

Design & Cost Report for Section 278 highway works associated with development of up to 110 apartments at former Burley Community Sports and Social Burley Club, Willow Road, Burley, Leeds

Date: 7 September 2022

Report of: Transport Development Services

Report to: The Chief Officer (Highways and Transportation)

Capital Scheme Number: 33618

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 proposed development off Willow Road, Burley. The highway works include a priority-controlled junction, which would require additional land to be dedicated to highways and Traffic Regulation Order advertised by the City Solicitor. The success of such works would be measured by their full implementation prior to occupation of the proposed development to the benefit of the occupants and general public.

Recommendations

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

- a) Note the details of the highway works provided in paragraphs 6-8 of this report and as shown on the plan included at **Appendix 3** of this report;
- b) Give authority to negotiate the terms of and enter into an agreement with the developers under the provisions of Section 278 of the Highways Act 1980; whereby the works associated with the development are carried out by the developers under Leeds City Council's supervision;
- c) Authorise the City Solicitor to advertise a Draft Traffic Regulation Order for the works and signage; and if no valid objections are received, to make, seal and implement the Orders as advertised; and

- d) Give authority to incur capital expenditure of £18,000 checking and inspection fees, TRO fees, street light fees, legal fees and TDS engineer's fees. These costs will be fully funded by the developers through the Section 278 Agreement.

What is this report about?

- 1 Planning permission was granted on 2nd December 2019 for the development of 110 apartments with associated car parking, ancillary spaces and landscaping at land formerly occupied by Burley Community Sports and Social Burley Club off Willow Road, in Burley, Leeds. The planning application reference number is **18/02152/FU**. On 21st July 2022, a planning application under Section 73 of the Town and Country Planning Act 1990 has also been approved, the reference of which is **21/09328/FU**. The developers are Burley Road Limited and PPD Services Limited. The site location plan is included in **Appendix 2**.
- 2 The development is proposed to be served by a left-in / left-out access arrangement, controlled by relevant signage, Traffic Regulation Order (TRO) and a physical central island. This will require land to be dedicated as highways. The highway works are detailed in paragraphs 6-8 below. The Section 278 works are shown on the plan included at **Appendix 3**.
- 3 To meet the requirements of the planning permission and deliver the highway improvements outlined above, the developers have requested Leeds City Council to enter a minor Section 278 Agreement of the Highways Act 1980.
- 4 This report seeks authority to negotiate the terms and enter a minor Section 278 Agreement of the Highways Act 1980 for the highway works to allow the developers to complete the detailed design and construction of the works under the supervision of the Council, and give authority to incur expenditure.
- 5 The planned highway works will contribute to the 'Best Council Plan' by maintaining and improving the safety of Leeds residents and enabling safe access in the local community.
- 6 The existing access to the site off Willow Road is currently unsuitable to serve the proposed development. It consists of a dropped kerb crossing, insufficient for servicing needs of the development, such as refuse vehicles and the additional traffic generated by it. The access also allows for right turn manoeuvres to be made, which would be unsafe as vehicles would then have to cross two lanes of traffic on Willow Road, which is a busy corridor based on March 2018 count surveys, whereby the two-way traffic flows were recorded at 1,194 and 1,462 during the AM and PM peak hours respectively. This was highlighted during the original planning application stage by highways and traffic officers.
- 7 The access will therefore be improved to serve the proposed development, including the following provisions:
 - A physical central island, with kerbed radius for facilitate left-in / left-out manoeuvres. The central island and the kerb radius will entirely be dedicated to highways.
 - Dropped kerb pedestrian crossing with tactile paving.
 - Associated road markings, TRO and signage in accordance with TSRGD and the Traffic Signs Manual. The TRO and signage provisions are detailed below, and will be implemented following authorisation of the City Solicitor to advertise a Draft TRO; and if no valid objections are received, to make, seal and implement the Orders as advertised.
 - 'No Waiting at Any Time Restrictions' around the junction and central island.
 - Provision of 'NO ENTRY' signage, made on either side of the exit arm and 'NO RIGHT TURN' signage facing the other way.
 - Removal of all redundant dropped kerbs along the site frontage on Willow Road.

- Installation of a lighting column at the central island, subject to analysis undertaken by street lights officers.
 - Relocation of the street arrows on Willow Road to the south of the junction.
- 8 The scheme, as shown in **Appendix 3**, has slightly been amended compared to the approved scheme as part of the original planning permission (ref **18/02152/FU**). The amendments have mainly been covered under the Section 73 planning application (ref **21/09328/FU**), with further amendments made following discussions with traffic management, highways asset and detailed design officers.

What impact will this proposal have?

- 9 The proposals aim to improve access to the site for pedestrians and vehicles, respectively through the provision of dropped kerb crossing with tactile paving and safe turning manoeuvres.
- 10 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 individual designs 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*”. As part of the design and construction process, further equality screenings and impact assessments will be undertaken as required.
- 11 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?

Inclusive Growth Health and Wellbeing Climate Emergency

- 12 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, comprising:
- An improved access, with a physical central island.
 - Dropped kerb crossings with tactile paving.
 - Associated TRO, signage and road markings to aid drivers with the direction of traffic and the regulations in place.
- 13 The proposed 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.
- 14 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.
- 15 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: Little London & Woodhouse, Kirkstall and Headingley & Hyde Park.

Have ward members been consulted? Yes No

The scheme is within Little London & Woodhouse ward, however the site borders Kirkstall and Headingley & Hyde Park wards. All ward members of these wards have been consulted.

- 16 Little London & Woodhouse, Kirkstall and Headingley & Hyde Park ward members were consulted by email on Wednesday 18th May 2022. No comments have been received from the ward members.
- 17 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on Wednesday 18th May 2022. WYCA provided comments in relation to the bus stop on Burley Road, with a confirmation that it will not be affected by the proposals.
- 18 Internal consultations have also been undertaken with colleagues in Highways and Transportation Services by email on Wednesday 18th May 2022. Comments on detailed design matters have been passed to the design team for inclusion at detailed design stage. The layout has also been updated to address some of the comments raised, particularly in relation to the TRO and street lighting.

What are the resource implications?

- 19 The developers will meet the Council's costs, estimated to be £18,000 for checking and inspection fees, TRO fees, street light fees, legal fees and TDS engineer's fees, all of which will be fully funded through the Section 278 agreement.
- 20 Funding: The developers will fund the total cost of the scheme, including the highways works, any statutory undertakers works and staff fees.
- 21 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval:	Capital Scheme Number	33618					
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2021 £000's	FORECAST				
			2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025 onwards £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						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2021 £000's	FORECAST				
			2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025 onwards £000's
LAND (1)	0.0						
CONSTRUCTION (3)	4.0			4.0			
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	14.0			14.0			
OTHER COSTS (7)	0.0						
TOTALS	18.0	0.0	0.0	18.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2021 £000's	FORECAST				
			2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025 onwards £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	18.0			18.0			
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						
Total Funding	18.0	0.0	0.0	18.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

22 The total cost of the highway works and staff fees are fully developers funded.

What are the legal implications?

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

Options, timescales and measuring success

What other options were considered?

24 Prior to the submission of the original planning application (**18/02152/FU**), alternative proposals were put forward by the developers for a suitable access for the development. A scheme was put forward for a T-junction, without the central island. In May 2015, it was highlighted by highways officers that the main area of concern has always been the possibility of drivers turning right into or out of the site due to the width of Willow Road, which would be dangerous as two lanes of traffic will need to be quickly crossed and over a busy corridor. The design has subsequently been amended at the request of highways to angle the access and egress points as acute as possible to deter right turning traffic from entering and leaving the site. To ensure that the access is only used in this way measures would need to be installed, such as TRO and associated road markings.

25 During the consultation stage in May 2022, transport planning colleagues raised concerns about the impact of the proposed junction arrangements on cyclists travelling northbound on Willow Road. A suggestion was put forward to provide a simple T-junction instead, with right turning traffic to be prevented by providing a central reservation (or bollards) on the hatched area along Willow Road. Discussions subsequently were undertaken with traffic

management, who confirmed that this is not possible as Willow Road is not wide enough to accommodate a central reservation or bollards.

- 26 It should be highlighted that the approved development of 110 apartments would generate 25 and 28 two-way vehicular trips during the AM and PM peak hours respectively. Such trips would interact with the busy Willow Road corridor, which has a baseline of 1,194 and 1,462 two-way vehicular trips during the AM and PM peak hours respectively based on March 2018 surveys. Therefore, constructing a simple T-junction or retaining the existing dropped kerb crossing to serve the development would allow for right turn manoeuvres to/from the site to take place. This would result in drivers having to cross two lanes of traffic over a short distance and suddenly, thereby increasing the likelihood of rear shunt or sideswipe collisions to occur, depending on the approach to the junction. Traffic management confirmed that a T-junction style arrangement wouldn't be supported. The size of the junction will also need to be sufficient to allow for servicing and refuse vehicles to enter and exit the site in a forward gear.
- 27 Discussions have also been undertaken with the planning officer, who confirmed that the junction has been approved as a left-in / left-out arrangement with a central island in 2018 following lengthy discussions with highways and traffic at the time and was approved as such at South & West plans panel in April 2019. The recent Section 73 planning application (reference **21/09328/FU**) sought to alter the location of the junction slightly and the internal layout instead of significantly changing the junction arrangements approved as part of the original consent.
- 28 A Stage 1 Road Safety Audit (RSA) has been undertaken in October 2018 during the original planning determination stage. The RSA issues raised have been addressed in a designer response. Whilst the RSA has not raised fundamental issues with a left-in / left-out arrangement, the scheme has slightly been amended at detailed design stage following consultation with colleagues in Highways and Transportation in May 2022.

How will success be measured?

- 29 It is considered that success will ultimately be measured by the delivery of the highway works to standards prior to occupation of the proposed development, and the land to be dedicated to highways to be maintained by the authority, thereby achieving the social, environmental and economic benefits to the city from the onset.

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

- 30 The development is currently under construction, and near completion. First occupation is planned in winter 2022. The proposed highway works will be implemented prior to occupation of the proposed development.
- 31 The developers will be responsible for implementing the works in accordance with the approved plan, under the inspection and supervision of the Council.

Appendices

- 32 Appendix 1 – Equality, Diversion, Inclusion and Cohesion screening form
- 33 Appendix 2 – Site Location Plan
- 34 Appendix 3 – Proposed Section 278 Works Plan

Background papers

- 35 None.