

Design & Cost Report for S278 Highway Works associated with the redevelopment of Moortown Service Station located at 401 Harrogate Road, Moortown, Leeds, LS17 6DJ

Date: 03/04/2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33861

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Planning permission was granted in October 2023 (ref: 23/01159/FU) for the redevelopment of Moortown Service Station. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.

To meet the requirements of the planning permission the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out. The works are to be carried out by the developer and overseen by the Council.

This report seeks authority to negotiate terms and enter a S278 agreement for the highway works associated with the development.

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 General Arrangement Plan DTP-3711223-D001 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 with step in rights.
- c) Give authority to incur expenditure of £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.
- d) Approve construction and alteration of cycle track under powers contained under the provisions of section 65 (1) and (2) of the Highways Act 1980 for use by pedal cyclists.
- e) Approve with reference to powers contained in Section 66 (1) of the Highways Act construction of new footway as shown on General Arrangement Plan DTP-3711223-D001 attached at **Appendix 3**.

- f) Approve with reference to powers contained in Section 96 of the Highways Act construction of new verge with low level planting as shown on General Arrangement Plan DTP-3711223-D001 attached at **Appendix 3**.

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 Planning permission was granted in October 2023 (ref: 23/01159/FU) for the demolition of existing convenience store; alterations to existing forecourt including 3 new pumps and extension of existing canopy; 18 new car park spaces; demolition and relocation of existing car wash bay and installation of 3 new car wash bays. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.
- 3 The proposals within this report are concerned only with the delivery of the off-site highway works, the principle of these works have been considered and accepted as part of the planning process for planning consent 23/01159/FU. The location of the development site is provided on drawing 4685483 at **Appendix 2** of this report. A General Arrangement Plan DTP-3711223-D001 is provided at **Appendix 3** of this report.
- 4 The proposed works comprise:
 - The creation of a new vehicular access into the site to the south of existing access/egress points on A61.
 - The reinstatement of the redundant vehicular access to footway and cycleway to match existing along A61.
 - The extension of the footway/cycleway towards the adjacent shops vehicular egress to the south.
 - The creation of a new verge with low level planting to tie into existing between footway and site boundary.
 - All associated civils works including (inter alia) signs, lighting, road markings and drainage.
 - Any Statutory undertakers works resulting from the works described above.
- 5 To meet the requirements of the planning permission and deliver the highway alterations the applicant has requested that Leeds City Council, as Highway Authority, to enter into a Section 278 Agreement to enable the highway works to be carried out.
- 6 This report seeks authority to negotiate terms and enter a Minor S278 Agreement for the highway works in order to allow the developer to complete the detailed design and construction of the works, fully-funded by the developer, under the supervision of 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, cycle and vehicular access in the local community.

What impact will this proposal have?

- 8 The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of an improved site access and footway/cycleway with dropped crossings and tactile paving. Such improvements will be made to accommodate the needs of all users. Further details of site specific considerations are set out in the Equality, Diversity, Cohesion and Integration (EDCI) at **Appendix 1**.
- 9 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

- 10 The proposals support objectives across the three pillars. The highway works will provide high quality infrastructure to support the development and to enable improved, safer pedestrian, cyclist and vehicle movement to and from the site, thereby encouraging travel by more sustainable modes.
- 11 The proposed highway works accord with Core Strategy policy T2 and West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 12 The development incorporates electric vehicle charging points, disabled car parking, cycle parking provision. The proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint. This is in accordance with Policy EN8.
- 13 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling, use of public transport and electric vehicles.

What consultation and engagement has taken place?

Wards affected: Moortown

Have ward members been consulted? Yes No

- 14 Moortown ward members were consulted by email dated 10th January 2024. No comments have been received at the time of writing this report.
- 15 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 10th January 2024, no comments have been received at the time of writing this report.
- 16 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 10th January 2024. Minor comments were received from Council officers and have been addressed through a revised plan.

What are the resource implications?

- 17 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.
- 18 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker’s costs and staff fees.

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

Funding Approval :	Capital Section Reference Number :-		33469				
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST				
	£000's	2024 £000's	2024/25	2025/26	2026/27	2027/28	2029 on
			£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						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL	TO MARCH	FORECAST				
	£000's	2024 £000's	2024/25	2025/26	2026/27	2027/28	2029 on
			£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)	5.0		5.0				
OTHER COSTS (7)	0.0						
TOTALS	5.0	0.0	5.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2024 £000's	2024/25	2025/26	2026/27	2027/28	2029 on
			£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	0.0						
Government Grant	5.0		5.0				
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	5.0	0.0	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?

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

What are the legal implications?

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

22 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.

23 The proposals regarding the cycle track alterations are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980. That is, section 65 (1) and (2) of the Highways Act 1980 for use by pedal cyclists.

Options, timescales and measuring success

What other options were considered?

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

How will success be measured?

25 Success will be measured by the delivery of the highway works to support planning consent 23/01159/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

26 Works for the proposed development will commence in May 2024. The proposed highway works would be fully implemented by June 2023.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 - Site Location Plan 4685483
- Appendix 3 - General Arrangement Plan DTP-3711223-D001

Background papers

- None