

Recorded delivery

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12 August 2017

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Leeds City Council
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Leeds
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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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