

Design & Cost Report for Section 278 Highway Works Associated with Construction of two units (use classes E(c)(iii), B2 and B8) with car parking and other associated works – Leeds Road, Robin Hood, Leeds

Date: 04 May 2022

Report of: Transport Development Services

Report to: The Chief Officer (Highways and Transportation)

Capital Scheme Number: 33574

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?

- Planning permission was granted on 21st July 2021 under application ref **20/08353/FU** for Construction of two units (use classes E(c)(iii), B2 and B8) with car parking and other associated works. The developer is the WRA Industrial Coatings. The site location plan is included in **Appendix 2**.
- The planning consent requires a package of highway improvements described in detail in paragraphs 1-4 below. The works comprise the creation of a new priority access junction, with dropped kerb pedestrian crossing and tactile paving; provision of a right turn lane on the existing central hatched area on the A61 Leeds Road and extension of the existing double-yellow lines (No waiting at any time) along the site frontage. The Section 278 access layout is provided at **Appendix 3**.
- To meet the requirements of the planning permission and deliver the highway improvements outlined above, the developer has requested Leeds City Council enter into a minor Section 278 Agreement.
- This report seeks authority to negotiate the terms and enter into a minor Section 278 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, to amend traffic regulation orders and give authority to incur expenditure.
- 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.

Recommendations

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

- a) Note the detail of the highway works provided in paragraphs 1-4 of this report and as shown on the plan included at **Appendix 3** of this report;

- b) Give authority to negotiate the terms of and enter into an agreement with the developers under the provisions of Section 278 of the Highways Act 1980; whereby the works associated with the development are carried out by the developers at the developers' expense under Leeds City Council's supervision;
- c) Give authority to request the City Solicitor to advertise a draft Traffic Regulation Order (TRO) to provide 'No Waiting At Any Time' restrictions in the vicinity of the proposed access as shown on the plan included at **Appendix 3** of this report; and if no valid objections are received, to make seal and implement the Orders as advertised; and
- d) Give authority to incur capital expenditure of £15,000, consisting of £10,000 legal costs and £ 5,000 staff costs, all to be fully rechargeable to the developer through the Minor Section 278 Agreement. These are subject to estimated costs.

Why is the proposal being put forward?

- 1 A new access is being created to a vacant site. The proposed access will be 7.0m wide with 2.0m radius kerbs. Dropped kerb pedestrian crossing and tactile paving will also be created.
- 2 Provision of a right turn lane on the existing central hatched area on the A61 Leeds Road
- 3 Provision of 'No Waiting At Any Time' restrictions (double-yellow lines) from the proposed access to a point 56m south following advertisement of TROs.
- 4 The works are required under condition 6 of planning permission ref no **20/08353/FU**
- 5 The proposals will provide a safe access to the new units. The new development will have cycle parking and EV charging in accordance with the emerging Transport SPD and adopted Policy EN8 respectively.

.What impact will this proposal have?

Wards Affected: Ardsley & Robin Hood

Have ward members been consulted? Yes No

- 1. The proposals will create a new access to the site for pedestrians, cyclists and vehicles. Such improvements will be made to accommodate the needs of all users.
- 2. 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) criteria, 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?

- 6 Ardsley & Robin Hood ward members have been consulted by email on Monday 31st January 2022. No comments have been received.
- 7 The Emergency Services and West Yorkshire Combined Authority (WYCA) have been consulted by email on Monday 31st January 2022. No concerns were raised by either.
- 8 Internal consultation has also been undertaken with colleagues in Highways and Transportation Services by email on Monday 31st January 2022. No comments were received.

What are the resource implications?

- 9 The developer will meet the Council's costs, estimated to be £15,000 consisting of £10,000 TRO costs and £5,000 staff costs, all of which will be fully funded through the Section 278 Agreement. These are subject to contractor estimated costs.
- 10 Funding: The developer will fund the total cost of the scheme, including the highways works, any statutory undertakers works and staff fees.
- 11 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval:	Capital Scheme Number		33574				
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH 2021	FORECAST				
	£000's	£000's	2021/22	2022/23	2023/24	2024/25	2025 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 2021	FORECAST				
	£000's	£000's	2021/22	2022/23	2023/24	2024/25	2025 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			
TOTALS	15.0	0.0	0.0	15.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH 2021	FORECAST				
	£000's	£000's	2021/22	2022/23	2023/24	2024/25	2025 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						
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

What are the legal implications?

- 12 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?

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

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

Inclusive Growth Health and Wellbeing Climate Emergency

- 14 The proposals achieve a range of objectives across the three pillars. The highway works will provide safe and suitable access for the proposed development, which comprises “*the construction of two new industrial units (use classes E(c)(iii), B2 and B8) with associated works*” as set out in the approved Design and Access Statement submitted in support of the planning application (20/08353/FU).
- 15 The proposed highway works also accord with the core strategy policies, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 16 A Stage 1/2 Road Safety Audit (RSA) has been undertaken which is presented in Appendix 4. No issues were identified by the audit.
- 17 Within the site, Electric Vehicle Charging Points will be provided and secure cycle parking. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and offset its carbon footprint.
- 18 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.
- 19 It is therefore considered that the highways works facilitating the development will increase active and sustainable travel to the site supporting all three pillars in the process.

Options, timescales and measuring success

a) What other options were considered?

- 20 An access without the double yellow lines was considered during the planning determination stage, however this was dismissed on the basis that double yellow lines are required to prevent parking near the proposed access and protect visibility sightlines.

b) How will success be measured?

- 21 It is considered that success will ultimately be measured by the delivery of the highway works to standards prior to opening / operation of the proposed development, thereby achieving the social, environmental and economic benefits to the city from the onset.

c) What is the timetable for implementation?

- 22 Works for the proposed development will commence imminently. The proposed highway works will be implemented prior to opening / operation of the proposed development as required by the planning condition.

Appendices

23 Appendix 1 – Equality, Diversity, Inclusion and Cohesion screening form

24 Appendix 2 – Site Location Plan

25 Appendix 3 – Proposed Vehicular Access Section 278 Layout

26 Appendix 4 – Stage 1/2 RSA

Background papers

27 None.