

# Design & Cost Report for Section 278 highway works associated with development of land south of Pool Road, Pool-in-Wharfedale

Date: 17<sup>th</sup> April 2024

Report of: Transport Development Services

Report to: The Chief Officer (Highways and Transportation)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

The Chief Highways and Transportation Officer is requested to give authority to negotiate and enter a Section 278 Agreement of the Highways Act 1980 for the execution of highway works associated with a residential development of up to 57 dwellings at land south of Pool Road at Pool-in-Wharfedale. The highway works include a priority-controlled junction off Pool Road, kerb realignment, relocation of a bus stop, works to Main Street / Arthington Lane mini-roundabout and associated infrastructure, resurfacing and Traffic Regulation Order to provide no waiting at any time restrictions. The success of such works would be measured by their implementation prior to occupation of the proposed development, to the benefit of the site users and the general public.

## Recommendations

The Chief Officer (Highways and Transportation) is requested to:

- a) Note the details provided in paragraphs 1-4 of this report;
- b) Give authority to negotiate the terms of and enter into an agreement with the developer under the provisions of Section 278 of the Highways Act 1980; whereby the highway works associated with the development are carried out by the Council on behalf of the developer;
- c) Request the City Solicitor to advertise a Draft Traffic Regulation Order (TRO) for waiting restrictions; and if no valid objections are received, to make, seal and implement the new TRO as advertised;
- d) Approve the adoption of the proposed junction bell-mouth into the development site shown on drawing 733801-LCC-HWT-WD-DR-CH-001 so that it can be added to the Council's maintenance regime; and
- e) Give authority to incur capital expenditure of circa £718,250 consisting of circa £650,000 civil works costs and circa £68,250 staff fees. The costs will be fully funded by the developer through the Section 278 Agreement.

## What is this report about?

- 1 Planning permission was granted on appeal following a public inquiry on 18<sup>th</sup> June 2018 for the development of up to 70 dwellings with means of access and associated works at land south of Pool Road. A reserved matters planning permission was granted for 57 dwellings on 24<sup>th</sup> November 2023. The planning applications reference numbers are **17/02068/OT** and **21/04988/RM** respectively. The site development masterplan is included at **Appendix 2**.
- 2 This report seeks authority to negotiate the terms and enter a Section 278 Agreement of the Highways Act 1980 for the highway works to be delivered by the Council on behalf of the developer, and give authority to incur expenditure.
- 3 The planned highway works will contribute to the 'Best Council Plan' by maintaining and improving the safety of Leeds residents and enabling safe access for the site.
- 4 The proposed highway works are shown in the general arrangement plans included at **Appendix 3**. In summary, the works comprise:
  - A. A new priority-controlled junction off Pool Road.
  - B. Kerb realignment to the north of the access to increase the stagger distance between the site and the junction opposite leading to the Shell garage.
  - C. Relocation of bus stop number 10464 Pool Bridge and associated road markings following agreement with WYCA.
  - D. Minor alterations to Main Street / Arthington Lane mini-roundabout to provide a new right turn lane on the southern approach, removal of existing separator island on the eastern approach and associated resurfacing / markings.
  - E. Associated pedestrian crossings with tactile paving, resurfacing, signs and civil works.
  - F. Associated TRO to provide no waiting at any time restrictions (double yellow lines) at the junction bell-mouths and around the mini-roundabout. The City Solicitor will be authorised to advertise a draft TRO and if no valid objections are received, the new TRO will be made, sealed and implemented as advertised.

## What impact will this proposal have?

- 5 The proposals will provide safe access to the site for pedestrians, cyclists, public transport users and drivers, through the provision of priority-controlled junction, informal pedestrian crossing with tactile paving, shared footway/cycleway into the development site and 6.7m wide carriageway to potentially enable a future bus corridor provision. The main spine road will be subject to 30mph speed limit. As Pool Road is already subject to 30 mph Speed Limit Order (SLO), a new SLO is not required for the new spine road, however new signs will be implemented at the spine road the details of which will be confirmed as part of the detailed design process. The residential streets within the site will be subject to 20mph SLO, which will be processed as part of the Section 38 Agreement for the internal layout.
- 6 An Equality, Diversity, Cohesion and Integration (EDCI) impact assessment has been carried out on the Section 278 process and is included in **Appendix 1**. The assessment confirmed that the design put forward as part of this process will take into account the needs of each of the equality characteristics and will aim to meet Section 278 (4) criteria, which states that "A highway authority shall not enter into an agreement under this section unless they are satisfied that it will be of benefit to the public".
- 7 Pool village is in the Air Quality Management Zone. The inspector's report indicates that the proposed improvements to the mini-roundabout will help ease queuing and are expected to result in a net decrease in annual mean concentrations of NO<sub>2</sub>. This will have beneficial impact on children and older people who are more at risk from negative effects of air pollution; disabled people are also likely to benefit from reduced journey times as longer journeys can have a disproportionate impact on this group in terms of undertaking trips and their frequency.

- 8 Proposed segregated lanes at the roundabout can also improve legibility of vehicular movements at this location – likely to benefit older people in particular but also those equality groups more likely to travel on foot – children, women, single parents.
- 9 Church Close is a street adjacent to the new development and contains adapted bungalows that are more likely to house older people and disabled people. The new street associated with the development will link this accommodation directly to Pool Road and to bus stops; the proposed crossing points will then enable older people, disabled people and parents with pushchairs to cross using dropped kerbs. The new street with appropriate pedestrian provision will also offer an alternative route to the bus stops and the service station from the village, avoiding the pinchpoint at Manor Gardens.
- 10 Proposed TROs will protect dropped kerb infrastructure from obstruction, which will benefit disabled people, carers and parents with pushchairs. They will also protect sight lines which will benefit older people (due to longer reaction times to the sight of emerging vehicles) and children as they are more likely to be masked by parked cars.
- 11 As part of the design and construction process, further equality screenings and impact assessments would be undertaken as required. For instance, equality screenings prior to commencement of construction activity by ensuring the arrangements are in place to maintain access for pedestrians and disabled people by providing temporary walkways or ramps.
- 12 The site is within an established residential area, with local amenities and public transport facilities located within walking distance. Therefore, the proposals will contribute to improved accessibility to the site.

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 13 The proposals achieve a wide range of objectives across the three pillars. The highway works will provide safe and suitable access for the proposed development as detailed previously.
- 14 The highway works also accord with the core strategy policies, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access.
- 15 In relation to the works at Main Street / Arthington Lane mini-roundabout, the improvements are expected to slightly reduce queuing, thereby improving traffic flow and so reduce air pollution. In reaching his decision, the inspector concluded that provided the quantity of development is limited and it includes the Arthington Lane junction improvement, both of which have been secured by conditions, the effect of the development on the AQMA is expected to result in a net decrease in annual mean concentrations of NO<sub>2</sub>.
- 16 Within the site, electric vehicle charging points and secured cycle parking/storage will be provided as part of the approved planning permission. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and offset its carbon footprint.
- 17 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by enabling and improving facilities for walking, cycling, public transport and use of electric vehicles.

### What consultation and engagement has taken place?

Wards affected: Adel & Wharfedale

Have ward members been consulted?  Yes

No

- 18 Adel & Wharfedale ward members were consulted by email on Monday 29<sup>th</sup> January 2024. The comments and suggestions received from the ward members have been forwarded to the design team.
- 19 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on Monday 29<sup>th</sup> January 2024. WYCA queried the proposed location of the bus stop and

whether it be too close to the junction at Pool Bridge. The bus stop will be circa 45m from the junction, with sufficient visibility sightlines for oncoming traffic and bus drivers.

20 Internal consultations have also been undertaken with colleagues in Highways and Transportation service by email on Monday 29<sup>th</sup> January 2024. Comments on detailed design matters have been passed to the design team for inclusion at detailed design stage.

### What are the resource implications?

21 Give authority to incur capital expenditure of circa £718,250 consisting of circa £650,000 civil works costs and circa £68,250 staff fees. The costs will be fully funded by the developer through the Section 278 Agreement.

22 The design of the works can be carried out within the existing staff resources.

Funding Approval:		Capital Scheme Number		33801				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2025 £000's	FORECAST					
			2022/23	2023/24	2024/25	2025/26	2026 onwards	
			£000's	£000's	£000's	£000's	£000's	
LAND (1)	0.0							
CONSTRUCTION (3)	0.0							
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	0.0							
OTHER COSTS (7)	0.0							
<b>TOTALS</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2025 £000's	FORECAST					
			2022/23	2023/24	2024/25	2025/26	2026 onwards	
			£000's	£000's	£000's	£000's	£000's	
LAND (1)	0.0							
CONSTRUCTION (3)	650.00			650.00				
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	68.25			68.25				
OTHER COSTS (7)	0.0							
<b>TOTALS</b>	<b>718.25</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>718.25</b>	<b>0.0</b>	<b>0.0</b>	
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2025 £000's	FORECAST					
			2022/23	2023/24	2024/25	2025/26	2026 onwards	
			£000's	£000's	£000's	£000's	£000's	
LCC Supported Borrowing	0.0							
Revenue Contribution	0.0							
Capital Receipt	0.0							
Insurance Receipt	0.0							
Lottery	0.0							
Gifts / Bequests / Trusts	0.0							
European Grant	0.0							
Health Authority	0.0							
School Fundraising	0.0							
Private Sector	0.0							
Section 106 / 278	718.25			718.25				
Government Grant	0.0							
SCE ( C )	0.0							
SCE ( R )	0.0							
Departmental USB	0.0							
Corporate USB	0.0							
Any Other Income ( Specify)	0.0							
<b>Total Funding</b>	<b>718.25</b>	<b>0.0</b>	<b>0.0</b>	<b>0.00</b>	<b>718.25</b>	<b>0.0</b>	<b>0.0</b>	
<b>Balance / Shortfall =</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

### What are the key risks and how are they being managed?

23 The total cost of the highway works and staff fees are fully developer funded.

### What are the legal implications?

24 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.

25 The approved highway works are tied to planning conditions imposed by the planning inspector when he allowed the appeal for the development in June 2018 following a public inquiry. The planning conditions require the approved improvements to be carried out prior to occupation of any dwelling. The inspector said in reaching his decision:

*“During the progress of the appeal, the parties reached agreement that if the quantity of development was restricted, the appeal site would not have a severe adverse effect on any of the three components of the triangular junction at the north end of the village and that there are improvement options available for the Arthington Lane junction at the southern end of the village which would not only mitigate the adverse effect of the development proposed but would offer material betterment. The implementation of an appropriate improvement scheme can be secured by condition (11).*

*With those three conditions in place ((4) to require the proposed improvement to the triangular junction to be implemented, (5) to limit the quantity of development to a level which would be likely to generate no more traffic than could be accommodated and (11) to require the implementation of an appropriate scheme of improvement at the Arthington Lane junction), I conclude that the proposal would not have an unacceptable effect on highway safety. It would comply with those parts of Core Strategy policy T2 which require new infrastructure to ensure adequate provision for access which will not create or materially add to problems of safety, environment or efficiency on the highway network and with that part of UDP policy GP5 which requires development proposals to seek to avoid problems of highway congestion amongst other matters and to maximise highway safety.”*

26 Legal advice was sought specifically in relation to the approved works at Main Street / Arthington Lane mini-roundabout as it is viewed that the improvements are minimal to create obvious highway capacity benefits. It was advised that should the works not be carried out as approved then there could be unintended consequences and legal implications as the works are tied to a pre-occupation planning condition and necessary to make the development acceptable in planning terms.

## **Options, timescales and measuring success**

### **What other options were considered?**

- 27 The approved highway works under the planning consent (ref **17/02068/OT**) proposed a priority-controlled junction that will require the kerblines on the opposite side to be realigned to increase the stagger spacing distance between the two junctions. Other options that were considered at planning stage included a roundabout, signalised junction arrangements and changes of the priority arrangements of Pool Road. However, these were not taken forward following a public inquiry with the inspector reaching a decision for a priority-controlled junction to be provided instead.
- 28 On the Main Street / Arthington Lane mini-roundabout specifically, there are limited highway works that could be delivered owing to third-party land constraints. In addition, with the development's trip generation of 21 trips during the peak hours (based on 57 dwellings) it was concluded that the approved improvements to the mini-roundabout would be sufficient to mitigate the traffic impact of the development. The additional traffic equates to an increase of 1.8% and 1.9% trips during AM and PM peak hours respectively, hence the development's traffic increase on the mini-roundabout will have an imperceptible impact when compared to the peak hour traffic volumes already on the network.
- 29 Following determination of the reserved matters planning application (ref **21/04988/RM**) discussions have taken place with traffic management colleagues to identify whether alternative improvements could be brought forward / funded by the developer instead of the approved improvements at Main Street / Arthington Lane mini-roundabout. However, following discussions with planning and legal officers it was concluded that improvements or funding works alternative to what was already approved by the planning inspector could result in unintended consequences for a development that was contentious locally and allowed on appeal following a public inquiry.

30 A Stage 1 Road Safety Audit (RSA) was undertaken in March 2018 for the highway works. The Stage 1 RSA for Main Street / Arthington Lane mini-roundabout identified only one issue with the proposed design in relation to insufficient edge clearance on the Arthington Lane approach arm that could lead to vehicles striking the existing wall or vehicles entering the opposite lane leading to potentially vehicle to vehicle conflicts. It was recommended that vehicle swept path analysis should be checked to ensure all anticipated vehicle types and movements are catered for and sufficient edge clearance is provided (450mm is considered an appropriate edge clearance distance). Swept path analysis have subsequently been undertaken by the design team at the time confirming that a 16.5m articulated lorry would be able to turn and not encroaching within 600mm of the wall / highway boundary.

31 Notwithstanding the above, given that the RSAs are now 6 years old, a combined stage 1 and stage 2 RSA will be undertaken as part of the detailed design process, which the developer has agreed to. The RSA will cover both the junction works at Pool Road and the works at the mini-roundabout.

### **How will success be measured?**

32 It is considered that success will ultimately be measured by the delivery of the proposals to standards, thereby achieving the social, environmental and economic benefits to the city from the outset.

### **What is the timetable and who will be responsible for implementation?**

33 The developer confirmed that the construction programme for the site would be phased with enabling works to commence early summer 2024. First occupation of the development will take place following completion of the access works as part of the Section 278 Agreement.

34 The Council will be responsible for implementing the highway works whilst maintaining access to the surrounding properties, the development site and flow of traffic along Pool Road and Main Street. However, it should be noted that some disruption will occur during the civil works, which would be minimised through suitable network management measures.

### **Appendices**

- Appendix 1 – Equality, Diversity, Inclusion and Cohesion screening form
- Appendix 2 – Site Masterplan
- Appendix 3 – Section 278 General Arrangement Plans

### **Background papers**

- None.