

## Report of Transport Development Services

### Report to the Chief Officer (Highways and Transportation)

Date: 01 December 2020

Subject: Design & Cost Report for S278 Highway Works Associated With Construction of a New Aldi Store at Chartists Way, Morley, LS27 9ET

Capital Scheme Number: 33358

Are specific electoral wards affected? If yes, name(s) of ward(s): Morley South	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## Summary

### 1. Main issues

- Planning permission was granted in September 2019 (ref: 18/00707/FU) for the demolition of an existing building and construction of a new Class A1 food store at Chartists Way in Morley. The location of the new building is provided on location plan AMA-40001-D-011 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 an existing access point on Chartists Way with amendments to existing right turn lanes; provision of a new pedestrian refuge island and a staggered zebra crossing point; the relocation of the eastbound bus stop and the introduction of No Waiting At Any Time parking restrictions. A general arrangement plan of the highway works is shown on drawing AMA-40001-D-001 Rev I 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 implement the works and so fund the scheme costs, expected to be approx. £125,000. The developer will also meet the Council's costs, estimated to be £10,000 for traffic regulation order costs and £6,000 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 described in outline in section 3 of this report and shown on plan AMA-40001-D-001 Rev I 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) approve the adoption of new highway construction on land outlined in blue on plan AMA-40001-D-001 Rev I attached at **Appendix 3** of this report so that it can be added to the Council's maintenance regime;
- d) give authority to advertise a notice under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 in order to inform the public of the new zebra crossing position on Chartists Way;
- e) authorise the City Solicitor to advertise notices under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 and to advertise a Draft Traffic Regulation Order to introduce No Waiting At Any Time restrictions along Chartists Way as indicated on plan AMA-40001-D-005 Rev F attached at **Appendix 4** of this report; and if no valid objections are received, to make, seal and implement the Orders as advertised; and
- f) give authority to incur expenditure of £10,000 TRO costs and £6,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the 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 a new Aldi store off Chartists Way, Morley, Leeds (planning ref: 18/00707/FU).
- 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 notices under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 and to advertise a draft traffic regulation order, and if no valid objections are received to make, seal and implement the orders. Indicative details of the proposed TRO alterations are included on drawing AMA-40001-D-005 Rev F shown at **Appendix 4**.
- 1.4 To give authority to incur expenditure associated with the checking and inspection of the highway works associated with the development.

## **2. Background information**

- 2.1 Planning permission (planning ref: 18/00707/FU) has been granted for the demolition of an existing industrial unit and its replacement with a new Aldi food store off Chartists Way, Morley, Leeds. The location of the site can be seen on plan AMA-40001-D-011 provided at **Appendix 2** of this report. The development incorporates on-site cycle parking and sustainable travel options will be promoted through a travel plan.
- 2.2 The planning consent requires a package of highway improvements described in detail in Section 3 below, the works briefly comprise alterations to an existing access point on Chartists Way with amendments to existing right turn lanes; provision of a new pedestrian refuge island and a staggered zebra crossing point; the relocation of the eastbound bus stop and the introduction of No Waiting At Any Time parking restrictions. 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 The development site consists of an existing industrial unit which will be demolished to make way for a new Aldi food store off Chartists Way in Morley.
- 3.2 Off-site highway works have been agreed to accommodate the site access and improve crossing facilities on Chartists Way. The proposed works are shown on drawing AMA-40001-D-001 Rev I at **Appendix 3** of this report and comprise:
  - a) Alterations and relocation of the existing access to increase the stagger distance from the junction of Chartists Way/Great Northern Street opposite
  - b) Removal of an existing pedestrian refuge island and associated tactile paving to the east of the new access
  - c) Relocation of the give way marking for Great Northern Street as it meets with Chartists Way, including amendments to carriageway alignment and alterations to the existing levels, gullies and kerb lines

- d) Provision of an informal crossing point and pedestrian refuge island to assist pedestrians across Chartists Way and to separate right turn movements at the site access and at Great Northern Street
- e) A staggered zebra crossing with pedestrian refuge island to the east of the site access
- f) Increasing the width of the Chartists Way carriageway and altering the existing central hatched area to accommodate the right turn facilities and pedestrian islands
- g) Relocation of the existing bus stop adjacent to Great Northern Street junction to a point 60m to the east
- h) Provision of No Waiting At Any Time Traffic Regulation Orders to accommodate the new crossing point and shown on drawing AMA-40001-D-005 Rev F attached at **Appendix 4** of this report
- 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

3.3 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 21<sup>st</sup> May 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 21<sup>st</sup> May 2020, WYCA requested alterations to the consultation draft plan which have now been incorporated to the initial design. Any substantive comments will be taken into account as part of the detailed design process. No other 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. Any substantive comments 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 highly populated area 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 pedestrian links for all highway users through provision of crossing points protected by Traffic Regulation Orders to control vehicular parking adjacent.

### **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 will be undertaken and any issues identified by the audit will be addressed through the detailed design stage.

#### Climate Emergency

- 4.3.3 The works will improve the pedestrian connections to the new building, thereby helping to offset the carbon footprint of the development. In addition, the development associated with the works will provide on-site cycle parking and promote sustainable travel options through a travel plan secured through the planning consent.

### **4.4 Resources, procurement and value for money**

- 4.4.1 The developer will implement the works and so fund the scheme costs, expected to be approx. £125,000. The developer will also meet the Council’s costs, estimated to be £10,000 for traffic regulation order costs and £6,000 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						
<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 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					6.0	
OTHER COSTS (7)	10.0					10.0	
<b>TOTALS</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>16.0</b>	<b>0.0</b>
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	15.0					16.0	
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						
<b>Total Funding</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>16.0</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>

#### 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: 18/00707/FU) for the demolition of an existing industrial unit and construction of a new Aldi food store at Chartists Way, Morley, Leeds.

5.2 The planning consent requires a package of highway works described above, including pedestrian crossing points and Traffic Regulation Orders to accommodate the new crossing points.

5.3 The highway works are shown in outline on drawing AMA-40001-D-001 Rev I at **Appendix 3** of this report and details of the proposed Traffic Regulation Orders are provided on drawing AMA-40001-D-005 Rev F attached at **Appendix 4** of this report.

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 described in outline in section 3 of this report and shown on plan AMA-40001-D-001 Rev I 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) approve the adoption of new highway construction on land outlined in blue on plan AMA-40001-D-001 Rev I attached at **Appendix 3** of this report so that it can be added to the Council's maintenance regime;
- d) give authority to advertise a notice under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 in order to inform the public of the new zebra crossing position on Chartist's Way;
- e) authorise the City Solicitor to advertise notices under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 and to advertise a Draft Traffic Regulation Order to introduce No Waiting At Any Time restrictions along Chartist's Way as indicated on plan AMA-40001-D-005 Rev F attached at **Appendix 4** of this report; and if no valid objections are received, to make, seal and implement the Orders as advertised; and
- f) give authority to incur expenditure of £10,000 TRO costs and £6,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement.

## **7. Background documents**

7.1 None.

## **8. Appendices**

8.1 Appendix 1 - EDCI Screening

8.2 Appendix 2 - AMA-40001-D-011 - Location Plan

8.3 Appendix 3 - AMA-40001-D-001 Rev I – General Arrangement Drawing

8.4 Appendix 4 - AMA-40001-D-005 Rev F – Road Markings, Signage and Traffic Regulation Orders