

## **Design & Cost Report for S278 Highway Works Associated With Planning Permission (ref. 19/01010/FU) Granted For The Construction Of Two Residential Buildings**

**Date: 16 November 2021**

**Report of: Transport Development Services Manager**

**Report to: Chief Officer (Highways and Transportation)**

**Capital Scheme Number: 33465**

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 June 2020 (ref: 19/01010/FU) for the construction of two residential buildings comprising 349 flats, a basement carpark, and associated highway improvements at Saxton Lane & Railway Street, Leeds, LS9. The location of the development site is provided on P102-DEN-01-00-DR-A-001 at **Appendix 2**. The planning consent requires a package of highway improvements described in detail in paragraph 3 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 into a S278 Agreement for the highway works associated with the development to allow the developer to complete the detailed design and construction of the works under the Council's supervision, to introduce Traffic Regulation Orders (as required) and give authority to incur expenditure related to the same. In addition, a fixed wind screen baffle is required within the highway boundary to mitigate the buildings impact on surrounding wind speeds.
- The wind baffle is designed by a competent wind consultant and an independent check has also been undertaken through the planning process. The works will be installed under licence with an appropriate maintenance agreement to be fully funded by the Developer. The screen will be required to be maintained for the lifetime of the building or until such time as the wind environment changes and it is no longer required.
- The planned highway works will contribute to the Best Council Plan by maintaining and improving the safety of Leeds residents through creating safe pedestrian routes, safe cycle and vehicle access, and a designated location for loading to take place.

## 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 plan C102-CUR-00-ZZ-DR-C-95001-P12 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;
- c) approve the adoption of new highway construction on land shaded red on drawing number C102-CUR-00-ZZ-DR-C-95003-P01 so that it can be added to the Council's maintenance regime;
- d) authorise the City Solicitor to advertise a Draft Traffic Regulation Order to amend the waiting restrictions on Railway Street and Saxton Lane to cover a new loading bay on Railway Street, new layby for time limited waiting & a Car Club bay on Saxton Lane, and NWAAT restrictions to the east of the layby on Saxton Lane as indicated on plan C102-CUR-00-ZZ-DR-C-95001-P12 attached at **Appendix 3** of this report. If no valid objections are received, to make, seal and implement the Orders as advertised;
- e) 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 the Section 278 Agreement.

## 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 ref: 19/01010/FU. The location of the development site is provided on P102-DEN-01-00-DR-A-001 at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: C102-CUR-00-ZZ-DR-C-95001-P12) is provided at **Appendix 3** of this report. Land to be adopted is shaded red on drawing number C102-CUR-00-ZZ-DR-C-95003-P01 at **Appendix 4** of this report.
- 3 The highway works are required to create a safe place for loading and drop off/ pick up to take place whilst maintaining pedestrian routes. The proposed works comprise:
  - a) New land dedicated as public highway to form:
    - Laybys on Railway Street and Saxton Lane;
    - 2m wide footways to the rear of both laybys.
  - b) A new vehicular access off Flax Place with tactile paving and dropped kerbs;
  - c) A wind baffle on Railway Street;
  - d) Amendments to Traffic Regulation Orders to:
    - Amend no waiting at any time restrictions on Saxton Lane;
    - Form 2 new Car Club bays;
    - Form 2 drop off bays
    - Form a new loading bay.
  - e) All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc;
  - f) Any associated statutory undertakers' works resulting from the works; and

- g) Any works reasonably required following safety audits of the design and construction of the highway works.
- 4 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 This report seeks authority to negotiate terms and enter into 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.

**What impact will this proposal have?**

<b>Wards Affected: Burmantofts &amp; Richmond Hill</b>		
Have ward members been consulted?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

- 6 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.
- 7 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 dropped kerbs with tactile paving and new laybys with diverted footways to the rear. Such improvements will be made to accommodate the needs of all users.

**What consultation and engagement has taken place?**

- 8 Burmantofts & Richmond Hill Ward Members were consulted by email dated 21<sup>st</sup> July 2021, no comments have been received at the time of writing this report.
- 9 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 21<sup>st</sup> July 2021, no comments have been received at the time of writing this report.
- 10 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 21<sup>st</sup> July 2021. Street lighting requested a lighting column is relocated to the back of footway and comments received have been addressed by the Developer’s Design Engineer.

**What are the resource implications?**

- 11 The developer will meet the Council’s costs, estimated to be £5,000 fees to check the design and inspect the works, and £10,000 TRO costs, all of which will be fully funded through the Section 278 agreement.
- 12 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker’s costs and staff fees.
- 13 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		33465				
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST				
	£000's	2021 £000's	2021/22	2022/23	2023/24	2024/25	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						
<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	TO MARCH	FORECAST				
	£000's	2021 £000's	2021/22	2022/23	2023/24	2024/25	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)	5.0		5.0				
OTHER COSTS (7)	10.0		10.0				
<b>TOTALS</b>	<b>15.0</b>	<b>0.0</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2021 £000's	2021/22	2022/23	2023/24	2024/25	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	15.0		15.0				
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>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</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>

### What are the legal implications?

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

### What are the key risks and how are they being managed?

- 15 The total cost of the highway works and staff fees are fully developer funded.
- 16 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

17 The proposals support objectives across the three pillars. The highway works will provide two laybys to ensure loading and drop off/ pick up do not obstruct the free flow of traffic, this will maintain a safe environment for other road users supporting LCCs inclusive growth

agenda. The scheme also provides a Car Club bay adjacent to the site which provides an alternative travel option to encourage lower levels of car ownership helping to tackle Leeds climate emergency and desire to decarbonise transport.

- 18 The proposed highway works accord with Core Strategy policy T2, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 19 A Stage 1 Road Safety Audit has been undertaken as part of the planning application process.
- 20 The development incorporates Electric Vehicle Charging Points and cycle parking provision. Sustainable travel options will be promoted through a Travel Plan that is required as a planning obligation linked with the development. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint hence supporting our response to the climate emergency and improving health and wellbeing.
- 21 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 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 were assessed and agreed at Planning Application stage. This is such that 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 19/01010/FU, thereby achieving the social, environmental and economic benefits to the city.

### **c) What is the timetable for implementation?**

26 Works for the proposed development aim to commence 19th November 2021. It is hoped that the proposed highway works would be fully implemented by 25th March 2022.

## **Appendices**

27 Appendix 1 – EDCI Screening

28 Appendix 2 – Location Plan drawing no: P102-DEN-01-00-DR-A-001

29 Appendix 3 - Section 278 Saxton Lane drawing no: C102-CUR-00-ZZ-DR-C-95001-P12

30 Appendix 4 – Highway Adoption Layout drawing no: C102-CUR-00-ZZ-DR-C-95003-P01

## **Background papers**

31 None.