

Report of Transport Development Services

Report to the Chief Officer (Highways and Transportation)

Date: 14 July 2020

Subject: Design & Cost Report for S278 Highway Works Associated With Planning Permission for 188 Student Bed Spaces in a Series of Inter-Linked Townhouse Blocks (3-6 Storeys in Height) on the Site of Oak House, 94 Park Lane, Leeds, LS3

Capital Scheme Number: 33300

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Little London and Woodhouse	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary

1. Main issues

- Planning permission was granted in December 2019 under planning application ref 19/04278/FU for the construction of student residential accommodation comprising 188 bed spaces in a series of inter-linked townhouse blocks (3-6 storeys in height) on the site of Oak House. The location of the development site is provided on the attached location plan 0101 Rev D at **Appendix 2** of this report.
- The planning consent requires a package of highway improvements described in detail in Section 3 below, the works briefly comprise alterations to the existing alignment of Park Lane in order to introduce a new lay-by on the development frontage, extensions to the existing 20mph zones on Hanover Square and Belle Vue Road to encompass the new development, additional traffic calming features on Park Lane, a radius improvement to the junction of Park Lane and Rutland Mount, a new landscaping area on Hanover Avenue and a series of informal crossing points along Park Lane. A general arrangement plan of the highway works (drawing ref: 5421-JPG-SW-00-DR-C-1600-S2-P06) is provided at **Appendix 3** of this report.

- To meet the requirements of the planning permission and deliver the highway alterations the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the highway works to be carried out.
- 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 under the supervision of the Council.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- 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.

3. Resource Implications

- The developer will meet the Council's costs, estimated to be £7,500 for traffic regulation order costs and £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.

Recommendations

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

- a) note the detail of the highway works as outlined in section 3 of this report and shown on plan 5421-JPG-SW-00-DR-C-1600-S0-P06 attached at **Appendix 3** of this report;
- 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 request the City Solicitor to revoke an existing waiting restriction and advertise a new Traffic Regulation Order to provide time limited waiting and loading restrictions within the newly constructed layby (as shown on Drawing No. LCC-4102-278-02a at **Appendix 4**) and if no valid objections are received, to make, seal and implement the Orders as advertised;
- d) give authority and request the City Solicitor to advertise a 20mph speed limit order on the roads shown on Drawing No LCC-4102-278-02a, and if no valid objections are received to make and seal the Orders as advertised;
- e) give authority to request the City Solicitor to draft and advertise a Notice under the section 90C of the Highways Act 1980 for the implementation of traffic calming features (speed tables) as shown on Drawing No. LCC-4102-278-02a;
- f) to receive further reports as may be required to address any objections received to advertised notices or other matters arising from the detailed scheme proposals; and
- g) give authority to incur expenditure of £7,500 TRO costs and £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

1. Purpose of this report

- 1.1 The purpose of this report is to note the principle of the implementation of highway works associated with the construction of student residential accommodation comprising 188 bed spaces in a series of inter-linked townhouse blocks (3-6 storeys in height) on the site of Oak House.
- 1.2 To obtain authority to negotiate the terms of and enter into an Agreement under the provisions of Section 278 of the Highways Act 1980, whereby the associated highway works are designed and constructed by the developer at their expense, with the Council checking the design and construction, with step in rights, and preparing a Traffic Regulation Order for waiting restrictions at the developer's expense.
- 1.3 To request the City Solicitor to advertise a draft traffic regulation order for a new 20mph zone and notices under the provisions of Section 90c of the Highways Act 1980 and if no valid objections are received to make, seal and implement the orders.
- 1.4 To give authority to incur expenditure associated with the checking and supervision of the highway works associated with the development.

2. Background information

- 2.1 Planning permission has been granted (ref: 19/04278/FU) for the construction of student residential accommodation comprising 188 bed spaces in a series of inter-linked townhouse blocks (3-6 storeys in height) on the site of Oak House. The location of the buildings can be seen on drawing 0101 Rev D at **Appendix 2** of this report.
- 2.2 The planning consent requires a package of highway improvements described in detail in Section 3 below, the works briefly comprise an informal crossing point on Park Lane, vertical traffic calming features and a service lay-by and include alterations to Traffic Regulation Orders in order to increase the extents of existing 20mph zones and introduce loading and waiting restrictions in the new lay-by. A general arrangement plan of the highway works is provided at **Appendix 3** of this report.
- 2.3 To meet the requirements of the development, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the developer to complete the detailed design and construction of the highway works under the supervision of the Council.

3. Main issues

- 3.1 Off-site highway works have been agreed to improve the pedestrian environment and accommodate servicing at a new student accommodation building on Park Lane granted planning permission under ref: 19/04278/FU. The proposed works are shown on drawing 5421-JPG-SW-00-DR-C-1600-S2-P06 shown at **Appendix 3** of this report and comprise:
 - a) Provision of a new service lay-by on Park Lane
 - b) The re-alignment of the Park Lane carriageway and footway to accommodate the new lay-by

- c) Vertical traffic calming features on Park Lane, including provision of a raised table with crossing point and tactile paving
- d) New dropped crossings and tactile paving to assist pedestrians across Park Lane
- e) Building out the radius of the junction Park Lane/Park Lane adjacent to the point at which it meets Belle Vue Road in order to reinforce the priority route
- f) Alterations to existing Traffic Regulation Orders to show No Waiting in the new service lay-by and to introduce a 20mph zone on the site frontage, all indicated on drawing LCC-04108-S278-02a shown at **Appendix 4**
- g) A new landscaped area to replace the existing brick setts on a steep section of Hanover Square
- h) A new block paved surface along Hanover Avenue
- i) All associated civils works including (inter alia) signs, lighting, road markings and drainage
- j) Any Statutory undertakers works resulting from the works described above

3.2 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.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Ward Members: Ward Members were consulted by email dated 10th March 2020, no comments have been received at the time of writing this report.
- 4.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 10th March 2020, no adverse comments have been received at the time of writing this report.
- 4.1.3 Internal consultation has taken place with colleagues in Highways and Transportation Services. Substantive comments including those relating to construction types and future maintenance issues will be taken into account as part of the detailed design process.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An EDCI Impact Assessment has been carried out on the Section 278 Process and is attached as **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.

- 4.2.2 The proposals will contribute to improved accessibility to the site for pedestrians, the works will be designed to accommodate the needs of all users. The site is located in a densely developed inner city area with a diverse population and it is anticipated that a large majority of residents would walk when travelling to or from the site. The highway works seek to improve the pedestrian environment and links for all highway users through provision of a new 20mph zone including traffic calming and a raised pedestrian crossing table.
- 4.2.3 A shared surface is proposed along Hanover Avenue with a segregated footway on one side of the carriageway, this adheres to the Council's design standards for such roads.

4.3 Council policies and the Best Council Plan

- 4.3.1 The proposed highway works which allow the development to take place accord with the West Yorkshire Local Transport Plan and other policies in that they provide a safe means of access for all users of the highway, to and around, the development.
- 4.3.2 A Stage 1 Road Safety Audit has been undertaken and the issues identified by the audit will be addressed through the detailed design stage.

Climate Emergency

- 4.3.3 The works will encourage pedestrian and cycle trips to and from the new development and improve pedestrian access to the existing dwellings in the locality. The development does not cater for general car parking but includes secure cycle parking facilities which will be supported by the implementation of a travel plan, these measures aim to encourage travel by sustainable modes, thereby helping to offset the carbon footprint of the development.

4.4 Resources, procurement and value for money

- 4.4.1 The developer will meet the Council's costs, estimated to be £7,500 for traffic regulation order costs and £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.
- 4.4.2 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertakers costs and the cost of staff fees.
- 4.4.3 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 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						
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 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 on £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)	7.5				7.5		
TOTALS	12.5	0.0	0.0	0.0	12.5	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2017 £000's	FORECAST				
			2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 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	12.5				12.5		
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	12.5	0.0	0.0	0.0	12.5	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

4.5 Legal implications, access to information, and call-in

- 4.5.1 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision

4.6 Risk management

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

5. Conclusions

- 5.1 Planning permission has been granted (ref: 19/04278/FU) for the construction of student residential accommodation comprising 188 bed spaces in a series of inter-linked townhouse blocks (3-6 storeys in height) on the site of Oak House., Leeds.
- 5.2 The planning consent requires a package of highway works briefly comprising a lay-by on Park Lane on the development frontage with a series of informal pedestrian crossing points and extensions to the existing 20mph zones on Hanover Square and Belle Vue Road to encompass the new development.
- 5.3 A general arrangement plan of the highway works (drawing ref: 5421-JPG-SW-00-DR-C-1600-S2-P06) is provided at **Appendix 3** of this report. Proposed alterations to Traffic Regulation Orders are shown on plan LCC-04108-S278-02 shown at **Appendix 4**

5.4 To meet the requirements of the development and deliver the highway alterations, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the developer to complete the detailed design and construction of the highway works under the supervision of the Council.

6. Recommendations

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

- a) note the detail of the highway works as outlined in section 3 of this report and shown on plan 5421-JPG-SW-00-DR-C-1600-S0-P06 attached at **Appendix 3** of this report;
- 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 request the City Solicitor to revoke an existing waiting restriction and advertise a new Traffic Regulation Orders to provide time limited waiting and loading restrictions within the newly constructed layby (as shown on Drawing No. LCC-4102-278-02a at **Appendix 4**) and if no valid objections are received, to make, seal and implement the Orders as advertised;
- d) give authority and request the City Solicitor to advertise a 20mph speed limit order on the roads shown on Drawing No LCC-4102-278-02a, and if no valid objections are received to make and seal the Orders as advertised;
- e) give authority to request the City Solicitor to draft and advertise a Notice under the section 90C of the Highways Act 1980 for the implementation of traffic calming features (speed tables) as shown on Drawing No. LCC-4102-278-02a;
- f) to receive further reports as may be required to address any objections received to advertised notices or other matters arising from the detailed scheme proposals; and
- g) give authority to incur expenditure of £7,500 TRO costs and £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

7. Background documents

7.1 None.

8. Appendices

- 8.1 Appendix 1 – EDCI Screening
- 8.2 Appendix 2 – Site Location Plan
- 8.3 Appendix 3 – General Arrangement Drawing
- 8.4 Appendix 4 – Proposed TRO Alterations