

Design & Cost Report for S278 Highway Works Associated with the Construction of a new industrial unit, off Queen Street, Stourton, Leeds, LS10 1SB

Date: 17th April 2024

Report of: Transport Development Services

Report to: 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 into a Section 278 Agreement under the Highways Act 1980 for the execution of highway works associated with the construction of a new industrial unit at land off Queen Street in Stourton.

The highway works include provision of a new access, constructing a pedestrian island, traffic bollards, tactile paving and re-alignment of double yellow lines around the junction bell-mouth. A small area of land is also to be dedicated as highway to ensure that the entire pedestrian island is maintained by the Highways Authority.

Recommendations

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

- a. Note the details of the highway works described in paragraph 4 of this report and as shown on plan ref: 7235-HJCE-00-XX-DR-C-4200 P05 attached at **Appendix 2**;
- 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 works associated with the development are carried out by the developer and overseen by the Council;
- c. Give authority to incur expenditure of £5000 staff checking and inspection fees which is to be fully covered by the developer through the Section 278 Agreement; and
- d. Approve the adoption of new highway as shown on the land shaded red on plan ref: 7235-HJCE-00-XX-DR-C-4600 P02 attached at **Appendix 2** so that it can be added to the Council's maintenance regime.

What is this report about?

- 1 Section 278 of the Highways Act 1980 allows Highways Authorities to enter into agreements with developers for the execution of highway works at the developer's expense. The preconditions for an agreement under Section 278 of the Highways Act 1980 are, first, that the Highway Authority should be satisfied that it will be of benefit to the public to enter into an agreement for the execution of the works and, secondly, that the work must fall within the Highway Authority's powers of road building, improvement and maintenance.
- 2 The proposals within this report are concerned only with the delivery of the highway works to serve the development, the principle of these works having been considered and accepted as part of the planning consent.
- 3 Planning permission was granted in May 2023 (ref: 22/02479/FU) for the construction of a new industrial unit off Queen Street, Stourton. The location of the development site is provided on the Location Plan, ref: 17916-(P)100 Rev D at **Appendix 3** of this report.
- 4 The highway works that are required for planning permission 22/02479/FU are as follows:
 - Priority controlled junction with associated give-way markings;
 - Refuge island with traffic bollards to aid pedestrians in crossing the access;
 - Dropped kerbs with tactile paving across the new access on Queen Street;
 - Re-alignment of the existing double yellow lines on Queen Street to cover the junction's bell-mouth;
 - A strip of land to be dedicated to Highways as shown in red on plan ref: 7235-HJCE-00-XX-DR-C-4600 P02 attached at **Appendix 2**
 - Any associated statutory undertakers' works resulting from the works; and
 - Any works reasonably required following safety audits of the design and construction of the highway works.
- 5 It should be noted that no new Traffic Regulation Order (TRO) is required for re-alignment of the double yellow lines as the existing sealed TRO is suitable and only the lining will need to be amended. Parts of the newly lined double yellow lines into the site will be on private land which has been agreed with Traffic Management. This is to ensure the new junction up to the tangent of the radii remains clear.
- 6 To meet the requirements of the planning permission and deliver the highway improvements outlined above the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out.
- 7 This report seeks authority to negotiate terms and enter into a Section 278 Agreement for the highway works associated with the development to allow the works to be designed and carried out by the developer, overseen by the Council.
- 8 The planned highway works will contribute to the Best Council Plan by maintaining and improving the safety of Leeds residents and enabling safe pedestrian, cycle and vehicular access in the local community.

What impact will this proposal have?

- 9 The proposals will provide safe access to the site for pedestrians, cyclists and drivers, through the provision of a priority-controlled junction, informal pedestrian crossing with a central refuge island and tactile paving and give-way markings.

- 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 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”.
- 11 The proposed dropped kerb pedestrian crossing with tactile paving will assist people who have impaired sight and mobility as well as people with pushchairs, including the central refuge island in place for people crossing the large bell-mouth.
- 12 The re-aligned double yellow lines will also ensure the junction is protected from any parking. Blue badge car parking within the site will also be provided as per the parking policy requirements.
- 13 As part of the design and construction process further equality screenings and impact assessments will be undertaken as required. For instance, equality screenings prior to commencement of the access works to ensure that a footway crossing is maintained for disabled people, including an access ramp.
- 14 Whilst six trees are to be removed to facilitate the access, these are considered to be mainly poor quality and/or self-seeded which offer limited value both in terms of ecological and visual amenity. A total of 23 extra heavy standard and 12 heavy standard (total 35 trees) are to be planted as part of the landscaping scheme. This was assessed during the planning determination stage and considered acceptable in principle to the landscaping team.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 15 The proposals support objectives across the three pillars. The highway works will improve the environment for pedestrians and site users.
- 16 Dropped kerbs and tactile paving are proposed across the new access point to provide a crossing point for pedestrians.
- 17 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policy T2 in that they provide a safe and sustainable means of access for all users.
- 18 A Stage 1 Road Safety Audit has been undertaken as part of the planning application submission. The issues raised regarding the location of the refuge island near the main carriageway and position of the lighting column near the access have been addressed.
- 19 The development incorporates Electric Vehicle Charging Points, cycle parking provision and sustainable travel options will be promoted through a Travel Plan. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.
- 20 Delivery of the highways works supports the provision of jobs and enabling the development to come forward, thereby supporting the Inclusive Growth of the city.

21 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Hunslet & Riverside

Have ward members been consulted? Yes No

22 Hunslet & Riverside Ward Members were consulted by email dated 13th November 2023, no comments have been received at the time of writing this report.

23 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 13th November 2023, no comments have been received at the time of writing this report.

24 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 13th November 2023. The Detailed Design comments have been forwarded to the developer for inclusion in a revised plan. These include consideration of utilities within the site, resurfacing of the carriageway in front of the junction bell mouth, and sewers in relation to sewage. Concerns have also been raised with loss of trees as a result of the access proposals, however, this has been addressed and mitigated as part of the planning application with the provision of replacement trees within the site.

What are the resource implications?

25 The developer will meet the Council's costs, through the Section 278 Agreement. The costs are £5000 for checking the design and inspecting the works, and re-alignment of the double yellow lines.

26 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.

27 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval:	Capital	Scheme Number	33840				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2025 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 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 2025 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 onwards £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	5.0			5.0			
OTHER COSTS (7)	0.0						
TOTALS	5.0	0.0	0.0	0.0	5.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2025 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 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	5.0			5.0			
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	5.0	0.0	0.0	0.00	5.0	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?

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

What are the legal implications?

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

30 The approved highway works are tied to a condition as part of the planning approval. The planning condition requires the highway works to be fully delivered prior to first use of the development.

Options, timescales and measuring success

What other options were considered?

31 The scope of the highway works were assessed and agreed at Planning Application stage therefore no other options formed part of this proposal.

How will success be measured?

32 Success will be measured by the delivery of the highway works to enable the development of the industrial unit approved under planning ref 22/02479/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

33 Works for the proposed development is expected to commence Summer 2024. The proposed highway works are expected to be fully implemented by Winter 2024.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – S278 Works Plan ref: 7235-HJCE-00-XX-DR-C-4200 P05 and Land Dedication Plan 7235-HJCE-00-XX-DR-C-4600 P02
- Appendix 3 – Site Location Plan 17916-(P)100 Rev D

Background papers

- None