



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 17 August 2017

Subject: Location of pelican crossing under 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

Bellway Homes Limited

DATE VALID

24/04/17

TARGET DATE

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

RECOMMENDATION: DEFER and DELEGATE APPROVAL to the Chief Planning Officer the details of the pelican crossing submitted under condition 20(b) of planning permission reference 13/03051/OT.

1.0 INTRODUCTION

- 1.1 The application seeks approval under conditions of the outline planning permission granted at Spofforth Hill, Wetherby, for up to 325 dwellings access and associated works, including open space and structural landscaping and the addition of pelican crossing to Spofforth Hill. It is specifically the details of the off-site highway mitigation works under Condition 20(b) to which this report refers and more-over the location of the pelican crossing.
- 1.2 When the Council granted reserved matters approval under application reference 15/07291/RM it was resolved that a Community Liaison Form (CLF) should be established to consider the details subsequently submitted under conditions. Condition 6 of the reserved matters approval states:
- 1.3 *"Prior to the commencement of development a Community Liaison Management Plan shall be submitted to and agreed in writing by the local planning authority. This shall include details of a working party involving Wetherby Town Council, Ward Members, 2*

residents of Spofforth Hill affected by the footway and pelican arrangements, developers/contractors and relevant council officers, in relation to matters associated with site construction, mitigation works, vehicle deliveries and greenspace. The development shall not be carried out other than in accordance with the terms of the Community Liaison Management Plan.” [My emphasis]

- 1.4 The CLF was subsequently established and has met 3 times (on 04/10/16, 28/11/16 and latterly on 16/06/17). At the first and third meeting of the CLF the location of the pelican crossing has been on the agenda and discussed at length. Unfortunately to date however the CLF has been unable to agree on the precise location of the pelican, with two affected neighbours who are members of the CLF, remaining dissatisfied with the proposed location and the technical justification for it.
- 1.5 Minute 10 of the North and East Plans Panel meeting of 02/06/16 at which the resolution to approved the reserved matters application was reached records that, in the event agreement of the CLF cannot be reached, the matter it to be referred back to this Panel. The development is advancing, first occupations are to take place shortly and the Section 278 works within the public highway need to be urgently agreed, in order to avoid delay on the delivery of housing on this site. Due to the summer school holidays and ensuing commitments it has proven difficult to arrange the fourth meeting of the CLF to resolve this matter and hence it is considered both necessary and expedient in the absence of an agreed location to report this specific matter back to the Panel.

2.0 PROPOSAL:

- 2.1 The application seeks approval of details under the above conditions which relate to windows and doors, landscaping, cycle-link provision, landscape management and off-site highway mitigation works which includes details of the pelican crossing and footway to it under condition 20(b) of outline planning permission 13/03051/OT. In support of the application in relation to the pelican and footway plan reference 7029/020 Rev C is submitted.
- 2.2 The submitted plan identifies the location of the pelican as being to the west of Chatsworth Drive, close to the point where the bridleway which crosses the housing development meets Spofforth Hill at the southern end of the site. The crossing is immediately east of No 32 Highleas on the south side of Spofforth Hill. The plan details a section of new footway from the pelican to meet Chatsworth Drive, which is currently just compacted soil as there is no footway on Spofforth Hill presently to the west of Chatsworth Drive on the southern side of the carriageway.

3.0 SITE AND SURROUNDINGS:

- 3.1 The pelican is located on Spofforth Hill which links Wetherby with Harrogate. The proposed location of the pelican is between Chatsworth Drive and No 35 Spofforth Hill. Trees line the highway on both sides of the public highway.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/07291/RM: Reserved Matters application for residential development of up to 325 dwellings, access and associated works including open space and structural landscaping, including addition of pelican crossing to Spofforth Hill: **Approved** subject to conditions on 29th July 2016.

4.2 13/03051/OT: Outline application for up to 325 dwellings, including means of access: **Approved** subject to conditions and S106 Legal Agreement on 02nd April 2015.

4.3 PREAPP/15/00388: Pre-application enquiry for proposed reserved matters applications for a residential development of 325 dwellings.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The location of the pelican has been considered at two of the three CLF meetings held to date. At those meetings discussions have taken place with Bellway the developer but have not to date culminated in the agreement of the CLF to the proposed location of the pelican.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ordinarily no publicity is given to applications for the agreement of details under condition. However, clearly in this case there have been public comments as part of CLF meetings. Also in considering the reserved matters application the following (summarised) objections were received:

- Impact of the pelican crossing on aural amenity and air quality of immediate neighbours from queuing traffic and exhaust fumes.
- The pelican crossing should be located closer to Glebe Field Drive and no evidence supports its current location, which is not optimal.
- A pelican should be considered crossing Glebe Field Drive close to the junction with Spofforth Hill.
- Zig-zag lines around the pelican will prevent delivery vehicles from parking outside nearby property.
- A simple pedestrian refuge could be a viable alternative and less visually intrusive.
- The south side of Spofforth Hill lacks a pavement (between Chatsworth Drive and Wentworth Gate) and this makes the pelican of little use (to residents of Leconfield Court) and a footway should be provided here.
- Increased air pollution and carbon dioxide emissions from increase in traffic.
- Impact of street furniture and signage on visual amenity and on the character and appearance of the locality.

6.2 Ward Councillor John Procter has commented that agreement could not be reached as to the optimum location for a crossing and as such the matter is being referred back to the Plans Panel for determination. Ward Councillor Gerald Wilkinson considers that the pelican is proposed in the optimum location. The Mayor of Wetherby agrees one is required on Spofforth Hill irrespective of its location, as the Town Council get many requests for one.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 None.

Non-statutory:

7.2 LCC Highways: (In respect of Condition 20, off-site highway works) this condition should not be discharged at this stage. The highway works primarily consist of the introduction of a signalised pedestrian crossing on Spofforth Hill, which is to be

delivered via a Section 278 Agreement. However, at the time of writing, there is still some uncertainty over the position of the crossing and the S278 Agreement has not been completed.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013). The following policies are the most relevant in this case.

Core Strategy

8.2	Policy T1	Transport Management
	Policy T2	Accessibility Requirements and New Development
	Policy P10	Design

Saved Policies of the Leeds Unitary Development Plan Review (2006):

8.3	Policy GP5	General planning considerations
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Relevant Supplementary Planning Guidance:

8.4 SPD Street Design Guide (adopted).
SPD Designing for Community Safety (adopted).

National planning policy guidance:

8.5 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied alongside other national planning policies. In this case the following are most relevant:

Section 4 Promoting sustainable transport (para 32).

9.0 MAIN ISSUES:

- Principle of a pelican
- Location of the pelican
- Summary of options

10.0 APPRAISAL:

Principle of a pelican

10.1 Core Strategy policy T2 and P10, together, require that development is in accessible locations that are adequately served by existing or programmed highways, by public transport, and with safe and secure access for pedestrians, cyclists, and people with impaired mobility. Criterion (i) of policy P10 recognises that new infrastructure might be required off site to ensure such access is achieved, and so that a development would not create or materially add to problems of safety or efficiency on the highway network. Saved UDP (Review) policy GP5 requires that development proposals

should resolve detailed planning considerations, including access, and should seek to maximise highway safety. The second bullet of paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. The third bullet states that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

- 10.2 The principle of a pelican crossing to serve the Spofforth Hill housing development goes back to outline planning application reference 13/03051/OT, and the need to consider the needs in policy terms of vulnerable users arising under a large development site which would generate significant additional demand. It was considered by officers a necessary road safety requirement in relation to the above policy considerations and the design of the facility checked as part of a Road Safety Audit submitted as part of the Transport Assessment, and as a consequence of the proposed housing development given traffic conditions on the A661.
- 10.3 A pelican crossing is referred to in the decision notice for the outline application and a plan showing a location for the crossing was approved under the approved plans list. Condition 20(b) was imposed on the outline permission to require details of the crossing. The reserved matters approval refers to a pelican crossing and a plan showing a location for the crossing was also approved under the approved plans list for that application, and condition 6 of that permission requires the establishment of a CLF to specifically consider the detail of the pelican.
- 10.4 There can therefore be no question that the principle of a pelican crossing was accepted and approved by the Panels at both outline stage (City Plans Panel) and reserved matters (North and East Plans Panel), and that it was considered to be a necessary and acceptable part of the road safety policy considerations relating to the development. The introduction of a pelican is therefore well established under existing permissions as being policy compliant and is thereby acceptable in principle.

Location of the pelican

- 10.5 In summary officers consider that the optimum location for the crossing is to the north of Chatsworth Drive, which is as it was shown at the time of the outline and reserved matters applications and remains the proposed location.
- 10.6 In terms of background the location was proposed in order to meet the needs of those accessing the housing development and wishing to cross Spofforth Hill, and was located to ensure that it relates well to the housing and the leisure opportunities provided for by the bridleway which crosses the housing site and meets Spofforth Hill to the southern end of the site. At outline application stage consideration of the application was deferred a cycle, in order to publicise the inclusion of a pelican crossing under amended plans following the Road Safety Audit. The main City Plans Panel Report of 18th September 2014 reports at 5.6 that “...a new pelican crossing is proposed between the new access and Chatsworth Drive”, and at 6.1 that “Amended site notices were placed in the vicinity of the location of the pelican crossing.....and letters sent to neighbouring residents.”
- 10.7 In considering the acceptability of the principle of a housing development at outline application stage at 10.74 of the main City Plans Panel report of 18th September 2014 the impact of the pelican on the visual and aural residential amenity of residents was considered to be acceptable. The minute records that a site visit was held prior to the meeting and that the addendum report advised of the pelican crossing. The addendum report of 18th September 2014 recorded public objection to the location of

the pelican and referred to Ward Member briefings on the location of it and meetings between officers and Ward Members, and local residents, at which there was a discussion on the pelican. Paragraph 5.11 of the addendum report states that following the results of the Road Safety Audit a pelican is proposed on Spofforth Hill and reasons that with careful design the proposed location would not adversely affect nearby trees. Following deferral at that meeting in the subsequent City Plans Panel report of 30th October 2014 to consider amongst other matters the deletion of the right turn lane from the scheme in the interests of protecting trees on the north side of Spofforth Hill, the impact on trees on the south side of a footway to serve the pelican in the proposed location was considered at paragraph 10.74, and a no dig solution with the use of porous materials was considered as an acceptable solution.

- 10.8 In considering the acceptability of the detail for the housing development at reserved matters stage at 6.1 of the North and East Plans Panel report of 02nd June 2016, objections received to the location of the pelican were recorded and subsequently considered at 10.40, wherein the location of it was referred to as having been considered at outline stage. The minute of the meeting of 02nd June 2016 records that Members of the Panel had visited the site and that the pedestrian links were pointed out by officers and that Members discussed concerns regarding the location of the pelican crossing.
- 10.9 The location shown on the plan submitted under the current conditions application shows the pelican in the same location as was consistently shown under the approved plans at outline and reserved matters stage. It is however also very clear that the detail of the pelican is covered by condition 20(b) of the outline planning permission and that condition 6 of the reserved matters approval requires a CLF is established to consider the details of it.
- 10.10 Following the reserved matters approval the location of the crossing has been debated at the CLF including whether a better location would be to the south of Chatsworth Drive or along the Leconfield Court frontage. Officers remain of the view that the optimum location for the crossing is to the north of Chatsworth Drive, as the alternative locations have disadvantages and technical issues that would prevent their delivery. A summary of the implications of each option is provided below to assist members.
- 10.11 To date as the CLF has been unable to agree the location it now falls as a matter for Panel consideration based on the current factual position.

Summary of options

- 10.9 Highways have emailed Ward Members an appraisal of the following options that have been debated at the CLF (comments received on them is reported at 6.2 above). Three options were identified:

Location 1 North of Chatsworth Drive (the proposed location)
Location 2 South of Chatsworth Drive; and
Location 3 Leconfield Court frontage

Taking these in turn the following technical matters and pros and cons are considered to apply:

- 10.10 Location 1 North of Chatsworth Drive (preferred and the proposed location)

Technical Matters:

Acceptable preliminary design with supporting Stage 1 Safety Audit submitted
Acceptable to the Traffic Authority and Design Team

Pros:

Could be argued to have planning permission
Has been subject to a Stage 1 Road Safety Audit
Serves the new development
Serves Chatsworth Drive residents
Serves Leconfield residents via the verge
Serves the Bridleway
Serves the existing bus stops
Existing bus stops unaffected

Cons:

Lack of continuous surfaced footway to Leconfield Court
Impact on frontage residents
Minor detour to the north for pedestrians arriving from Chatsworth Drive wishing to walk towards Wetherby

Recommendation:

Preferred location of crossing

10.11 Location 2 South of Chatsworth Drive (Not supported)

Technical Matters:

No detailed Stage 1 Road Safety Audit has been carried out
No safe position for the crossing between existing residents drives
Conflict with existing buses and bus stop locations
Not acceptable to the Traffic Authority and Design Team

Pros:

Serves the new development
Serves Chatsworth Drive residents
Serves Leconfield residents via the verge and Chatsworth Drive bellmouth

Cons:

Technical issues prevent its implementation
Requires separate planning permission
Impact of crossing on other and potentially more frontage residents than location 1
Lack of continuous surfaced footway to Leconfield Court
Further from Leconfield residents than preferred option
Leconfield Residents would have to cross the wide Chatsworth Drive bellmouth
Further from the Bridleway than the preferred option
Conflicts with drives to existing properties
Buses would conflict with the crossing location
Bus Stops need to be relocation
No identified alternative location for bus stops
Not known if the crossing would be on the new bus top desire line from Chatsworth Drive
Potential objections from residents affected by new bus stop locations

Recommendation:

There are technical/safety issues, therefore the location is not supported by officers

10.12 Location 3 Leconfield Court Frontage (Not supported)

Technical Matters:

No detailed Stage 1 Road Safety Audit has been carried out
Forward visibility to nearside signal head southbound traffic substandard
Forward visibility to offside signal head southbound traffic also questionable
Forward visibility to nearside signal head northbound traffic also questionable
Width of verge is substandard to accommodate a footway and crossing equipment
Potential impact on hedge/hedge roots by installing a footway
Potential issues with the level drop (to adjacent land) if hedge removal is required
Footway required between the crossing and Chatsworth Drive
Not acceptable to the Traffic Authority and Design Team

Pros:

Close to Leconfield residents via the existing verge
The location does not impact on individual frontages
Potential to tie-in to Wentworth Gate via a new footway

Cons:

Technical issues prevent its implementation
Requires separate planning position
Lack of surfaced footway to Leconfield Court
Lack of surfaced footway to Wentworth Gate
Lack of surfaced footway to Chatsworth Drive
Width of the verge/footway substandard
Potential impact on hedge with potential removal
Hedge removal would expose the notable level difference between A661 and the adjacent land
Siting is not on desire line for Leconfield residents
Does not serve the new development well and unlikely to be used by future resident
Does not serve Chatsworth Drive residents
Does not serve the Bridleway
Forward Visibility to signal heads substandard
Impact of mature trees to resolve forward visibility issues

Recommendation:

There are technical/safety issues, therefore the location is not supported by officers. In addition even if a footway were provided between the crossing and Chatsworth Drive, the crossing location is unlikely to be used by the development or wider pedestrians in the area.

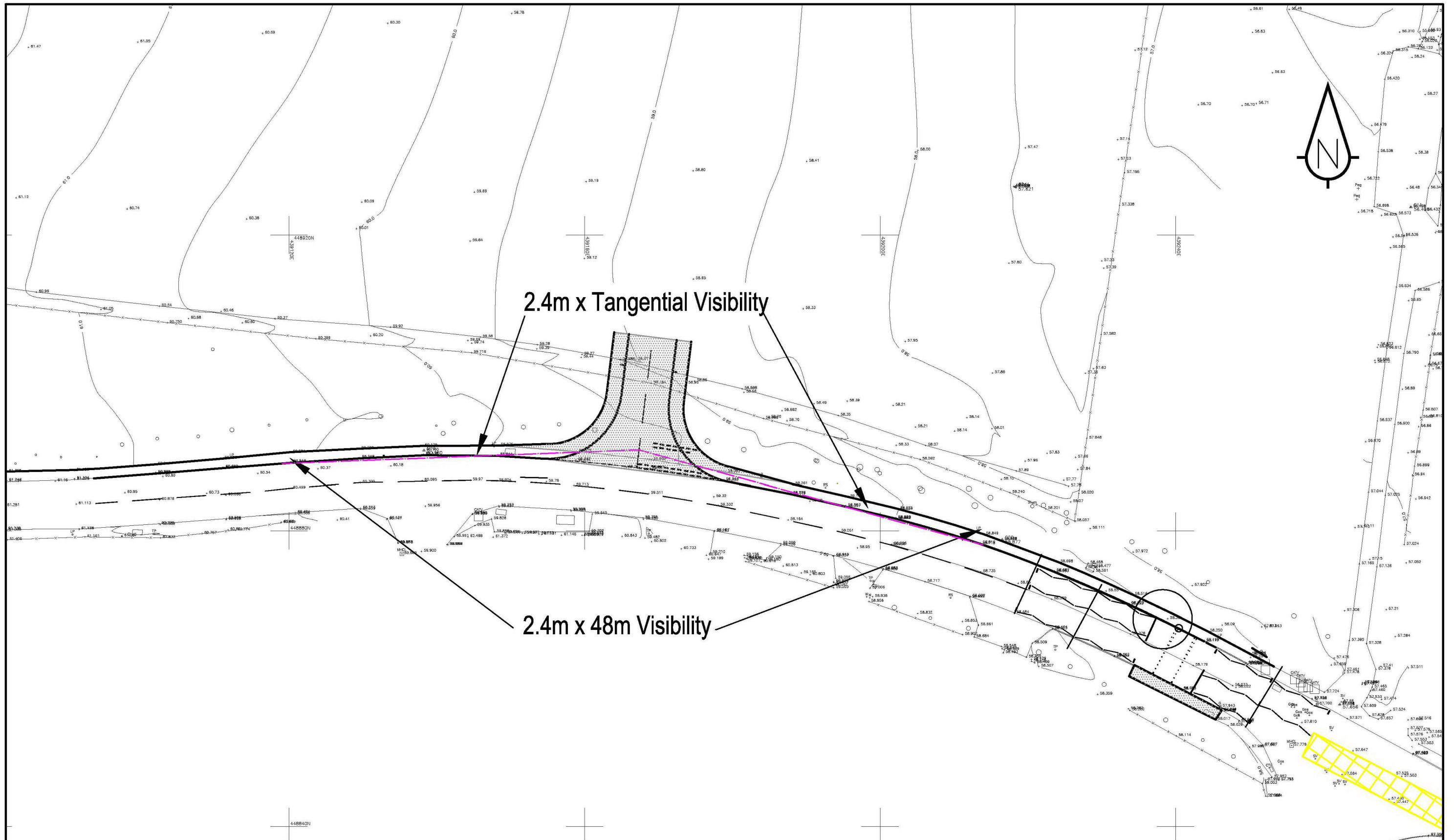
- 10.13 From the above analysis potential alternative locations for the pelican are either unsafe or problematic in technical terms or both. On the basis of the technical advice received from highways it is therefore considered that the proposed location is acceptable in meeting the road safety needs of the development and is thereby policy compliant and acceptable.

11.0 CONCLUSION

- 11.1 The introduction of a pelican crossing to Spofforth Hill is a reasonable requirement to meet the road safety needs of the development and has been approved in principle at both outline and reserved matters stages. 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 and should therefore be approved under Condition 20(b) of 13/03051/OT.

Background files:

Application case files 17/02534/COND
15/07291/RM
13/03051/OT
Section 106 agreement (13/03051/OT)

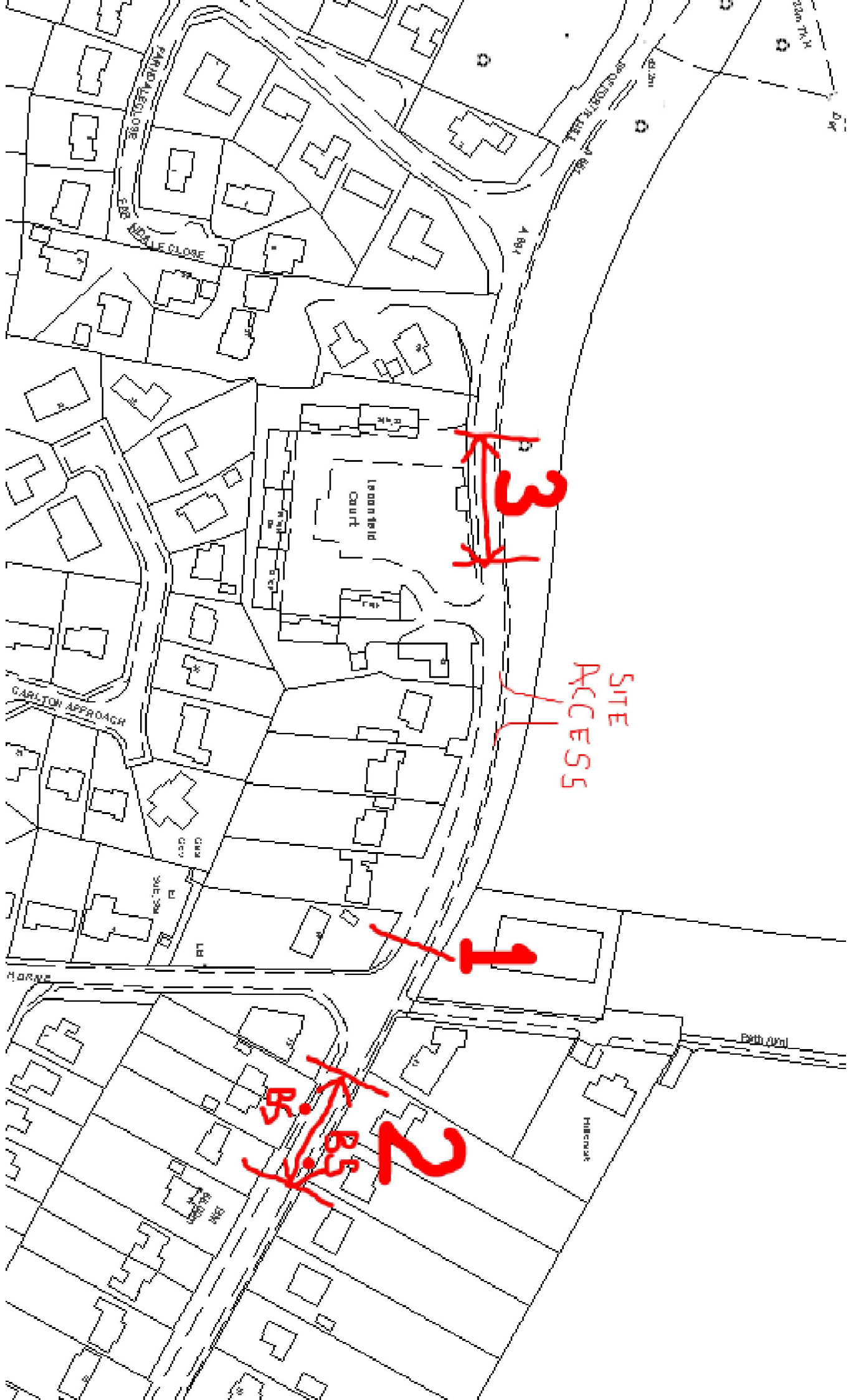


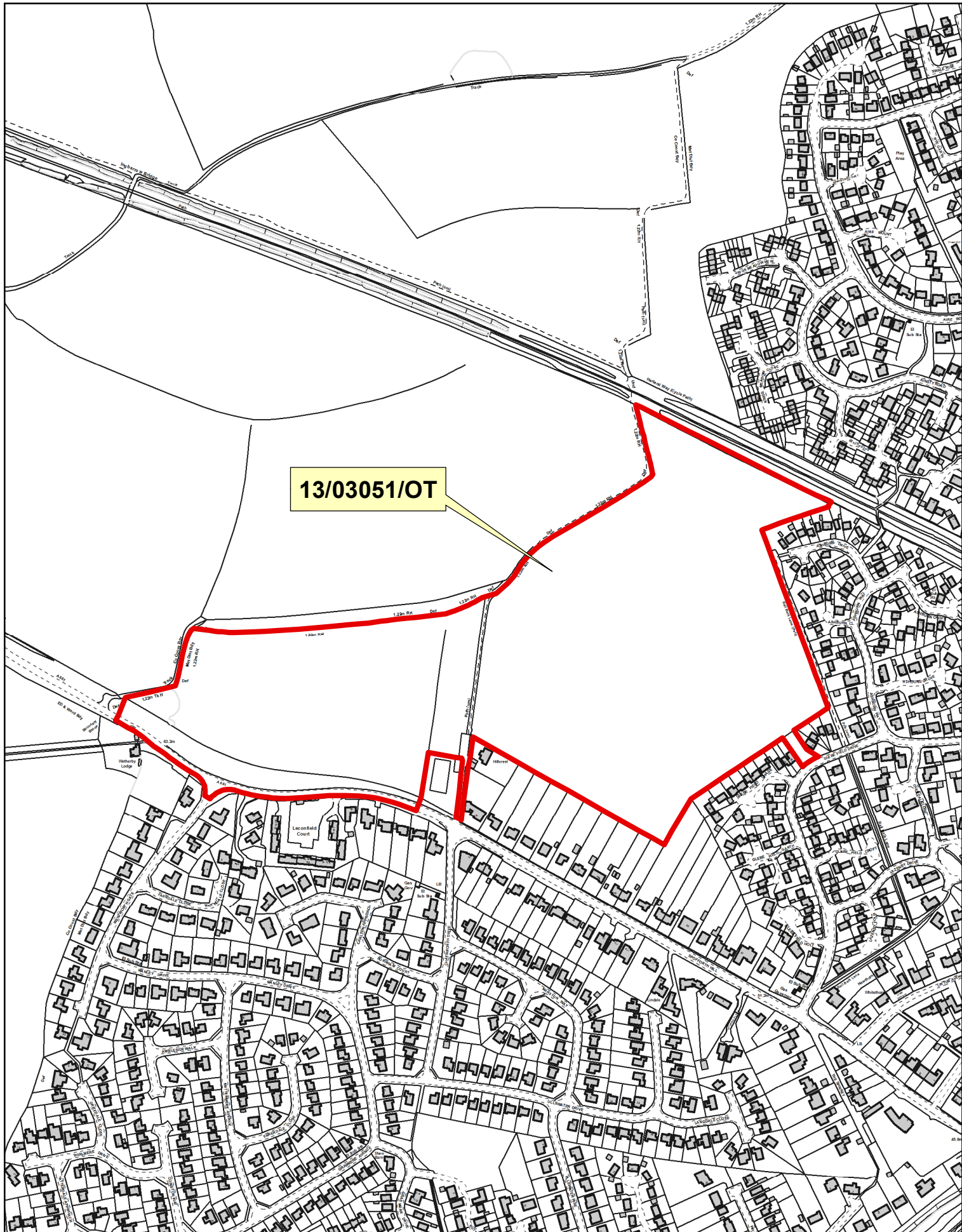
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BELLWAY HOMES YORKSHIRE
 SPOFFORTH HILL WETHERBY

POSSIBLE ACCESS ARRANGEMENT

C Proposed footpath width reduced KB 01.04.15 KS	B Right lane turning removed KB 23.03.15 KS	A Pedestrian Crossing added TC 21.07.14 KS	Rev	Amendment	Drawn	Date	Checked	Scale 1:500	Drawn By TC
								Drawing Size A3	Checked By KS
								Date Jan 2014	Approved By KS
								Drawing Number 7029/020	Rev C





13/03051/OT

NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/5000

