

Design & Cost Report for S278 Highway Works Associated With Development on Land at Globe Road and Water Lane, Holbeck, Leeds

Date: 2nd November 2021

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 733297

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- Planning permission was granted in October 2018 (ref: 17/06455/FU) for a phased development comprising detailed / full planning permission for erection of two office buildings and associated means of access, parking, landscaping and associated infrastructure works; and outline planning permission for mixed use development at Globe Road and Water Lane, Holbeck, Leeds and as shown on the Location Plan at Appendix 2. The detailed planning consent requires a package of highway improvements described in detail in paragraph 3 below
- To meet the requirements of the planning permission and delivery the highway improvements, 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 Leeds City Council, fully funded by the developer.
- This report seeks authority to negotiate terms and enter a S278 Agreement for the highway works associated with the development to allow the Council to design and construct the works at the developer's expense.
- The planned highway works will contribute to the Best Council Plan by maintaining and improving the safety of Leeds residents and enabling safe and sustainable pedestrian, cycle and vehicular access in the local community.

Recommendations

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

- a) Note the detail of the highway works described in outline in paragraph 3 of this report and shown on plans: Phase 1A & 1B Proposals 733297/LCC/HWT/XX/DR/CH/MI_05_B, and Proposed Traffic Regulation Orders Phase 1A & 1B 733297/LCC/HWT/XX/DR/CH/TRO_01a and 733297/LCC/HWT/XX/DR/CH/TRO_02 , attached at **Appendix 3 and 5 respectively**;
- 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 Leeds City Council, fully funded by the developer.

- c) Give authority to incur expenditure of £961,000 works costs plus statutory undertakers' costs, and £192,000 staff costs to be fully funded by the developer through the S278 Agreement.
- d) Approve the adoption of new highway construction on land shaded orange on Drawing no. 733297/LCC/HWT/XX/DR/CH/MI_12_ so that it can be added to the Council's maintenance regime.
- e) Authorise the City Solicitor to erect a notice under Section 23 of the Road Traffic Regulation Act 1984 on site as required for introduction of the new pedestrian crossing.
- f) Authorise the City Solicitor to advertise a notice under the provisions of Section 90c of the Highways Act 1980 in order to inform the public of the new raised speed tables and cushions on Globe Road and Water Lane and if no valid objections are received, to continue with the works as advertised.
- g) Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to remove 2 Pay by Phone parking bays to accommodate the zebra crossing and convert 2 Pay by phone parking bays to Car Club bays, and a Draft Speed Limit Order to introduce a 20mph speed limit on the roads indicated, as shown on TRO Plans 733297/LCC/HWT/XX/DR/CH/TRO_01a & 733297/LCC/HWT/XX/DR/CH/TRO_02, and if no valid objections are received, to make, seal and implement the Orders as advertised.

Why is the proposal being put forward?

- 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 17/06455/FU. The location of the development site is provided on Drawing No. 1814-FCBS-00-00DR-A-0000 P01 at Appendix 2 of this report. A General Arrangement Plan (drawing no. 733297/LCC/HWT/XX/DR/CH/MI_05_B) is provided at Appendix 3 of this report, a Land Dedication Plan (Drawing no. 733297/LCC/HWT/XX/DR/CH/MI_05_B) at Appendix 4, and TRO Plans at Appendix 5 (Drawing no. 733297/LCC/HWT/XX/DR/CH/TRO_01a & 733297/LCC/HWT/XX/DR/CH/TRO_02).
- 3 The highway works are required for condition 14 of the planning permission. The proposed works comprise:
 - Footway widening on the southern side of Globe Road, with street trees incorporated if possible into the design, and vehicle footway crossing to serve the development.
 - Provision of a raised zebra crossing on Globe Road, with associated footway buildout incorporating trees on the northern side of Globe Road
 - Speed cushions on Globe Road
 - Introduction of 20mph speed limit on Globe Road, Water Lane, and streets from here running south to Sweet Street
 - Provision of 2 car club bays on Globe Road by conversion of 2 pay by phone parking bays
 - The provision of an informal pedestrian crossing on a raised table on Water Lane, with associated footway widening and carriageway narrowing, and additional informal pedestrian crossings with dropped kerbs and tactile paving on Water Lane
 - Associated Traffic Regulation Orders for the car club bays and loss of Pay by Phone bays, and Speed Limit Order for the 20mph speed limit, as shown on TRO drawings 733297/LCC/HWT/XX/DR/CH/TRO_01a & 733297/LCC/HWT/XX/DR/CH/TRO_02)
 - Footway materials to be natural stone and wide granite kerbs
 - All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc;
 - Any associated statutory undertakers' works resulting from the works; and
 - Any works reasonably required following safety audits of the design and construction of the highway works.
- 4 These works form the first phase of highways works for the development. The full works, comprising mainly additional footway works and speed reduction measures on Globe Road and Water Lane, will follow RM approval of later phases of the development. The works also overlap with highway works required for the Tower Works development, to the north of Globe Road, which will deliver further footway works, layby and car club bay.

- 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, enters into a Section 278 Agreement to enable the highway works to be carried out.
- 6 This report seeks authority to negotiate terms and enter into a Standard S278 Agreement for the highway works in order to allow the Council to design and construct the works at the Developer's expense.
- 7 The S278 agreements will include commuted sums for future maintenance.

What impact will this proposal have?

Wards Affected: Beeston & Holbeck

Have ward members been consulted?

Yes

No

- 8 Site specific issues raised in EDCI - The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of new raised tables with incorporated pedestrian crossing facilities, speed cushions, reduced speed limits and the provision of car club bays. Such improvements will be made to accommodate the needs of all users.
- 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.

What consultation and engagement has taken place?

- 10 Beeston & Holbeck Ward Members were consulted by email dated 11th October 2021. One response has been received which is fully supportive of the proposals contained in this report.
- 11 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 11th October 2021. No comments have been received at the time of writing this report.
- 12 Internal consultation has taken place with colleagues in Highways and Transportation Services, including FRM, by email dated 11th October 2021. Responses have been provided and issues raised have been passed to the Design Team for inclusion in the detailed design.

What are the resource implications?

- 13 Funding: The developer will meet the Council's costs for the works to be carried out under the agreement. These are estimated to be £1,153,000 comprising £961,000 works costs and £192,000 fees (including TRO costs).
- 14 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		733297				
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST				
	£000's	2022 £000's	2022/23	2023/24	2024/25	2025 on	2026 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	2022 £000's	2022/23	2023/24	2024/25	2025 on	2026 on
			£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	961.0	500.0	461.0				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	172.0	100.0	72.0				
OTHER COSTS (7)	20.0	20.0					
TOTALS	1153.0	620.0	533.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2022 £000's	2022/23	2023/24	2024/25	2025 on	2026 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	1153.0	620.0	533.0				
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						
Total Funding	1153.0	620.0	533.0	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 legal implications?

- 15 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 16 The works contained in this report are of a value greater than £500k but the impact on the Council's budget and financial risks associated with it are not of this value as the works are fully Developer funded. In addition, the works may have an impact on the public at large however the scope of the works was confirmed at Planning Application stage, giving the public the opportunity to provide comment. For these reasons the works contained in this report do not constitute a key decision.
- 17 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.

- 18 The proposals regarding the new pedestrian crossing and raised speed tables and cushions are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.
- 19 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984, the Highways Act 1980 and the Local Government Miscellaneous Provisions Act 1976. Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.

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.
- 21 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.

Does this proposal support the council's 3 Key Pillars?

- Inclusive Growth Health and Wellbeing Climate Emergency

- 22 The proposals support objectives across the three pillars. The highway works will improve access for all users, and facilitate safer, active and sustainable travel.
- 23 The proposed highway works accord with Core Strategy policies SP3, SP11, CC3, T1 & T2, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 24 A Stage 1 Road Safety Audit has been undertaken for the full highway works, a further Stage 1/2 RSA will be undertaken on the interim (Phase 1 & 2) works that are the subject of this report. Issues identified by the audit have/will be addressed at detailed design stage.
- 25 The proposed raised tables incorporate pedestrian crossing facilities which will enable good pedestrian connections from the development and improve permeability through the area.
- 26 The development will incorporate 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.
- 27 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.

Options, timescales and measuring success

a) 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.

b) How will success be measured?

- 25 Success will be measured by the delivery of the highway works to support planning consent 17/06455/FU, thereby achieving the stated social, environmental and economic benefits to the city.

c) What is the timetable for implementation?

- 26 Works for the proposed development will commence in Jan/February 2022. The proposed highway works would be fully implemented by Summer 2022.

Appendices

27 Appendix 1 – EDCI Screening

28 Appendix 2 – Location Plan Drawing No. 1814-FCBS-00-00DR-A-0000 P01

29 Appendix 3 - General Arrangement drawing no: 733297/LCC/HWT/XX/DR/CH/MI_05_B

30 Appendix 4 – Land Dedication Plan, Drawing no. 733297/LCC/HWT/XX/DR/CH/MI_12

31 Appendix 5a - TRO plan, Drawing no. 733297/LCC/HWT/XX/DR/CH/TRO_01a

32 Appendix 5b - TRO plan, Drawing no. 733297/LCC/HWT/XX/DR/CH/TRO_02

Background papers

33 None.