

Report of Transport Development Services and Highway Projects

Report to Chief Officer (Highways and Transportation)

Date: 18 May 2021

Subject: SECTION 278 AGREEMENT - PROPOSED HIGHWAY WORKS ASSOCIATED WITH THE DEVELOPMENT AT HUME HOUSE, TOWER HOUSE STREET, LEEDS, LS2 8NT

Capital Scheme Number: 33450

Are specific electoral wards affected? If yes, name(s) of ward(s): Little London & Woodhouse	<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

- As a result of planning permission being granted (App. No. 18/01819/FU) for the demolition of an existing building and erection of a 37 storey student accommodation building on Tower House Street, Leeds, off site highway works are required. A Location Plan is provided at **Appendix 2** of this report and the General Arrangement Plan is provided at **Appendix 3**.
- The works consist of widening and resurfacing footways along the site frontages, installing a new layby on Tower House Street and resurfacing the Tower House Street carriageway. The highway works are described in detail under Section 3.3 below.
- 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 such Agreement for the highway works associated with the access works.

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

- The Best City ambition is to improve life for the people of Leeds and make our city a better place. The planned highway works will contribute to this ambition 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 £5,000 staff fees to check the design and inspect the works and £10,000 to amend existing TROs, all of which will be fully funded by the developer through the Section 278 agreement.

Recommendations

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

- i) note the highway works as outlined in Section 3.3 and indicated on Drawing Number 074097-CUR-00-XX-DR-D-75001 Rev P07, shown at **Appendix 3** of this report;
- ii) approve the adoption of new highway construction on land shaded red on drawing number 074097-CUR-00-XX-DR-D-75009 Rev P04 so that it can be added to the Council's maintenance regime, this is shown in **Appendix 4** of this report;
- iii) authorise the City Solicitor to advertise a Draft Traffic Regulation Order to amend no loading at any time restrictions on Tower House Street to enable loading in the layby; and if no valid objections are received, to make, seal and implement the Orders as advertised;
- iv) give authority to incur expenditure of £10,000 TRO costs and £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.
- v) 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.

1. Purpose of this report

- 1.1 To note the principle of the implementation of highway works associated with the construction of a 37 storey student accommodation building on Tower House Street, Leeds (planning application reference: 18/01819/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 carried out by the developer and overseen by the Council with step in rights, and preparing amendments to the Traffic Regulation Order on Tower House Street at the developers expense.
- 1.3 Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to amend no loading at any time restrictions on Tower House Street to enable loading in the

layby; and if no valid objections are received, to make, seal and implement the Orders as advertised.

- 1.4 To obtain authority to adopt the land shaded red on drawing number 074097-CUR-00-XX-DR-D-75009 Rev P04 shown at **Appendix 4**.
- 1.5 To give authority to incur expenditure associated with the implementation of highway works associated with the development.

2. Background information

- 2.1 On the 7th August 2018 planning permission was granted for the demolition of an existing building and erection of a 37 storey student accommodation building with associated residents' amenity space, access, landscaping and associated highways works under application reference 18/01819/FU. This was subject to off-site highway works.
- 2.2 The planning consent requires highway works consisting of new footway paving to city centre specification on streets fronting the site (Lovell Park Road, Merrion Way and Tower House Street) and resurfacing of the carriageway on Tower House Street. Materials have been specified to match those of the highways works implemented at the adjacent Unite development (approved under application reference 18/05738/FU), which have been agreed with regeneration team. As a result of the footway works tactile paving will be replaced on Lovell Park Road, Merrion Way and Tower House Street. A new layby is to be constructed on Tower House Street with land from the application site being adopted by Leeds City Council to form a footway to the rear of the layby. Land is also to be adopted by Leeds City Council on Merrion Way and Lovell Park Road to ensure adequate footway widths are provided.
- 2.3 The scheme will facilitate safe and efficient access to the site for all users of the highway network along with improvements to the pedestrian environment on Lovell Park Road, Merrion Way and Tower House Street. The highway works contribute to the Best Council Plan 2019/20 to 2020/21 and the Best City priorities for Safe, Strong Communities, Sustainable Infrastructure and a Child Friendly by enabling safe pedestrian routes around development. The highway works are shown at **Appendix 3** (Drawing Number: 074097-CUR-00-XX-DR-D-75001 Rev P07) and are detailed in Section 3.3
- 2.4 In addition to the works outlined under Section 3.3 a sum of £430,000 has been paid to the council through a Section 106 agreement and will be applied towards highway and environmental improvements to Merrion Way.
- 2.5 To meet the requirements of the planning permission, 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.

3. Main issues

- 3.1 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.

- 3.2 The proposals within this report are concerned only with the delivery of the highway works, the principle of these works having been considered and accepted as part of the planning process.
- 3.3 The highway works are required to ensure that the pedestrian movements and servicing vehicles associated with the development can be safely accommodated and do not have a detrimental effect on the surrounding highway network. The proposed highway works will consist of the following:
- a) New land dedicated as public highway to:
 - Form a layby on Tower House Street;
 - Widen footways around the site.
 - b) New footway paving to city centre specification on Lovell Park Road, Merrion Way and Tower House Street around the perimeter of the development;
 - c) Resurfacing of the Tower House Street carriageway;
 - d) Replacement of tactile paving at the junction of Lovell Park Road, Merrion Way and Tower House Street;
 - e) All associated civils works including (inter alia) signs, lighting, road markings and drainage; and
 - f) Any Statutory undertakers works resulting from the works described above
- 3.4 The proposed works are shown indicatively on the attached Drawing Number: 074097-CUR-00-XX-DR-D-75001 Rev P07, shown at **Appendix 3** of this report.
- 3.5 There is private drainage located to the south and east of the proposed layby. A Section 50 application has been submitted to allow private drainage to pass through adopted land – this is shown on the General Arrangement Plan at **Appendix 3** of this report.
- 3.6 The building overhangs part of the adopted highway on Lovell Park Road and Tower House Street. The building projects out from the 3rd floor (7.5m above footway level) – overhang extents can be seen on the General Arrangement Plan at **Appendix 3** of this report. An over sailing licence is required.
- 3.7 Safety Audits and Maintenance Audits are in progress and are to be completed as part of the detailed design process. The S278 Agreement will ensure that Safety Audits form part of the design process, and any appropriate works arising out of the audits are implemented at the developer's expense.
- 3.8 The S278 agreement will include the standard commuted sums for future maintenance of the Works.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Ward Members: Members of Little London & Woodhouse Ward were consulted by e-mail with accompanying letters and plans on 2nd March 2021. At the time of writing this report, no adverse comments have been received.
- 4.1.2 Emergency Services and the West Yorkshire Combined Authority (WYCA): The Emergency Services and West Yorkshire Combined Authority were also consulted

by e-mail with accompanying letters and plans on 2nd March 2021. At the time of writing this report, no adverse comments have been received.

- 4.1.3 Environmental Services: Environmental Services were consulted by e-mail with accompanying letters and plans on 2nd March 2021. There is no requirement for an environmental assessment.

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”.
- 4.2.2 The proposals will ultimately contribute to improved accessibility to the site for pedestrians, the works will be designed to accommodate the needs of all users.

4.3 Council policies and the Best Council Plan

- 4.3.1 The Best Council Plan and Best City ambition is to improve life for the people of Leeds and make our city a better place with Inclusive Growth and Health & Wellbeing Strategies as key drivers. The Leeds Best Council plan states “increase in city centre travel by sustainable transport”. The provision of improvements around the site frontage through resurfacing and widening footways on Lovell Park Road, Merrion Way and Tower House Street as well as resurfacing the carriageway on Tower House Street contributes to this ambition by improving footways to provide safe pedestrian, cyclist & vehicular routes in the city centre.
- 4.3.2 The provision of a loading bay on Tower House Street will also help keep carriageways clear, reduce traffic collisions and make a specific contribution to the Best Council Plan 2019/20 to 2020/21 and the Best City priorities for Safe, Strong Communities, Sustainable Infrastructure and a Child Friendly City.

Climate Emergency

- 4.3.3 The works will provide improved infrastructure, which will accommodate pedestrian and cycle movement to and from the site and enhance access to high frequency public transport facilities adjacent to the site thereby encouraging travel by more sustainable transport modes. The development site includes cycle parking. A Travel Plan has been agreed with the developer to promote the use of sustainable modes of travel. On the above basis the proposals result in minimised vehicle emissions and 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 £5,000 staff fees to check the design and inspect the works and £10,000 TRO cost, both of which will be fully funded through the Section 278 agreement.

Funding Approval :	Capital Section Reference Number :-		33450				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2020 £000's	FORECAST				
			2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's	2024 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 2020 £000's	FORECAST				
			2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's	2024 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)	10.0			10.0			
TOTALS	15.0	0.0	0.0	15.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2020 £000's	FORECAST				
			2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's	2024 on £000's
Section 278	15.0			15.0			
Total Funding	15.0	0.0	0.0	15.0	0.0	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 As a result of planning permission being granted for a 37 storey student accommodation building on Tower House Street, off-site highway works are required.
- 5.2 The works consist of widening and resurfacing footways along the site frontages, installing a new layby on Tower House Street and resurfacing the Tower House Street carriageway. The highway works are described in detail under Section 3.3 below.
- 5.3 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.
- 5.4 This report seeks authority to negotiate terms and enter such Agreement for the highway works associated with the access works.

6. Recommendations

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

- vi) note the highway works as outlined in Section 3.1 and indicated on Drawing Number 074097-CUR-00-XX-DR-D-75001 Rev P07, shown at **Appendix 3** of this report; and
- vii) approve the adoption of new highway construction on land shaded red on drawing number 074097-CUR-00-XX-DR-D-75009 Rev P04 so that it can be added to the Council's maintenance regime, this is shown in **Appendix 4** of this report; and
- viii) authorise the City Solicitor to advertise a Draft Traffic Regulation Order to amend no loading at any time restrictions on Tower House Street to enable loading in the layby; and if no valid objections are received, to make, seal and implement the Orders as advertised; and
- ix) give authority to incur expenditure of £10,000 TRO costs and £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.
- x) 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.

7. Background documents

7.1 None

8.1 Appendices

8.1 Appendix 1 – EDCI Assessment

8.2 Appendix 2 – Location Plan

8.3 Appendix 3 – General Arrangement Plan

8.4 Appendix 4 – Land Dedication Plan