

# Design & Cost Report for S278 Highway Works Associated with the student accommodation development at Cookridge Street, Leeds, LS2 8BL.

Date: 20<sup>th</sup> March 2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 733776

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

Full planning permission was granted in March 2021 (ref: 19/02841/FU) for the demolition of the Leeds City College Technology Campus and erection of a multi-level student accommodation building and flexible commercial space. The development requires a package of highway improvements along Cookridge Street, Woodhouse Lane and Vernon Street described in detail in paragraph 4 below.

To meet the requirements of the planning permissions and deliver the highway improvements, the developer seeks to enter into a Section 278 Agreement (Highways Act 1980).

This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the developments to allow the works to be carried out by the developer and overseen by the Council.

## Recommendations

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

- a. Note the detail of the highway works described in outline in paragraph 5 of this report and shown on plan *TPHS/377/DR/051 Rev D* attached at Appendix 3;
- 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 £6,870.00 staff checking and inspection fees to be fully funded by the developer through a Section 278 Agreement.

- d. Approve the adoption of new highway construction on land shaded red on drawing number *2014-176/0907 Rev B* attached at Appendix 4 so that it can be added to the Council's maintenance regime.
- e. Approve the adoption of new highway construction on land shaded red on drawing *2014\_176\_0907 Rev A - LCC Education land to adopted highway* attached at Appendix 5, which is currently LCC land vested on Education, so that it can be added to the Council's maintenance regime. The Education Department has been contacted to request this land becomes adopted highway to which no concerns have been raised.
- f. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to create a new loading bay on Cookridge Street as shown on TPHS/377/DR/051 Rev D attached at Appendix 3; and if no valid objections are received, to make, seal and implement the Orders as advertised; If objections are received when advertised these will be reported back to board.

### **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 off-site highway works, the principle of these works having been considered and accepted as part of the planning process for planning consent 19/02841/FU. The location of the development site is provided on Location Plan ref.: 2014-176-0101 at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: TPHS/377/DR/051 Rev D) is provided at **Appendix 3** of this report.
- 3 There will be additional works on Vernon St, beyond the scope of the S278 works, to improve the environment for pedestrians. These works will be funded through a S106 contribution from this development, which will be the subject of a subsequent D & C Report to Highways Board.
- 4 Planning permission was granted in March 2021 (ref: 19/02841/FU) for the demolition of the Leeds City College of Technology Campus and erection of a multi-level student accommodation building with flexible commercial space and associated highway improvements at Cookridge Street, Woodhouse Lane and Vernon Street. The site location is as shown on the Location Plan at Appendix 2. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.
- 5 The highway works are required to provide adequate servicing arrangements for the development and provide enhancements to the public realm area surrounding the site. The proposed works are shown on plan no. TPHS/377/DR/051 Rev D and comprise:
  - Provision of a loading bay on Cookridge Street including traffic regulation orders and road markings.
  - Relocation of existing sheffield stands on the northern side of Cookridge Street towards the southern side to provide a more distributed cycle parking provision.

- Footway works along Woodhouse Lane and Cookridge Street site frontages to match city centre palette and construction for footway works, incorporating a dropped kerb on Cookridge St to facilitate potential future cycle contraflow.
  - Provision of trees and associated tree pits on Cookridge Street and Woodhouse Lane.
  - Provision of a 2m wide footway along the northern side of Vernon Street.
  - Land dedication is required for part of the works. This is shown on plan 2014-176-0907 Rev B. There is also stopping up of small areas of Highway, shown on 2014-176-0908, to be progressed by the developer under S247 of the T & C Planning Act.
  - LCC land vested in Education is to become adopted highway. This land is shown on plan 2014\_176\_0907 Rev A – LCC Education land to adopted highway.
  - All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc;
  - 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.
- 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 S278 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 and cycle access in the local community, and safe servicing for the site.

### **What impact will this proposal have?**

- 9 The proposals will contribute to improved access to the site for pedestrians by providing wider footways. Such improvements will be made to accommodate the needs of all users.
- 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) 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.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 11 The proposals support objectives across the three pillars. The highway works will enhance the pedestrian and cycling infrastructure that will promote sustainable transport and as a result, contribute to the health and wellbeing of the residents of Leeds and also Zero Carbon. The scheme will also enable the construction of a new student development which will contribute to Leeds Growth.
- 12 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policies T1 and T2 in that they provide a safe and sustainable means of access for all users.

- 13 The development incorporates sustainable travel options which 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.
- 14 Delivery of the highways works supports the provision of new homes and associated jobs thereby supporting the Inclusive Growth of the city.
- 15 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 public transport.

### **What consultation and engagement has taken place?**

Wards affected: Little London & Woodhouse

Have ward members been consulted?       Yes                       No

- 16 Little London & Woodhouse Members were consulted by email dated 24<sup>th</sup> October 2023, no comments have been received at the time of writing this report.
- 17 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 24<sup>th</sup> October 2023, no comments have been received at the time of writing this report.
- 18 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 24<sup>th</sup> October 2023. Colleagues in H&T requested that the cycle contraflow was included as part of the offsite highway work proposals for this scheme. This scheme provides a dropped kerb on Cookridge St to facilitate a potential future cycle contraflow.

### **What are the resource implications?**

- 19 The developer will meet the Council's costs, estimated to be £6,678.00 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.
- 20 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees. The S278 agreement will include commuted sums for future maintenance
- 21 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		733776				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2028 on £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 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2028 on £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>
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2028 on £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	6.7		6.7				
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>6.7</b>	<b>0.0</b>	<b>6.7</b>	<b>0.0</b>	<b>0.0</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?

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

23 The developer will provide funding for third party claims under The Noise Insulation Regulations 1975 (as amended) and the cost of meeting any other claims properly payable under the Land Compensation Act 1973 which arise as a result of the carrying out and the use of the Highway Works.

### 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 All work proposed lies within the framework of highways legislation and national and local standards for design where applicable. All other relevant legislation will also be taken into consideration, including duties under the Equalities Act.

26 The TRO will be introduced using the powers contained within the Road Traffic Regulation Act 1984, the Highways Act 1980 and the Local Government Miscellaneous Provisions Act 1976. Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.

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

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

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

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

28 Success will be measured by the delivery of the highway works to support planning consent 19/02841/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

29 Works for the proposed development will commence in March-April 2024. The proposed highway works would be fully implemented by July 2024.

## **Appendices**

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: 2014-176-0101
- Appendix 3 - General Arrangement drawing no: TPHS/377/DR/051 Rev D.
- Appendix 4 – Proposed Land Dedication drawing no: 2014-176-0907 Rev B.
- Appendix 5 - LCC Education land to adopted highway drawing no: 2014\_176\_0907 Rev A
- Appendix 6 – Proposed Stopping Up Plan no: 2014-176/0908.