

Public Document Pack

**North & East Plans Panel
17th August 2017**

**Supplementary Information in respect
of Spofforth Hill Wetherby**

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Originator: Daniel Child

Tel: 0113 247 8050

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 17 August 2017

Subject: Addendum report: Agenda Item 8: Application reference 17/02534/COND (Consent, agreement or approval required by conditions 6, 8, 20, 24 and 36 of Planning Application 13/03051/OT) at Spofforth Hill, Wetherby.

APPLICANT	DATE VALID	TARGET DATE
Bellway Homes Limited	24/04/17	16/06/17

Electoral Wards Affected:

Wetherby

Yes Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

AMENDED RECOMMENDATION: To note the legal position in relation to the location of the crossing and DEFER and DELEGATE APPROVAL of the technical details of the crossing to the Chief Planning Officer under condition 20(b) of planning permission reference 13/03051/OT, if having considered the matter agreement of the Consultative Liaison Forum cannot be reached.

1.0 INTRODUCTION

1.1 This addendum report and amended recommendation are submitted further to legal clarification received. It follows the publication of the substantive report and receipt of legal representation from the applicant in response, which has been reviewed by the Council's Legal Services Team. The legal advice received has clarified the position in relation to the pelican and what, as a matter of law, now falls to be considered by the panel under this application. The representation received from the applicant is appended to this report.

2.0 LEGAL CLARIFICATION:

2.1 It is submitted by the applicant that, as a matter of law, the crossing on Spofforth Hill is approved in the location shown under this discharge of condition application. As has been set out at paragraphs 10.3 and 10.9 of the substantive report a plan showing the location of the crossing was approved under the list of approved plans at outline

application stage under application reference 13/03051/OT. Also as set out at paragraph 10.3 a plan showing the location of the crossing was approved under the list of approved plans at reserved matters stage under application reference 15/07291/RM. As is set out at paragraph 10.4 of the substantive report the principle of the pelican crossing is therefore clearly approved, but moreover, and more importantly, the legal position is that the location is also thereby approved.

2.2 What therefore falls to be considered under the current submission, in accordance with Condition 20(b) of the outline permission and Condition 6 of the reserved matters approval, is the technical detail of the crossing. The following amendments to the report are therefore proposed:

- i) In the header of the report the word 'location' should be substituted for the words 'Technical details'.
- ii) At paragraph 1.1 final sentence substitute 'location of the pelican crossing' with 'technical details of the pelican crossing'.
- iii) At paragraph 1.4 final line substitute 'proposed' for 'approved'.
- iv) At paragraph 1.5 final line strike out the words 'in the absence of an agreed location'.
- v) The insertion of the line at paragraph 10.13: "As a matter of law the pelican crossing is approved in the location proposed and what falls to be considered is the technical detail of it."
- vi) At 11.1, first line, substitute 'approved in principle' with 'approved in terms of location'.
- vii) At 11.1, third line, substitute the final sentence with "On the basis of the technical evidence available the proposed location of the pelican (Location 1) best meets the highway safety needs of the development and is thereby policy compliant and acceptable in the location approved under application references 13/03051/OT and 15/07291/RM.
- viii) Additional paragraph 11.2 to be inserted: "What therefore falls to be considered is the technical detail of the pelican crossing. The forum has agreed a crossing is needed but has to date been unable to agree on the location, which was not within the remit as set out above, and because the forum has been unable to agree on location technical details of it have not been advanced or considered. Under condition 20(b) of the outline and condition 6 of the reserved matters approval the technical details of the crossing requires consideration by the forum, and in the event that the forum cannot agree the technical details it should then be referred back to the Panel under minute 10 of the meeting of 02nd June 2016. In the event that the forum is unable to agree on the technical detail of a crossing in the approved location, it considered expedient and in accordance with the constitution to seek a defer and delegated authority to determine the application in relation to the technical details."

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14th August 2017

Dear Tim

Location of pelican crossing on land at Spofforth Hill, Wetherby - Application reference 17/02534/COND

I am informed that officers have prepared a panel report to members regarding the above development, specifically on the issue of the location of the pelican crossing. I am perplexed by the content of the report given the very clear planning history and am concerned that members are being asked to determine a matter that is already very clearly approved under the outline consent (13/03051/OT).

I enclose a legal opinion on the matter which I have sought in response to the panel report because I do not understand exactly what members are being asked to determine. The pelican crossing forms part of the description of development, its location has been safety audited and been subject to public consultation and scrutiny by officers and members. Most importantly, the pelican crossing location is clearly shown on a plan which is conditioned both under the outline approval (drawing 7029/025C) and as the approved reserved matters layout (3570/10/01H and 3570/11 J).

Bellway Yorkshire has always sought to work positively and proactively with the City Council. We responded to requests for changes to the access arrangements by members through the application process. Although negotiations to secure planning consent on this site were protracted we continued to engage with officers and members and did not resort to the appeal process. We have continued to seek to work with the City Council post approval despite the frustration of still not having received consent to discharge conditions one year after details were submitted.

I find myself bewildered by the position we are now in, as I genuinely do not understand what the City Council expects us to do if members do not 'approve' the approved location. Officers acknowledge in the report that an alternative location would require a separate consent, however no alternative schemes are subject to planning applications so no such approval can be granted. Even if such approval were to be granted how could I be sure, based on the position we are currently in, that further reconsideration of the location would be required if other residents object? We have been through the process of securing a consent which included the location of the pelican crossing. We have submitted the details required by the condition and sought to progress a S278 agreement for months to agree the details. To find that the location of the crossing is now being called into question is incomprehensible.

This situation has arisen due to the continued objection of two residents close to the crossing location through the Community Forum. The objections raised to the location of the crossing were considered at the time the application was determined. The location is not a matter for the Forum to determine. The report to panel misleads both members and objectors into thinking that another decision on the location can now be made. I believe that the way the report is drafted gives members a choice of locations to consider when the reality is that the position is already established.

I can only reiterate that I am at a loss to understand how we have arrived at this position and request that the legal opinion contain herein is presented to members in full at the plans panel on Thursday.

Yours sincerely



John Carter
Managing Director

FAO: Mr J. Carter
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Leeds
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Our ref AEC/RMS/BEL.430-17

Your ref 17/02534/COND

14 August 2017

Dear John

Location of Pelican Crossing on Land at Spofforth Hill, Wetherby ("the Site")
Application Reference 17/02534/COND ("the Application")

Thank you for providing copies of the background documents in relation to the above Application, which is due to be considered by the North and East Plans Panel ("**the Panel**") on 17 August 2017. Specifically, the Application seeks that condition 20 of an outline planning permission (reference 13/03051/OT) ("**the Outline Permission**") dated 2 April 2015 granted by Leeds City Council ("**the Council**") be discharged. A copy of the Outline Permission is enclosed for ease of reference.

The Outline Permission granted planning consent for residential development at the Site of up to 325 dwellings and associated works, including access, open space, and structural landscaping ("**the Development**"). The description of development approved by the Outline Permission also expressly referred to the addition of a "pelican crossing to Spofforth Hill" ("**the Pelican Crossing**"). Condition 20 of the Outline Permission ("**the Condition**") required that a scheme for the provision of off-site highway mitigation works be submitted to and approved in writing by the Council. The Condition prescribed that this scheme provide details of (amongst other matters) "the Pelican Crossing and footway".

A Reserved Matters Approval was subsequently issued by the Council pursuant to the Outline Permission on 29 July 2016 (reference 15/07291/RM) ("**the Reserved Matters Approval**") (copy enclosed). Condition 6 of the Reserved Matters Approval ("**the RMA Condition**") required that a 'Community Liaison Management Plan' be submitted to and approved by the Council, including details of a working party ("**the Working Party**") to consider "matters associated site construction, mitigation works, vehicle deliveries and greenspace". The RMA Condition specified that this Working Party would involve (amongst other persons and organisation) the "2 residents of Spofforth Hill affected by the footway and pelican arrangements".

We understand that the Working Party has subsequently been established and has convened on 3 separate occasions, the most recent meeting taking place on 16 June 2017. However, we are informed that the two residents identified in the RMA Condition are dissatisfied with the location of the Pelican Crossing, and are therefore seeking that it be repositioned to an alternative area.

In the absence of agreement upon the location of the Pelican Crossing within the Working Party, we understand that the Council is minded to refer this issue back to the Panel to determine. Indeed, we have had sight of a report prepared by the Chief Planning Officer ("**the Officer's Report**") (enclosed) seeking a resolution from the Panel as to the precise location of the Pelican Crossing. The Officer's Report recognises that the position for the Pelican Crossing specified in the Outline Permission "best meets the highway

safety needs of the development, and is therefore policy compliant and acceptable". Paragraph 11.1 of the Officer's Report therefore concludes that this location ought to be approved by the Panel.

However notwithstanding this recommendation, it is clear that the location of the Pelican Crossing has already been approved and granted planning consent by the Outline Permission. To this regard, the position of the Pelican Crossing is not a matter which the Panel or the Working Party can seek to alter in determining the Application.

As specified by condition 2 of the Outline Permission, issues relating to access were not reserved for future determination, and were approved by the terms of that consent. Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("**the DMPO**") confirms that 'access' in the context of reserved matters means "the accessibility to and within the site for vehicles, cycles, and pedestrians in terms of the positioning and treatment of access...and how these fit into the surrounding access network". It is clear the Pelican Crossing constitutes a pedestrian access to the Site which is within the scope of this definition, and as access was approved at the Outline stage, so was the crossing in the location shown on the approved plans. This is therefore beyond the scope of further determination or consideration save as set out below.

The Plans Schedule to the Outline Permission ("**the Schedule**") lists various plans which were approved in issuing the consent, and which confirm the nature of the development which has been authorised. The Schedule, refers to various "Access Plans", including plan reference 7029/025C ("**the Plan**") (copy enclosed). The Plan identifies the specific location of the Pelican Crossing, with condition 3 of the Outline Permission expressly directing that the Development be carried out in accordance with these details. The planning officer's report to the City Plans Panel in respect of the Outline Permission (enclosed) also made various references to the Pelican Crossing being located between the junction into the Site and Chatsworth Drive (see paragraphs 5.6 and 10.49 respectively).

It is therefore clear that the Outline Permission granted planning consent for the provision of the Pelican Crossing in this location, with such matters not being reserved for future determination. Indeed, the Officer's Report appears to acknowledge this fact in noting that the delivery of the Pelican Crossing in the position shown on the Plan "could be argued to have planning permission". In fact, the Officer's Report is wrong in law to have any equivocation on the matter at all. As is confirmed in the National Planning Practice Guidance, details submitted as part of an outline application "must be treated by the local planning authority as forming part of the development for which the application is being made", and "conditions cannot be used to reserve these details for subsequent approval" (see paragraph 21a-005-20140306). The location of the Pelican Crossing is not a matter which can be altered through the discharge of conditions or reserved matters approvals on this basis.

Although the RMA Condition envisaged that the Working Party would be involved in establishing the details of mitigation works associated with the Development, it is clear that such participation could not extend to altering the location of the Pelican Crossing. Any such approach would directly conflict with the terms of the Outline Permission itself, and the fact that matters related to access have already been granted planning consent. It is well established that reserved matters approvals and any conditions attached to the same cannot be used to materially derogate from the development for which outline permission has been granted (*see R vs. Newbury DC Ex parte Stevens and Partridge [1992] 65 P & C.R 438*).

Notwithstanding this fact, the requirements of the Condition and the RMA Condition could not be sensibly applied on their own terms if indeed the Pelican Crossing could be provided in an alternative location to that shown on the Plan. The Condition is clear in referring to the submission of a scheme providing details of "the pelican crossing and footway" (our emphasis). The natural language of the Condition would therefore confirm that it relates to a specific crossing, rather than a notional access, the location of which has yet to have been established.

Similarly, the RMA Condition directed that 2 specific residents of Spofforth Hill "affected by the pelican improvements" be members of the Working Party. Plainly, if the location of the Pelican Crossing was able

to be altered to that previously approved by the Outline Permission, then these persons would not necessarily be 'affected' by the works in this manner. The 2 residents identified by the RMA Condition would not need to be members of the Working Party in such circumstances, frustrating this requirement of the condition entirely.

A proper and lawful interpretation of these conditions confirms that they relate to the approval of technical designs and specifications associated with the Pelican Crossing, as opposed to its location. Indeed, the reasons specified for both conditions refer to the need to ensure highway safety and the approval of 'precise details' regarding the crossing, rather than its position in relation to the Site. The Plan does not prescribe the technical specifications for the Pelican Crossing, further suggesting that such details were intended to be finalised through the submission of the scheme required by the Condition on this basis.

This position appears to be accepted by the Council, with paragraph 10.3 of the Officer's Report accepting that "a plan showing the location for the crossing was approved under the approved plans list", and that "condition 20(b) was imposed on the Outline Permission to require details of the crossing". Similar comments are made in respect of the RMA Condition, with the Officer's Report noting that the Working Party was established "to specifically consider the detail of the pelican", rather than the principle or location of the crossing itself.

To this regard, and although the Officer's Report identifies the approved position of the Pelican Crossing to be the Council's preferred location for the same, as a matter of law this is not an issue which the Panel or the Working Party can seek to alter in determining the Application. Planning permission has been granted for the Pelican Crossing in the location identified on the Plan, and neither the Condition nor the RMA Condition can be lawfully applied so as enable such matters to be altered. Indeed, the Officer's Report acknowledges that further planning permissions would be required should the Pelican Crossing be required to be provided at either of the possible alternative locations discussed. The Council would therefore appear to accept that any repositioning of the crossing would be outside of the scope of the Outline Permission and the Reserved Matters Approval for these purposes and cannot be sought through the discharge of this condition.

We trust that the above sufficiently addresses the matters upon which we have been asked to advise. However, please contact us if you require any further information.

Yours sincerely,



Walker Morris LLP

Enc

CC: S Carr, Bellway Homes Limited (Yorkshire)

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Recorded delivery

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12 August 2017

Steve Butler
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Dear Mr Butler

17/02534/COND/NE

Spofforth Hill Development, Wetherby

I refer to your letter dated 9 August 2017.

I am concerned that this important issue is apparently not to be discussed again at the Community Liaison Forum (CLF), but referred to the Plans Panel at short notice during the summer holiday period.

Because of this short notice I am unable to attend the Plans Panel meeting and request that this letter be made available to the Plans Panel before the meeting and read out at that meeting. Please let me know if this will not be possible.

It is unreasonable for the discussion about the type, design and location of any crossing to be taken away from the Community Liaison Forum and given to the Chief Planning Officer, particularly at such short notice and without discussion at the Forum.

The Chief Planning Officer's report claims that a pelican crossing is needed and proposes a location. In May 2016 I wrote to the Head of Planning Services asking for a copy of the report that Leeds City Council (LCC) should have prepared to establish whether a crossing is actually required; I am still waiting for a reply. At the Community Liaison Forum on 16 June 2017 LCC representatives confirmed that a technical assessment of the need for a crossing had NOT been carried out. This is important because at a previous Plans Panel LCC strongly implied that an assessment had actually been carried out and that a crossing was required on safety grounds. However this is NOT the case. I believe that the Plans Panel should act on facts, and I urge the Plans Panel to ask LCC to demonstrate whether a crossing is required and assess if it meets their technical criteria as set out in Transport Development

Services Consultation Response, 2 July 2014. This document states that the criteria for a pelican / puffin crossing are:

Very busy road where traffic speed >35 mph 85th percentile. Typically traffic flows will exceed 1000 vehicles per hour and over 70 pedestrian movements in busiest hours. At some sites there will be a record of pedestrian injuries. Pedestrian waiting time will generally exceed 1 minute. For sites at the lower end of speed and traffic range zebra crossings will be preferred.

The speed limit has been 30mph for some years and it was agreed at the CLF to install an active speed reminder sign at the entrance to Wetherby to reinforce this. Information in the Transport Assessment carried out by Bellway Homes dated June 2013, submitted as part of their planning application, shows the traffic speeds are less than 35mph per hour. This same report also shows the traffic flows are less than 1000 vehicles per hour. From my personal observations I can confirm that there are far less than 70 pedestrian movements at peak time. There are no reports of pedestrian or vehicle accidents in the area of the proposed crossing.

This clearly demonstrates that LCC's criteria for a crossing are NOT met; hence there is no technical justification for a crossing.

Appendix 1 demonstrates that the Plans Panel have already been provided with misleading information by LCC relating to this matter.

The simple solution to this issue is not to construct a crossing until LCC demonstrate via a technical analysis that one is required. I would appreciate your written confirmation that this is the proper course of action that LCC will take.

In relation to the Chief Planning Officer's report I would like to draw the Panel's attention to the following:

General

The report is not a balanced report and presents a partial picture of events that support LCC's position.

Parag 1.3

The Chief Planning Officer's report refers to a pelican crossing, although Leeds City Council request to Bellway Homes was for a controlled crossing. The LCC technical criteria state that '*For sites at the lower end of speed and traffic range zebra crossings will be preferred.*' Neither Bellway Homes nor LCC have presented any options for a zebra crossing.

Parag 1.4

It is disingenuous to claim that the CLF has been unable to agree the location of the pelican. In reality no proposals on the location options, type or design of the crossing have been presented to the CLF; there has been nothing put forward for the forum to agree.

Parag 1.5

Referring the matter to the Plans Panel may be an appropriate course of action had no agreement been reached, but the CLF has not actually been provided with any options to agree.

Parag 2.3

The report fails to mention that Bellway only included a pelican crossing in their application because they had been explicitly requested by LCC to include a controlled crossing. This requirement was set out in a report both written and checked by the same LCC Transport Development Officer. It was this same officer who at the CLF on 16 June 2017 conceded that a technical assessment of the need for a crossing had NOT been carried out.

Parag 5.1

This report claims that a pelican crossing is needed and proposes a location. As set out above, it is clear that LCC has not carried out a technical assessment and that LCC's technical criteria are not satisfied.

Parag 6.2

The action on LCC from the CLF on 16 June was for location options to be developed and presented to the Ward Councillors. These options have not been presented to the CFL, hence the forum has not had the opportunity to even see the options let alone agree them. Whilst Councillor Wilkinson and Wetherby's Mayor expressed support for a crossing at this meeting, Councillor Procter stated that "he did not support a crossing and that crossings should not be built everywhere where there was a request for one". He made the point that LCC often cite their technical criteria in order to reject crossing requests. The report should present a balanced summary of all the points made at the meeting, not just those that support LCC's position.

Parag 10.1 -10.4

The justification for a crossing presented in the report uses generic 'flowery' language and avoids stating the fact that a technical assessment to demonstrate the need for a crossing has NOT been carried out; this was confirmed by LCC at the CLF on 16 June 2017.

Parag 10.5 -10.13

The relative merits of various crossing type, design and location should be openly discussed at the CFL, as intended by Condition 6 of the reserved matters approval, if LCC demonstrate that such a crossing meets their own technical criteria. The proposal in the Chief Planning Officer's report would give LCC officials the power to make a decision on all these points, without considering the views of the community and without proper scrutiny by the Plans Panel.

Summary

Despite having been requested to provide evidence that a controlled crossing is required over 12 months ago LCC have provided no technical evidence that a crossing is actually required; indeed LCC have now confirmed that a technical assessment has NOT even been carried out. Hence a crossing should not be constructed.

The information provided to the Plans Panel in relation to this matter has not been open, unbiased nor complete; the Plans Panel might want to consider the extent to which they can rely on the Chief Planning Officer's reports to provide a fair and balanced representation of the facts.

Recommendation

I recommend that the Plans Panel reject the proposal and request that:

1. LCC are asked present the technical need for a crossing to the CLF and the Plans Panel and hence demonstrate whether there is a need for a crossing in line with the technical criteria as set out in the Transport Development Services Consultation Response, 2 July 2014;
2. If LCC can demonstrate the technical need for a crossing, LCC should present options on the type, design and location, of the proposed crossing to the CLF so that they can be properly discuss it as envisaged by Condition 6 of the reserved matter approval; and
3. If LCC cannot demonstrate the technical need for a crossing, LCC should amend the Planning Approvals accordingly.

Yours sincerely

Alan M Creighton

Enclosure

Appendix 1

APPENDIX 1

This briefing note sets out the case for not constructing a controlled crossing associated with the Bellway Homes development on Spofforth Hill.

A M Creighton

27 June 2017

Attendees, including LCC representatives, at the Spofforth Hill Consultative Forum on 16 June 2017 accepted that neither Bellway nor Leeds City Council had carried out any formal assessment to demonstrate the need for a pelican crossing on Spofforth Hill.

The assessment criteria for a new crossing is defined by Leeds City Council in Appendix 2 of the Leeds City Council Report to The Chief Officer (Highways and Transportation), dated 14 April 2015 [Ref 5]. The criteria for a pelican / puffin crossing are:

Very busy road where traffic speed >35 mph 85th percentile. Typically traffic flows will exceed 1000 vehicles per hour and over 70 pedestrian movements in busiest hours. At some sites there will be a record of pedestrian injuries. Pedestrian waiting time will generally exceed 1 minute. For sites at the lower end of speed and traffic range zebra crossings will be preferred.

Information contained in the Transport Assessment carried out by Bellway Homes dated June 2013 [Ref 6], submitted as part of their planning application, shows that the Leeds City Council technical criteria for a pelican crossing are *not* met.

The Transport Development Services Consultation Response, dated 2 July 2014, implies that an assessment has been carried out [Ref 3]:

In terms of pedestrian crossing facilities on Spofforth Hill it is considered that a formal controlled pedestrian crossing adjacent to Chatsworth Drive is necessary. This would allow existing demand to take place safely (given the potential conflicts associated with the introduction of the new access) and would allow safe access to bus stops and help encourage journeys on foot and public transport.

It also incorrectly refers to an existing demand, whereas they should only have assessed the new demand. Any crossing needs to relate to the development, therefore Bellway and / or LCC are required to demonstrate that any 'need' is related to the development. Residents of the new development walking into Wetherby won't need to cross Spofforth Hill. The high and junior schools are in Wetherby; there is no need to cross Spofforth Hill. Therefore the number of residents on the new development crossing Spofforth Hill will be small and be insufficient to justify a crossing.

Any concerns that existing residents have crossing Spofforth Hill should not be included in the scope of the assessment as they are not related to the development.

Bellway have confirmed to me that they submitted a planning application for pelican crossing solely because they had been asked to by LCC.

Given that there was no formal need case presented to the Leeds City Plans Panel, it would have been impossible for them to have made an informed decision related to the proposed crossing. The report of the Chief Planning Officer, dated 18 September 2014 [Ref 2] contains the statement:

10.49 The required Stage 1 Road Safety Audit of all off-site highway works proposed as part of this application has been received. The main outcome of this is that a new pelican crossing is required and is proposed on Spofforth Hill, located between the junction into the proposed development site and Chatsworth Drive. The Road Safety Audit is comprehensive and design amendments have been incorporated into the scheme.

This statement is untrue because the Stage 1 Road Safety Audit Report [Ref 1] did not require a pelican crossing; the scope of the Stage 1 Road Safety Audit [Ref 1] was only to consider the safety of the proposed crossing not whether one was or was not required.

The report of the Chief Planning Officer was presented to the Leeds City Plans Panel on 18 September 2014. This Statement would have misled the Leeds Planning Panel to believe that a crossing was actually required to meet road safety requirements. The reality is that the need for a crossing had never actually even been assessed, let alone deemed necessary in road safety terms.

The Delegation Report from the Chief Planning Officer, dated 2 June 2016, [Ref 4] associated with the reserved matters, includes the following paragraph:

2.1 The application seeks approval for the reserved matters relating to the layout, scale, appearance and structural landscaping for a residential development of 325 dwellings together with associated infrastructure, pursuant to Conditions 1 and 2 of outline planning permission reference 13/03051/OT. The main access points remain as approved at outline application stage from Spofforth Hill and Glebe Field Drive. A pelican crossing on Spofforth Hill was also approved at outline, as a response to the Stage 1 Road Safety Audit.

Again this statement is untrue because the Stage 1 Road Safety Audit Report did not require a pelican crossing; the scope of the Stage 1 Road Safety Audit was only to consider the safety of the proposed crossing not whether one was or was not required. The Stage 1 Road Safety Audit was produced on 29 July 2014 after LCC had decided (by 2 July 2014) that a controlled crossing (not necessarily a pelican crossing) was, in their view, required. LCC's decision regarding the need for a crossing was therefore not in response to the Stage 1 Road Safety Audit as stated in the Chief Planning Officers report.

Summary:

- There has been no formal assessment of the need for a controlled crossing associated with the development;
- My assessment, based on published reports, is that the LCC technical criteria for a controlled crossing are not met; and
- Leeds City Plans Panel was probably misled by the Chief Planning Officer into believing that an assessment had been carried out, and that a crossing was required, whereas this is not the case.

Conclusion

Had Leeds City Plans Panel known that:

- a formal assessment of the need for a crossing had not been carried out; and
- a crossing was not required by the Stage 1 Safety Audit (as stated in the reports to the Panel); and
- information in a Bellway Transport Assessment showed that the LCC technical criteria for a pelican crossing was not satisfied; then

it is unlikely that the Bellway application for a pelican crossing would have been approved.

References

1. Stage 1 Road Safety Audit, 29 July 2014
2. Report by the Chief Planning Officer, 18 September 2014
3. Transport Development Services Consultation Response, 2 July 2014
4. Delegations Report from Chief Planning officer, 2 June 2016
5. Report to Chief Highways Officer and Transportation, 14 April 2015
6. Bellway Transport Assessment, 27 June 2013

All these documents are downloadable from the LCC website.



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LCC Transport
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Report to Chief



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