

# Design & Cost Report for S278 Highway Works Associated with the Construction of 129 dwellings at Land off Main Street, Carlton, WF3 3RW

Date: 3rd April 2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : TBC

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 erection of 129 dwellings including the adoption of land as highway.

The highway works comprise; new site access junction off Main Street, Carlton including dropped kerbs and tactile paving, proposed informal pedestrian crossing adjacent to the site access, new 2m wide footway at the site frontage on Main Street, reinstatement of redundant accesses at Main Street site frontage, and laying out of visibility splays as adopted highway. There will be adoption of privately owned land to enable construction of a 2m wide footway at the site frontage on Main Street. There will be an associated TRO to provide no waiting at any time restrictions (double yellow lines) at the junction bell-mouth, and along the site frontage.

## Recommendations

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

- a. Note the detail of the highway works described in outline in paragraph 4 of this report and shown on the drawing number 7918\_023F 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 £5000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement;

- d. Approve the adoption of new highway as per the area highlighted in red as shown on drawing number E22/7918/023\_03 attached at **Appendix 3** so that it can be added to the Council's maintenance regime;
- e. Request the City Solicitor to advertise a Draft Traffic Regulation Order (TRO) for waiting restrictions around the new site access junction bellmouth and on the site frontage on Main Street, Carlton (shown on drawing no: 7918\_023F attached at **Appendix 3**); and if no valid objections are received, to make, seal and implement the new TRO as advertised.

### **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 20/08457/RM. The location of the development site is provided on Y81:1053.01 Rev A at **Appendix 2** of this report. A S278 Plan (drawing ref: drawing number 7918\_023F) is provided at **Appendix 3** of this report.
- 3 Planning permission was granted in March 2021 (ref: 20/08457/RM) for the Reserved Matters application for 129 dwellings, associated car parking, landscaping and areas of public open space (appearance, landscaping, layout and scale pursuant to approval 18/00370/OT). The site location is as shown on the Location Plan (ref: Y81:1053.01 Rev A) at **Appendix 2**. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.
- 4 The highway works are required for planning permission 20/08457/RM. The proposed works comprise:
  - new priority-controlled junction off Main Street, Carlton including dropped kerbs and tactile paving,
  - An informal pedestrian crossing on Main Street,
  - new footway along the site frontage on Main Street, corresponding with the visibility splay of 2.4m x 33m.
  - reinstatement of redundant accesses at Main Street site frontage to full height kerb/footway,
  - Resurfacing of Main Street to increase the skid resistance on the approach to the informal pedestrian crossing and the site access,
  - laying out of 2.4m x 33m visibility splays as adopted highway, and
  - Associated TRO to provide no waiting at any time restrictions (double yellow lines) at the junction bell-mouth, and along the site frontage. The TRO 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 TRO as advertised.
- 5 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.

- 6 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.
- 7 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 vehicular access in the local community.

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

- 8 Site specific issues are raised in the Equality Diversity Cohesion and Inclusion (EDCI) report included at **Appendix 1**. The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of a new vehicular access and footway along the site frontage on Main Street, avoiding pinch points and linking to existing amenities.
- 9 An informal pedestrian crossing will be installed adjacent to the site access with dropped kerbs and tactile paving. The addition of tactile paving to the crossing will assist visually impaired users to cross the road. The dropped kerb enables wheelchair users, people pushing prams (parents), older people and children to cross the road more easily and safely.
- 10 The EDCI assessment raised a potential negative impact of vehicular accesses on disabled pedestrians, children and older people as they are likely to be more affected by increased interaction between traffic and pedestrians. This potential impact will be minimised by the junction radii being kept to a minimum to reduce negative impacts of exposure to vehicular traffic. Accessible infrastructure will be provided as part of the design, and radii will be protected by waiting restrictions.
- 11 The EDCI 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

- 12 The proposals support objectives across the three pillars. The highway works will improve the environment for pedestrians on Main Street by providing a footway up to the site access and along the site frontage.
- 13 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.
- 14 The issues raised by the Stage 1 RSA have been addressed during the planning determination stage. These included location of the informal pedestrian crossings, the junction's kerb radius and achieving the visibility splays within the highway boundary that will be adopted.

- 15 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.
- 16 Delivery of the highways works supports the provision of jobs thereby supporting the Inclusive Growth of the city.
- 17 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling, public transport and use of electric vehicles.

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

Wards affected: Rothwell

Have ward members been consulted?       Yes       No

- 18 Rothwell Ward Members were consulted by email dated 13<sup>th</sup> November 2023.
- 19 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 13<sup>th</sup> November 2023. No comments have been received.
- 20 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 13<sup>th</sup> November 2023. Concerns were raised in relation to the width of the access and its location. The access has been approved at 5.5m wide and was subject to swept path analysis of large refuse vehicles which would be able to enter and exit the site in forward gear. The location has been approved to allow for sufficient visibility to be achieved on either side of the access, this was assessed at 2.4m x 33m. Concerns were also raised in relation to parking from nearby businesses, overspilling on Main Street and the development. The site access will be protected with TROs as mentioned previously and the internal layout has been approved to accommodate on-street parking without causing an obstruction to the carriageway or the footways.
- 21 Highways Asset Management have requested for resurfacing to be carried out on Main Street as it's a Scrim network. The provision of this access and the informal pedestrian crossing will affect the scrim levels required at this location for a minimum of 50m either side of the new access. These works will be carried out as part of the Section 278 agreement.
- 22 Other comments received on detailed design matters have been passed to the design team for inclusion / consideration at detailed design stage.

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

- 23 The developer will meet the Council's costs, estimated to be £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.
- 24 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 25 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval:	Capital Scheme Number		XX				
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						
<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 £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)	5.00				5.00		
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>5.00</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>5.00</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 £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	5.00				5.00		
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>5.00</b>	<b>0.0</b>	<b>0.0</b>	<b>0.00</b>	<b>5.00</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?

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

27 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?

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

29 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.

30 The proposals regarding the footway widening and adoption are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

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

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

31 The scope of the highway works and access arrangements 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 support the planning approval to deliver 129 dwellings, thereby achieving the stated social, environmental and economic benefits to the city.

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

33 The highway works are expected to commence in Spring 2024 with full implementation by end of Summer 2024 subject to completion of the Section 278 legal agreement and development programme.

## **Appendices**

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: Y81:1053.01 Rev A
- Appendix 3 – S278 Works Plan drawing no: 7918\_023F & S278 Land Dedication Plan no: E22/7918/023\_03

## **Background papers**

- None