 17/06609/OT

My Ref: PM/LVS

20 October 2017

By post and email:
planning@leeds.gov.uk

Dear Sir/Madam

**RIDGE MEADOWS NORTHGATE LANE/TIB GARTH LINTON WETHERBY LS22 4GS
OUTLINE PLANNING APPLICATION 17/06609/OT: 26 DWELLINGS AND MEANS OF ACCESS**

I act for the Linton Village Society (LVS).

The above application appears to be an identical resubmission of the application made on 30 December 2016 and given reference number 17/00029/OT. The LVS does not consider that there has been a material change in circumstances so, without prejudice to further consideration of the latest application, wishes to reiterate its objections to the proposed development for the reasons set out in my letter to the City Council dated 21 February 2017, a copy of which is attached.

Yours faithfully

Philip Moren
Chartered Town Planner

cc Linton Village Society
Cllrs M Robinson, R Procter and R Stephenson (Harewood Ward) via email.

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21 February 2017

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**RIDGE MEADOWS NORTHGATE LANE/TIB GARTH LINTON WETHERBY LS22 4GS
OUTLINE PLANNING APPLICATION 17/00029/OT: 26 DWELLINGS AND MEANS OF ACCESS**

I have been instructed by the Linton Village Society (LVS) to object to the above application for the reasons set out in this letter. In so doing, I have reviewed the information submitted in support of the application; appraised relevant adopted and emerging local planning policy; and assessed other material planning considerations, including the National Planning Policy Framework (NPPF) and the recent appeal decisions relied upon by the applicant's agent.

Previous Refusal

As you know, the application follows on from a previous proposal to build 10 no. dwellings on the land, which was refused outline planning permission on 23 January 2015, under reference 14/04340/OT, for 6 no. reasons. I summarise these as follows:

- 1) Release of the site for housing development would be contrary to saved UDPR Policy N34 and premature in advance of ongoing work on the Site Allocations Plan and Linton Neighbourhood Plan.
- 2) The proposal would be contrary to Policy SP1 of the Core Strategy (CS), which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. It would represent an expansion of the village that is likely to harm the sustainability of Linton.
- 3) The proposed development has poor sustainability credentials, represents an inefficient use of land and does not meet the minimum accessibility standards set out in the CS in terms of the frequency of bus services to give access to employment, secondary education and town/city centres. As such, it is contrary to CS Policy H3. In the absence of any planned improvements it

would also be contrary to CS Policy T2 and to the sustainable transport guidance contained in the NPPF, and to the 12 core planning principles that require that growth be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations that are or can be made sustainable.

- 4) Developing the site for up to 10 dwellings in the manner proposed would be harmful to and out of character with the adjacent pattern of existing housing and would result in an overly dispersed form of development that fails to take the opportunity to improve the character and quality of the area and the way it functions. The proposed development fails to provide an appropriate Design Code and there is no agreed design for the access road. As such, it would harm the landscape character of the wider area and be contrary to CS policies P10, P11 and P12 and related guidance.
- 5) In the absence of a detailed topographical survey, levels information, arboricultural impact assessment, and further habitat and ecology surveys, it has not been possible to properly consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of such information the proposed development would cause harm to protected species and the arboricultural and ecological amenities of the site, as well as the wider landscape character, contrary to CS Policy G8 and P12.
- 6) In the absence of a signed Section 106 Agreement, the proposed development fails to provide necessary on-site affordable housing, greenspace and the offered public transport (Metro Cards), contrary to the requirements of CS Policies H5, T2, G4 and ID2.

The 2015 decision is clearly an important material planning consideration.

Main Issues

In my view, the main issues for planning officers to consider when assessing the merits of the proposed development and formulating a recommendation will be: whether the revised application has overcome the objections raised in 2015 to the previous proposal such that it now conforms to relevant development plan policies; whether occupiers of the proposed development would have acceptable access to shops and services; the effect on the highway network; the effect on the character and identity of the village; the effect on neighbouring residential amenity; whether the Council has a 5-year housing land supply; and other matters, including whether adequate provision is made for affordable housing and any requisite developer contributions.

Development Plan Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need for decision-makers to determine applications in accordance with the development plan, unless material considerations indicate otherwise. In short, this means that the development plan must be followed *“unless there is a good reason to depart from it”* [Tesco Stores Ltd v Dundee City Council 2012].

It is submitted that the proposed development does not accord with the current development plan.

The statutory development plan in this case comprises the adopted Leeds Core Strategy (CS), which was adopted in 12 November 2014 and the saved policies of the Leeds Unitary Development Plan Review (UDPR), adopted in July 2006.

Of most relevance is the fact that the application site has been allocated as a Protected Area of Search (PAS) site under UDPR Policy N34. Policy N34 seeks to safeguard such sites for possible longer term development, by preventing any development that would prejudice this objective. However, the supporting text makes it clear that *“the suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework”*. It is clear, therefore, that the status of the application site as a PAS site does not imply that it is suitable for residential development. Indeed, the suitability of the site for housing development has been considered on two previous occasions by independent planning inspectors (in relation to objections made to the emerging 2001 UDP and its subsequent review in 2006), but rejected because fundamentally Linton is not a sustainable location for development on any scale.

The Council’s spatial strategy/settlement hierarchy is applied through CS Spatial Policy 1, which deals with the location of new development. This policy seeks *“to deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, the distribution and scale of development will be in accordance with...”* a number of prescribed criteria.

The settlement hierarchy is set out at Table 1 on p30 of the CS. At the top of the hierarchy is the main urban area of Leeds. This is followed by ‘Major Settlements’ (Garforth, Guiseley/Yeadon/Rawdon, Morley, Otley, Rothwell and Wetherby). Next, are a number of so-called ‘Smaller Settlements’, which include Collingham. Finally, is a category called ‘Villages’, which includes ‘All other settlements’.

From Table 1 it is clear that Linton falls at the bottom of the settlement hierarchy. This is unsurprising given its small size, the general absence of local facilities, and the conclusions of the UDP planning inspectors in 2001 and 2006 that the village lies in an unsustainable location.

Paragraph 4.1.15 of the CS explains that *“All other settlements in the rural area, along with extensive areas of Green Belt and countryside, will continue to have limited development opportunities. Development will only be permitted if it functionally requires a rural location”*.

The application site does not fall within or on the edge of either the Main Urban Area of Leeds or any Major Settlement; as already noted, Linton village lies at the very bottom of the settlement hierarchy, and the proposed development does not functionally require a rural location. Neither is the location of the proposed development well related to either the Main Urban Area or any Major Settlement. The

applicant argues that, in effect, Linton is joined to Wetherby, which is identified as a Major Settlement and that the site is well related to it. My clients disagree with this approach. Linton is a separate village in its own right and has been treated as such for the purposes of planning control, as evidenced by the preparation of its own neighbourhood plan, by the two inspectors who reported on the examinations into the 2001 UDP and its review in 2006, and by the approach taken by the Council to the emerging SAP.

Despite any other changes in planning circumstances and the nature of the proposed development, it therefore continues to be contrary to adopted CS Policy SP1, which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements, and as such would represent an unsustainable expansion of the village.

Consequently, Reason 2 for refusing the 2014 proposal remains a valid objection.

Emerging Leeds Site Allocations Plan

The Council is currently in the process of preparing the Leeds Site Allocations Plan (SAP), to deal with the period from 2012 to 2028. A revised draft document for the so-called Outer North East (ONE) section of the metropolitan district was published for public consultation purposes in September 2016 (ending on 7 November 2016). SAP Draft Policy HG3 seeks to carry forward UDPR Policy N34, insofar as it relates to the application site, by maintaining its status as a PAS site, for possible housing development during the period post-2028 (HG3-7: The Ridge, Linton, 4.1ha, capacity 100 units).

Paragraph 3.6.10 of the draft SAP notes “*Section 2, paragraph 2.60 explains the need to designate sites as safeguarded land – a reserve of potential sites for longer term development post 2028*” (viz. beyond the plan period). Paragraph 2.60 states:

Core Strategy Spatial Policy 10 identifies the need to create areas of safeguarded land (called Protected Areas of Search (PAS) in the previous Unitary Development Plan) to ensure the long term endurance of the Green Belt and provide a reserve of potential sites for longer term development needs beyond the plan period (2028). The National Planning Policy Framework, paragraph 85, defines safeguarded land as land between the urban area and the Green Belt, identified to meet longer term development needs. This could include both housing and employment. This equates to sites with a total housing capacity of 6,600 to meet the Core Strategy requirement. Hence, in addition to the housing requirement, additional land is identified as safeguarded land. Section 3, policy HG3 designates sites to be protected as safeguarded land.

However, and it is important to understand this point, since objections have been made to the proposed safeguarding of the site for longer term development, which will be the subject of independent examination in due course, it cannot be assumed that the site will be included in the final, adopted plan as safeguarded land for future housing development. Little weight can therefore currently be attached to the draft policy in this respect.

The objections to the emerging SAP include one from the Collingham and Linton Parish Council. This refers to the previous planning refusal in respect of the application site and notes that it was sieved out of the housing allocation assessment process. It also argues that consideration should be given to returning the land to the Green Belt.

With regard to the Parish Council's comment about the site having been 'sieved out', this is confirmed by Volume 2 – 6 'Outer North East' of the Leeds SAP: Issues and Options document issued in June 2013, in which the application site was listed at Table 6.3.2 as one that had already been 'sieved out' of the assessment process (viz. removed from further consideration) on the grounds that it did not fall within the settlement hierarchy, as the village lacks basic services, is not well served by public transport and is broadly considered to be unsustainable. The more up-to-date SAP Housing Background Paper published in September 2015 also records the site as having been sieved out during the SAP preparation process (see Section 6 on Safeguarded Land on p127) and explains that:

"The site is designated as a Protected Area of Search (PAS) in the existing UDP, not within Green Belt. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Linton which is a small village with very few local services which does not form part of the Core Strategy settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retained as Safeguarded Land". Emphasis added.

Be this as it may, having regard to National Planning Practice Guidance, and in the light of the Secretary of State's recent appeal decision at Collingham, the LVS reluctantly accepts that a proposed development of 26 houses would not be so substantial that to grant permission would undermine the emerging SAP preparation process.

Emerging Linton Neighbourhood Plan

Although it has not yet been adopted (so is not part of the statutory development plan - due to a challenge in the Court of Appeal to the judgment in *R (Kebbell Developments Ltd) v Leeds City Council* 28/10/2016 EWHC 2664 (Admin)), the final draft Linton Neighbourhood Plan opposes development of the application site and wishes to see it returned to Green Belt.

The final draft plan was modified by the Council following the independent examiner's report and was approved by a local referendum in December 2014. This is a clear statement of the views of the local community, which are fully endorsed by the LVS and should be taken into account in the decision-making process. In this, I would direct the Council's attention to the advice at paragraph: 082 Reference ID: 41-082-20160211 of the National Planning Practice Guidance (NPPG), under the heading 'How should planning applications be decided where there is an emerging neighbourhood plan but the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites?'. This explains that, *inter alia*:

'Where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.'

Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking.

Further assistance to decision makers in these circumstances can be found in guidance on the relationship between a neighbourhood plan and a local plan'.

Sustainability and Accessibility Considerations

Sustainability is the golden thread running through both the NPPF and development plan policies. Both the NPPF and the CS seek to ensure that land is used effectively and efficiently (see CS policies H1 Managed Release of Sites; H2 New Housing Development on Non-Allocated Sites; and H3 Density of Residential Development), and that appropriate housing development (CS Policy H4 Housing Mix) takes place in appropriate and sustainable locations (CS Policy SP1 and Accessibility Standards).

As previously noted, Linton lies at the bottom of the CS settlement hierarchy and the suitability of the application site for housing development has been considered on two previous occasions by independent planning inspectors (in relation to objections made to the emerging 2001 UDP and its subsequent review in 2006), but rejected because fundamentally Linton is not a sustainable location for development on any scale. There has been no material change in circumstances since those independent assessments to justify reaching a different conclusion on this issue. It is submitted that this objection significantly and demonstrably outweighs the acknowledged need to increase housing supply within the Leeds metropolitan district generally.

The applicant's Transport Statement (TS) argues in chapter 5 that the proposed development would be accessible to both pedestrians and cyclists, with good provision of facilities located in and around the site providing opportunities for people to walk and cycle between the site and surrounding areas and facilities. It further states that bus stops, which are served by an hourly service between Wetherby and Leeds are located "*within a reasonable walking distance of the site*", with bus connections to multiple destinations being available at the nearby Wetherby bus station, which is only a seven-minute bus ride away from the bus stops on Main Street, Linton (paragraph 5.3.1 refers). However, the TS takes no account of the Council's adopted accessibility standards as outlined in Table 1, Appendix 3 of the Core Strategy and has removed any reference to relevant accessibility standards (such as that to the IHT guidance *Providing for Journeys on Foot 2000*, noted at paragraph 5.1.1 of the TS submitted in 2014 in support of the previous application).

The application site does not meet the Council's adopted accessibility standards as outlined in the Core Strategy.

Linton has no shops, schools or services other than a public house and a village hall.

The nearest shops are located within the centre of Collingham, around 1.2 miles away, with an estimated walking time of around 30 minutes (CS maximum walking

time is 15 minutes). The nearest primary school (Collingham Lady Hastings C of E primary school) and doctors' surgery (Church View Surgery) are also located in Collingham at a similar distance (CS maximum walking time 20 minutes). The nearest secondary schools (Wetherby High School/Boston Spa High School) also lie well beyond the recommended walking distance of 2400m (30 minutes' walk) and the frequency of the local bus service does not meet the minimum requirement.

The nearest bus stop (Windmill Inn) is located around 700m to the south of the site on Main Street, beyond the 400m desirable walking distance recommended in the IHT guidance *Providing for Journeys on Foot 2000*.

Coupled with the issue of walking distances and walking time, are concerns over the suitability of the walking routes themselves. However, this is a matter that I deal with under the next heading.

The LVS does not consider that there has been a material change in circumstances, in terms of either what is on the ground or in planning policy, that points towards a materially different conclusion from that reached by the two planning inspectors who rejected the proposed allocation of the application site for housing in the UDP, because fundamentally Linton is not a sustainable location for development on any scale.

Moreover, the application site lies within a village where Policy H3 suggests that a density of no less than 30 dwellings per hectare should be considered, unless there are overriding reasons concerning townscape, character, design or highway capacity.

The identification of the application site as a PAS site appears to have been predicated on the assumption that, *if developed for housing*, it would be developed at a density that made efficient use of the greenfield site. This is why the estimated capacity is given as 100 units (reduced from 109 dwellings previously). If it is now evident that the site can only reasonably support a development of 26 dwellings without materially harming planning and highway safety interests, then this would clearly represent an inefficient use of a valuable resource (land), contrary to the intentions of the Core Strategy, which generally requires development to be carried out at a density of at least 30dph (the application proposal is for just 6.5dph). This strongly suggests that the application site cannot be developed for housing in a sustainable way and reinforces the case that it is not suitable for housing development.

For these reasons, it is submitted that reason 3 for refusing the previous proposal has not been overcome and thus remains a compelling objection to the proposed development.

Effect on the local Highway Network

The Council's decision not to refuse the 2014 proposal on highways access or traffic generation grounds is noted, as is the applicant's revised Transport Statement (TS) and intention to extend vehicular access from Tib Garth. However, it is not considered that Tib Garth is capable of providing a safe and acceptable access for pedestrians or vehicles to the site. The proposed ramp up the severe quarry face onto the ridge would significantly exceed a gradient of 1:8 (and maybe even as steep

as 1:4), which means that the only proposed main access would not be safe or adoptable when assessed against the Council's standards and policies.

The applicant has not provided any gradient data supported by a topographical report with a centre line displayed for the proposed road extension. Until this information is submitted, the application cannot be considered properly. Tib Garth is already inaccessible by car to residents of nos. 5, 7, 8, 9 and 10 during the winter months with a gradient of 1:10 from house no.5 onwards. Tib Garth is not a Council gritted road and has no parking spaces for the 52 or so cars that would not be able to make it up to the ridge in the winter months.

The applicant's design and access statement and indicative masterplan also show a proposed pedestrian link to Muddy Lane and states that there is an existing right of way. The LVS is not convinced that residents of the proposed development would in fact have right of pedestrian access over Muddy Lane and note that the owners of this private road have not been served notice of the application. The proposed pedestrian link may not therefore be achievable. Officers need to investigate this matter.

The LVS has serious concerns about the effect of the proposed development on the local highway network generally, taking into account the additional traffic that would be generated over and above the previous proposal and that likely to be generated by the recently approved developments at Collingham (150 dwellings) and at Spofforth Hill, Wetherby (325 dwellings), which do not appear to have been taken into account in the applicant's TS.

The LVS does not consider that the road at either end of Northgate Lane is suitable for increased traffic, especially during peak periods, due its generally narrow width and configuration. The application indicates that the majority of traffic will flow down Northgate Lane to the Main Street junction. The restricted road width, just prior to this junction, results in two cars travelling in opposite directions, not being able to pass safely and this has resulted in damage to cars, as evidenced by debris on the road and damage to grass verges and hedges.

In addition, there is particular concern over the poor pedestrian connectivity of the proposed development to the surrounding road network, especially the proposed link to Muddy Lane. Linton has no continuous footpath or safe walking routes within Northgate Lane from the main site access via Tib Garth or within the Linton main street to either Collingham or Wetherby. Many of the footways that do exist in the village are narrow and unlit.

There are only three routes for pedestrians proposed by the developer. None of these can be considered safe, especially when the Council requires a gradient of less than 1:12 for safe pedestrian access:

- 1) Tib Garth. As already mentioned, the proposed ramp will exceed 1:12. Tib Garth has a gradient of 1:10 from house nos.5 and 6 onwards.
- 2) Muddy Lane. A topographical report carried out by the residents shows Muddy Lane to be 1:4.5, which is unsafe for pedestrians.

- 3) Linton Lane. This is a single lane dirt track around the edge of a field which is not owned by the applicant. Although the current landowner has right of way, he requires a 4x4 farm vehicle to make the journey. This dirt track cannot be considered a 'footpath' and there is no public right of way across the field.

The LVS therefore requests that the Council's highways officers give careful consideration to the highway safety impacts of the proposed development.

Effect on Neighbouring Residential Amenity

Leaving aside highway safety concerns over the proposed means of vehicular access, the LVS considers that the additional traffic that would use what is at present a tranquil cul-de-sac serving only 9 homes would have an unacceptable impact on the living conditions of adjoining occupiers in Tib Garth, as a result of the material increase in comings and goings, and associated noise and disturbance.

In assessing this, the LVS notes that the applicant's TS forecasts that there would be 18 additional two-way trips during the afternoon peak hour. What the TS does not do, however, is to quantify and spell out the total number of additional trips during the course of a day, because it is only concerned with assessing the capacity and effect of the proposed development in highway safety terms, and not on adjoining residents. That is a planning matter.

The TS states that *"the masterplan is provided on an illustrative basis and therefore the number of parking spaces cannot be calculated definitively at this stage. However parking will be provided in line with LCC's parking standards / requirements"*. Given that the overwhelming majority of the proposed houses would be of a substantial size (up to 13m high, 3000sq ft), it is reasonable to assume that the parking requirement will be relatively high, meaning that the development could give rise to trips from at least 52 cars, but more likely from around 68. There is likely to be an approximate three-fold increase in traffic using Tib Garth.

The LVS considers that the additional traffic movements that are likely to be generated would be significant, and cause serious harm to the living conditions of existing adjoining residents.

Effect on the Character and Appearance of the Village

The LVS remains concerned that, notwithstanding that the application has been submitted in outline only, development of the application site would have a harmful effect on the character and appearance of the village, with a consequent adverse effect on the surrounding landscape. Its concerns were previously outlined in an earlier draft of the Linton Neighbourhood Plan (2012). It was noted that the site occupies a prominent ridgeline and extends beyond the village built area and, if developed, this would impact upon open countryside views and be an unacceptable extension into the countryside.

Of particular concern to the LVS is the height of the majority of the proposed house would be up to 13m. This is untypically high for two-storey dwellings, in my experience, which rarely exceed around 9m. It is, however, noted that some of the proposed dwellings, on the western part of the site, are intended to be single-storey only and no higher than 6m.

Another concern is the detailed design of the proposed vehicular access via Tib Garth, a point that was discussed in the planning officer's report on the previous application. Officers should satisfy themselves that the proposed access road would not harm the character of the housing development and the wider landscape (although access is not a reserved matter, the details submitted with the application on this are limited; they do not, for example, include sections).

In the event that outline planning permission is granted, the LVS would expect conditions to be imposed dealing with housing numbers and/or density, and restricting the approved development's height. In the absence of sections through the site showing the impact of 13m-high dwellings, it is considered that this is likely to be unacceptably high. Unless justified to the satisfaction of the Council, consideration should be given to limiting the height of the proposed dwellings to no more than 9m. Matters of detailed design are for the next stage in the process, although again may be dealt with by condition.

Housing Land Supply

In the light of the appeal decisions made by the Secretary of State on 22 December 2016 in respect of land at Leeds Road, Collingham; Breary Lane East, Bramhope; and Bradford Road, East Ardsley, it is not disputed that the Council does not have a 5-year supply of available and deliverable housing. That means that paragraphs 49 and 14 of the NPPF are engaged.

The decision-making test that must therefore be applied is whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

In *East Staffordshire BC v SoSCLG [2016] EWHC 2973 (Admin)*, the court followed the approach in *Cheshire East BC v SoSCLG [2016] EWHC 571 (Admin)* and held that, once the relevant tests in paragraph 14 have been worked through, there is no remaining general presumption in favour of sustainable development, outside paragraph 14, to be considered by reference to the policies in the NPPF as a whole (although it should be noted that leave was granted to appeal this judgment in the Court of Appeal, so planning officers may wish to monitor this).

The LVS submits that the independently acknowledged fundamentally unsustainable location of the proposed development; its conflict with the adopted and emerging development plan settlement planning policies; and the inefficient development of this 4.1ha greenfield site (at a density of just a quarter of its PAS notional capacity if developed at the proposed density of just 6.5dpha) cumulatively amount to significant and demonstrable harm that outweighs the limited potential benefit of delivering 26 new homes in this rural location (including the provision of affordable housing).

With regard to the appeal decisions relied on by the applicant in its planning statement, I would say this. It is a long established planning principle that each application for permission must be considered on its own merits.

The decision in respect of Leeds Road, Collingham is of most relevance because it was made by the Secretary of State (SoS), is the most recent decision, and involved a site in Collingham, which is a neighbouring village. However, in my view there are material differences between that approved development and the instant proposal:

- Collingham is one level higher up the Council's settlement hierarchy and is a 'smaller settlement' with a range of local facilities.
- The inspector who reported to the SoS concluded that the Collingham site was the highest scoring safeguarded site in accessibility terms in the Outer North East HMCA, in contrast to the application site where two previous UDP inspectors had rejected it because fundamentally Linton is not a sustainable location for development on any scale.
- New bus stops and other improvements were proposed.
- The site was proposed to be developed at a density that met the CS minimum requirement of 30dpha.
- The Council had previously proposed to allocate the site for housing but on the advice of a UDP examining inspector did not do so due to the existence of an alternative site that would not involve the loss of Grade 2 agricultural land.

Insofar as the other appeal decisions relied upon by the applicant are concerned:

- The Bradford Road, East Ardsley site received a high score on its sustainability (unlike Linton).
- Boston Spa, like Collingham, is one level higher up the Council's settlement hierarchy and is a 'smaller settlement' with a range of local facilities.
- The Sandgate Drive appeal did not involve substantive issues of sustainability (in locational terms) and access to services and facilities.
- In Breary Lane East, Bramhope, the SoS held that the site scored well against some CS accessibility standards and a shortfall of 5 minutes in bus frequency would not cause a severe detrimental impact. Again, like Collingham, Bramhope is one level higher up the Council's settlement hierarchy and is a 'smaller settlement' with a range of local facilities.

It is therefore contended that none of the appeal decisions cited by the applicant is directly comparable to Linton, which has been found to be fundamentally an unsustainable location for development on any scale.

Other Matters

It is accepted that the proposed development makes adequate provision for affordable housing. However, the application is not accompanied by any draft or executed section 106 Agreement to address this or any requisite developer contributions. Until such time as such an agreement has been signed, planning permission should be withheld.

Reason 6 for refusing the previous application therefore remains potentially a valid objection.

While it is acknowledged that the scope of any section 106 Agreement is yet to be determined, and that the Council's Community Infrastructure Levy Adopted Charging Schedule (April 2015) is an appropriate mechanism for ensuring payment towards

the infrastructure that is needed as a result of housing growth (including schools and transport improvements), in view of the applicant's (partial) reliance on infrastructure outside Linton and the Secretary of State's recent decision to grant planning permission for an additional 150 homes nearby in Collingham, the LVS would respectfully request that planning officers satisfy themselves that sufficient capacity exists in this rural location to sustain further growth, especially with regard to educational and health facilities.

It is noted that the revised application includes a topographical survey with levels information (and there is further information and discussion on levels in the design and access statement), and an ecological appraisal has been submitted. However, no levels are shown on the indicative masterplan and this is, in my view, a serious failing since it is difficult to assess properly the impact of the proposed houses on the landscape and neighbouring occupiers. This is vital given the elevated nature of the site and that the intention is that the overwhelming majority of the houses be up to 13m-high above GFL.

While no substantive objections are raised on ecological grounds, in view of the presence of a badger sett within the site, in the event that outline planning permission is granted the LVS would expect a pre-condition to be imposed requiring the prior approval of a scheme for protecting badgers, together with a timetable for their protection during both the construction of the development and following its completion, in line with accepted planning practice.

Reason 5 for refusing the previous application referred to the absence of an arboricultural impact assessment. None has been submitted with the current proposal. Instead, the applicant relies on the general discussion in the architect's design and access statement. However, that mainly concerns proposed planting and contains no meaningful assessment of the nature and extent of existing boundary planting. While it is appreciated that the application has been submitted in outline only, in my experience it would be normal practice to expect a detailed tree survey and impact assessment to be submitted at this stage.

Reason 5 for refusing the previous application therefore remains, in part, a valid objection to the revised proposal.

It is noted that permission is not sought at this stage for the landscaping details of the proposed development and that the architect's design and access statement includes an indicative structural landscaping layout and further detailed proposals, including those relating to proposed planting. Given the size of the application site and the intention to develop it at an unusually low density, it is clear that there is scope to provide adequate landscaping and planting, should planning permission be granted. This may be dealt with by planning condition.

Summary and Overall Conclusions

To summarise, the LVS objects to the proposed development for the following reasons:

- It does not accord with the current development plan, with particular regard to settlement planning policies controlling the sustainable location of new development. The proposed development conflicts with CS Spatial Policy 1 because Linton falls at the bottom of the settlement hierarchy where only dwellings that functionally require a rural location are normally permitted. The application proposal does not fall within this exception.
- The proposed development does not comply with the Council's adopted accessibility standards as outlined in its Core Strategy.
- There has been no material change in circumstances, in terms of either what is on the ground or in planning policy, that points towards a materially different conclusion from that reached by the two planning inspectors who rejected the proposed allocation of the application site for housing in the 2001 UDP, and the 2006 review, because fundamentally Linton is not a sustainable location for development on any scale.
- The LVS has serious concerns over the effect of the proposed development on:
 - the character and appearance of the area;
 - the local highway network (and the achievement of safe vehicular and pedestrian access);
 - the living conditions of existing residents of Tib Garth;
 - local infrastructure; and
 - on the level of information submitted in support of the application.
- The LVS stands by the views expressed in the locally approved final draft Linton Neighbourhood Plan, which opposes development of the application site and wishes to see it returned to Green Belt.
- The majority of the reasons given for refusing the previous proposal in 2014 have not been overcome and so remain as valid objections to the revised proposal.
- None of the appeal decisions cited by the applicant is directly comparable to Linton, which has been found to be fundamentally an unsustainable location for development on any scale.
- The independently assessed unsustainable location of the proposed development; its conflict with the adopted and emerging development plan settlement planning policies; and the inefficient development of this 4.1ha greenfield site (at a density of just a quarter of its PAS notional capacity if developed at the proposed density of just 6.5dpha), are considered to amount to significant and demonstrable harm, which is sufficient to outweigh the limited potential benefit of delivering 26 new homes in this rural location (including the provision of affordable housing).

For the above reasons, the LVS considers that outline planning permission should be refused for the proposed development.

I would be most grateful if you would take these objections into account in your consideration of the application and keep me posted on material progress.

Yours faithfully

Philip Moren
Chartered Town Planner

cc Linton Village Society
Cllrs M Robinson, R Procter and R Stephenson (Harewood Ward) via email.