



## **Barwick & Scholes Parish Council**

### **Closing Statement**

### **Town & Country Planning Act 1990 – Section 78**

Appeal by Barratt David Wilson Homes and Scholes Development Company Ltd

Outline Application for circa 300 dwellings, GP Practice, pharmacy, A1 convenience store, public greenspaces, associated works, vehicular access, pedestrian /cycle and emergency vehicle link, on

### **Land off Rakehill Road, Scholes, Leeds**

LPA Reference : 17/08451/OT

Planning Inspectorate Reference APP/N4720/W/18/3200471

## **Closing statement**

1. Our evidence has sought to back up the local planning authority's evidence on policy and provide details of why the appeal site is unsustainable.
2. We realise that to succeed we have to address the guidance in the National Planning Policy Framework ("NPPF") and in particular to address you on paragraph 11d which advises that where the most important development plan policies are out of date planning permission should be granted, and the relevant paragraph is (ii):

"adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] framework taken as a whole."

3. But in meeting this test I take some comfort from the comments of Mr Johnson in cross examination by the Council that:
  - 3.1 Under policy T2 if you Sir made a finding on the evidence that the site was inaccessible then planning permission could be refused on the tilted balance - I accept that it is not part of Mr Johnson's case that the site is inaccessible;
  - 3.2 If you Sir were to find on the evidence that the development would lead to an unacceptable impact on highway safety in accordance with paragraph 109 of the NPPF you can refuse this application - again I accept Mr Johnson did not agree the development would lead to such an impact.
4. As I said in opening, I will leave matters of policy to the Local Planning Authority and will address you on the two key areas of accessibility and highway safety.

## **Accessibility**

5. Sir, we know that in 1999 in the Inspector's report on the UDP (**MJ – Proof 4 – App. 1**) that in his conclusion that the Appeal Site was a sustainable location for future housing development, the existence of a good bus service, super tram and a nearby park-and-ride facility were all factors influencing his conclusions. You have heard Cllr Walsh's evidence that

Super tram and the park-and-ride did not happen and that the bus service has deteriorated.

6. Mrs Eggleston says (VE evidence 3.3.58 and 3.3.62) there is a good level of accessibility for public transport both for bus stops and frequency of service.
7. We strongly disagree with this conclusion and say simply that it is not true.

7.1 The suggestion that there is a 20-minute frequency bus service at Leeds Road is again undeniably not the case. Whilst this is spelt out by Mr Hodgson in his rebuttal where he analyses the timetable (AH rebuttal – page 8 – paragraph 2.31). You also heard Cllr Walsh's views on this conclusion. This is important as Mrs Eggleston seeks to make some comparison between the 20 minute frequency and the 15 minute frequency applied in the Council's accessibility standards.

As you can see from the evidence the timings are quite sporadic and there are some long gaps between some buses. There is a clear breach of the standards here.

- 7.2 Only a small part of the appeal site lies within the 400 metre walking standard applied by the local planning authority. For those people at the northern end of the Appeal Site wishing to catch buses at Leeds Road stops, a walk of nearly 15 minutes would be needed (AH 6.2.47 – 1,100m – 80 m per minute = 13.75 minutes) which is way over the standard time of five minutes.
- 7.3 Even those wishing to walk to the nearest stop on Station Road from the middle or northern end of the site face a walk of over 400 metres in every case and in some cases, this can be up to 700 metres along Rakehill Road, a walk of nearly 9 minutes - well over 5;
- 7.4 This trip is to catch a bus which is an hourly service even during the peak hours and, as you heard from Cllr Walsh and the letter in her Appendix 3, this is a service which is frequently late and often missing and so totally unreliable.

8. The Appellant's response to this is to suggest residents use an app to plan your walk to arrive when the bus arrives.

After all no one wants to wait an hour for the next bus; however try telling Mrs Wilde, the resident who wrote the letter that she should use an app, she is 81.

9. Once on the bus you can sit back and relax have a sleep because you are taking the scenic route round the houses. The trip takes around 40 minutes for the number 11 and a bit less for the number 64. It is considerably faster by car and this explains the modal split for journeys to work as set out in AH's (Table 5 page 42) proof showing 76.2% car use in the Scholes area compared with only 6.8% bus use.
10. Mrs Eggleston maintained that it was possible to reach Leeds city centre by a bus and train approach via Crossgates Station - whilst theoretically possible you have the evidence from Councillor Walsh that it is not a mode of transport she was aware anyone in the village used.
11. Mrs Eggleston sought to argue that in the morning peak there were 10 separate opportunities to use public transport to get to work in Leeds of which 7 were direct. Whilst this may be statistically correct a review of the bus timetables at AH 6 will reveal that there are no additional services provided for the peak hours. So what we are looking at is the normal service of number 11 buses, and ½ hourly for number 64.
12. This lack of additional services at peak hours is another blow for local residents and pressing for better bus services has been the mission of local residents (see Cllr Walsh App 3) as well, I may say, the Parish Council but to no avail.
13. As Cllr Hassell explained in her evidence and, as can be found on page 23 of the Neighbourhood Plan, bus services are currently considered to be inadequate by residents.
14. Thus, when you measure the standards referred to in Policy T2, yes we can apply some flexibility - but not a contortion - the extent of non-compliance for residents at the northern end of the site - nearly 9 minute walk for an hourly service against the standard 5 minute walk for a 15 minute service demonstrates the extent of non-compliance.

15. Sir we ask you to find in this case there is a significant breach of the standards, which cannot be explained away by “flexibility” as it is too great.
16. This leads to a breach of policy T2 from which you may conclude this is an inaccessible location not adequately served by public transport.

### **Highway Safety**

17. I now turn to look at whether development of the appeal site would lead to an unacceptable impact on highway safety as applied by paragraph 109 of the NPPF.
18. As a Parish Council we have concerns about the impact of additional traffic from the appeal site on the highway network in the village. In particular there is concern about additional traffic using the Main Street/Station Road distributor road and the pinch points you will have seen on your site visit.
19. We do not however raise a capacity issue at this inquiry.
20. Similarly, we have commented upon the proposals for the Northern Access which we believe are contrived and which if the appeal is allowed will require further consideration by the Parish Council and discussion with the Appellant. However, we do not raise highway safety concerns under paragraph 109 to the northern access; and you will have heard Mr Buckley’s comments about this.
21. Again, as far as the southern access is concerned there are issues to be addressed regarding parking and maybe the bus stop. However, you heard Mr Buckley’s views about these and we raise no highway safety issues about this under paragraph 109.
22. We have mentioned the junction known as the Coronation Tree and highlighted the safety issues which exist and the numerous non-personal injury accidents which have occurred here.
23. What to do about this junction remains a controversial issue in the village and matters have been made worse recently with heavy HGV vehicular

activity in Bog Lane associated with the Woodland Weddings and the servicing of the Chartford development site.

24. This junction may come under pressure following the opening of ELOR and so the prospect of a significant increase in traffic from the appeal site has caused considerable concern in the village. However, you have heard Mr Buckley's evidence that whilst there are safety concerns at this junction he does not consider that they are at an unacceptable level so as to engage paragraph 109.
25. Our position and his opinion are however quite different in respect of the Rakehill Road/Scholes Lane junction. Here we submit there is an unacceptable highway safety issue.
26. There was debate about whether this junction was safe or merely substandard. It is accepted that the extent of personal injury accidents can be an indicator of the safety of a junction, but they are not the only factor. Traffic speeds can also be a factor on the extent of injuries sustained and you heard Mr Buckley's admittedly anecdotal evidence of shunts at the junction.
27. We submit that the lack of personal injury accidents per se should not lead you to conclude the junction is safe. Far from it.
28. You will have seen from your site visits that visibility from Rakehill Road to the north is very poor and impeded by the bridge and road alignment.
29. The junction radius on the north side is very sharp, forcing vehicles to slow down to make the turn which often involves crossing the carriageway.
30. The turn is also blind to traffic coming along Rakehill Road.
31. The footpath at the corner has a pinch point which is substandard and the whole junction and its environs is aggravated by parked cars and delivery vehicles in connection with the convenience store on the corner, which has no offsite parking facilities. The double yellow lines put down to deter parking at the junction are frequently abused.

32. The Appellant has recognised these problems and sought to address them. It purchased the corner property – a not insignificant expense.
33. It entered into discussions with the Historic Railway Estate but no progress was made and apparently there is no reasonable prospect of any progress being made so it cannot be conditioned. It submitted a scheme which improved visibility by removing part of the bridge parapet, improve the junction radius and widened the footpath.
34. This scheme was acceptable in principle to the local highway authority but subject to speed surveys to determine the extent of the visibility splays to be achieved.
35. However instead of going back to the Historic Railway Estate to negotiate to secure control of the bridge - remarkably - fortuitously - amazingly out of the hat comes a scheme which merely involves altering the white lines on the road.
36. A scheme we're told which is better than the previous scheme in terms of visibility but does not improve the junction radius nor does it improve the footpath.
37. More importantly it involves maintaining the narrow 5.9 metre width of Scholes Lane as it crosses the bridge to continue beyond the bridge and the Rakehill Road junction onto the southern side of the junction with a white line configuration.
38. This enables vehicles exiting Rakehill Road to move forward to increase their visibility to the north.
39. It still does not meet the Council's standards for visibility and, of course, as with the previous white line delineation it could disappear entirely the next time the statutory utilities come and dig up the road.
40. As you saw Sir, Mr Buckley, the Council's former Safety Officer, was appalled. His evidence clearly stated that such a scheme is absolutely unacceptable - I submit his evidence should be given significant weight - both as an expert and as a person who has regular experience of using this junction.

41. You will have noted the Appellant's refer you to the Stage 1 Safety Audit, and you will also have heard Mr Buckley explain why reliance on this does not help the Appellants as it does not check design standards.
42. Mrs Eggleston suggested in her evidence an increase in traffic of about 12% at this junction if the appeal is allowed. With a bit of encouragement from me she went to 15% on the basis it was a small increase on small numbers but I submit this overall increase would be significant, it would be noticeable, it would add to vehicle conflict and most importantly it would increase risk.
43. Visibility is a key factor here - the Manual for Streets reduced visibility guidelines are not considered to apply here and I will leave the local highway authority to explain why you should apply the guidelines in the Design Guide as it is their document - suffice to say that Mr Buckley's evidence from a safety point of view very much supports the application of the Design Guide guideline for visibility.
44. Neither of the Appellants schemes come as close to meeting these guidelines - at best 54.5 metres against the requirements of 70 metres - this is well short in my submission and represents an unacceptable compromise on highway safety.
45. So, in conclusion all parties agree that these proposals require action to be taken at this junction - do nothing is not an option.
46. The Appellant's first proposal cannot be implemented.
47. The Appellant's second proposal will, in my submission, add to a dangerous situation.
48. I suggest, Sir, the Appellant's solution is a sticking plaster solution to a dangerous junction which will make the situation worse.
49. Without question, in my submission, the evidence clearly demonstrates that the Appellant's proposal will have an unacceptable impact on highway safety.



50. So, I submit there is enough evidence to dismiss this appeal on either a breach of policy T2, or highway safety but combined they provide an overriding case to dismiss the appeal.

## **Conclusions**

51. But we should stand back and “sense test” this conclusion.
52. The benefits of this proposal have not been ignored by the Parish Council - affordable housing, green space, Community Infrastructure Levy are all welcome but the impact on the school is worrying and the additional land offered in no way compensates for the additional traffic and the problems that will arise.
53. The new GP surgery is aspirational - but it would be of great concern if it did not happen. The existing surgery would be overwhelmed and there is in addition continuing uncertainty about what medical facility provision will be made for residents in the East Leeds Extension.
54. You have heard the Parish Councils view that the local convenience store will not happen - at least not for the 300 houses - you will have seen Councillor Walsh’s evidence at paragraph 4.2 about the lack of success of a retail store in nearby Penda’s Fields, which incidentally unlike the proposed store is on a bus route (No 64) and also adjacent to a secondary school.
55. It is clear therefore from the evidence before you as to the reasons why other sites including sites in the Green Belt were found to be more sustainable than the PAS site at Scholes, of which the appeal site forms part.
56. It is clear that a comprehensive approach through a plan making process is essential if this site is to be brought forward for development and the piecemeal approach this appeal offers should be rejected.
57. The Parish Council is very wary of the impact of ELOR and the effect on traffic in the village and the surrounding highway network as Cllr Bedford’s evidence has illustrated - as well as the impact on local services of the East Leeds extension.

58. Whilst computer modelling claims to see into the future, it is probably in reality marginally more certain than Nostradamus as to what will really happen. The Parish Council feels strongly no decision should be taken to develop the PAS site and by inference the Appeal site until ELOR has been built and new traffic patterns known.
59. In conclusion therefore you'll have heard the evidence from the Parish Council, from local people who have direct experience of the reality of the poor public transport facilities and who use the Rakehill Road/Scholes Lane junction and know it is dangerous.
60. The development of 300 houses would have a massive impact on the village and completely change its character.
61. We implore you, Sir, to find on the evidence - which we believe is compelling - that the Appeal site is unsustainable - there is a conflict with the Development Plan and there is an unacceptable impact on highway safety.
62. We submit these breaches are significant and demonstrably outweigh the benefits when assessed against the policies in the Framework.
63. The proposal represents a significant breach of policy T2 in the Development Plan in addition to creating an unacceptable highway safety issue and so pursuant to Section 38 (6), taking all material considerations into account, we respectfully request you to dismiss this appeal.