

Design & Cost Report for S278 Highway Works Associated with Development at Acanthus Golf Club, Thorpe Lane, Tingley, WF3 1SL

Date: 04 May 2022

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33533

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 August 2021 (ref: 20/06103/FU) for a garden centre incorporating a restaurant, indoor and outdoor play areas, outdoor sales area, adventure play centre, car parking and service area and associated highway improvements at Acanthus Golf Club, Thorpe Lane, Tingley, WF3 1SL. The site location is as shown on the Location Plan at **Appendix 2**.
- The planning consent requires a package of highway improvements described in detail in paragraph 3 below. Briefly, these works comprise alterations to existing site access; provision of a ghost island right-turn lane and new pedestrian refuge with a linking footway; and all associated works reasonably required (civils, statutory undertakers or arising from the road safety audit). The approved plan showing the indicative works is provided at **Appendix 3**.
- To meet the requirements of the planning permission and deliver the highway improvements outlined above 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 into 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 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 indicatively on plan M16.213.D063A 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 Leeds City Council, fully funded by the developer.

- c) Give authority to complete the detailed design, tender and implement the works as provided for within the Section 278 Agreement and as outlined in paragraph 3 of this report;
- d) Give authority to incur expenditure of £130,102 works costs, £26,020 staff costs and £10,000 TRO costs to be fully funded by the developer through the S278 Agreement.
- e) Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to provide double yellow lines along A654 Thorpe Lane for the overlaid section of the highway shown on plan ref. 733533/LCC/HWT/XX/DR/CH/MI_01 Rev P01 at **Appendix 4**; 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 20/06103/FU. The location of the development site is provided on drawing ref: M16.213.D.052 at **Appendix 2** of this report. The approved plan showing the indicative works (drawing ref: M16.213.D063A) is provided at **Appendix 3** of this report.
- 3 The highway works are required to ensure the free and safe use of the highway during all development works and throughout the lifetime of the development. The proposed works comprise:
 - Alterations to existing site access to accommodate vehicle turning manoeuvres.
 - A ghost island right turning lane at the site access junction onto A654 Thorpe Lane;
 - A new pedestrian refuge to assist the crossing of the A654 Thorpe Lane and associated tactile paving;
 - Footway to link site to the pedestrian refuge at A654 Thorpe Lane to the northeast of the site access;
 - TRO to provide double yellow lines along a section of A654 Thorpe Lane that is to be overlaid and shown on plan ref. 733533/LCC/HWT/XX/DR/CH/MI_01 Rev P01 at **Appendix 4**
 - 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 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 Standard S278 Agreement for the highway works in order to allow the Council to design and construct the works at the Developer's expense.
- 6 The S278 Agreement will include commuted sums for future maintenance.

What impact will this proposal have?

Wards Affected: Ardsley & Robin Hood

Have ward members been consulted?

Yes

No

- 7 The proposals will contribute to improved access to the site for pedestrians and vehicles through the provision of new pedestrian crossing facilities and improved access with a new right turn lane on A654 Thorpe Lane. In addition, cycle parking is provided on site to encourage cycling to the site and the new development is to include Electric Vehicle Charging Points. Such improvements will be made to accommodate the needs of all users. This is in accordance with the emerging Transport SPD and adopted Policy EN8 respectively.
- 8 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?

- 9 Ardsley & Robin Hood Ward Members were consulted by email dated 27th April 2022 and a subsequent briefing was held. Members expressed concerns with on-street parking associated with the nursery opposite the site; inquired about the 50mph speed limit and if traffic calming was proposed. It was noted at the briefing that a road safety audit had been undertaken and this was accepted. In addition, it was noted there were no proposals to change the speed limit or any proposed traffic calming along the A654 Thorpe Lane as a result of the proposals. The concern about on-street parking from the plant nursery will be passed to the Design team for consideration in the detailed design.
- 10 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 27th April 2022. No comments have been received at the time of writing this report.
- 11 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 27th April 2022. Concerns were raised by traffic with regards potential safety issues with regards the location of the pedestrian refuge and stating it would prevent vehicles wishing to access the plant nursery located northwest of A654 Thorpe Lane from doing so and would obstruct Thorpe Lane. Issues raised have been passed to the Design Team for inclusion in the detailed design. A TRO to prevent vehicles parking along the north-western edge of the carriageway is to be delivered.

What are the resource implications?

- 12 The developer will meet the Council's costs, estimated to be £130,102 works costs, £26,020 staff fees and £10,000 TRO costs, all of which will be fully funded through the Section 278 Agreement. The developer will also pay the Council £9,310 commuted sums for future maintenance.
- 13 Funding: The developer will fund the total cost of the scheme, including the highway works' costs, statutory undertaker's costs and staff fees.

14 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	TO MARCH	FORECAST				
	£000's	2021 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 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	TO MARCH	FORECAST				
£000's	£000's	2021 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	130.1		130.1				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	26.0		26.0				
OTHER COSTS (7)	0.0		0.0				
TOTALS	156.1	0.0	156.1	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
£000's	£000's	2021 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2026 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	156.1		156.1				
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	156.1	0.0	156.1	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 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.
- 17 The proposals regarding the footway addition and pedestrian refuge are to be pursued via the statutory powers available to the Council as local highway authority under the provisions of the Highways Act 1980. That is, under sections 66(1) and 68(1) respectively.

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

- 18 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

- 19 The proposals support objectives across the three pillars. The highway works will facilitate safe and efficient access to the site for all users of the highway network along with a safe crossing point for pedestrians to access the site.
- 20 The proposed highway works accord with Core Strategy policies T2, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 21 A Stage 1 Road Safety Audit has been undertaken as part of the planning application and the issues identified by the audit included insufficient carriageway width past the pedestrian refuge, poor illumination of the pedestrian refuge, illumination of the give-way sign and potential for pedestrians using the new footway to be struck by vehicles. The designer's response was to provide a revised plan with the acceptable carriageway width past the refuge and this was accepted. The issues relating to illumination levels for the refuge, illumination of the give-way sign and consideration of a barrier at the footway will be addressed at detailed design stage.
- 22 The development incorporates 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.
- 23 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking 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 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 20/06103/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 May 2022. The proposed highway works would be fully implemented by June 2022.

Appendices

27 Appendix 1 – EDCI Screening

28 Appendix 2 – Location Plan drawing no: M16.213.D.052

29 Appendix 3 – Site Plan drawing no: M16.213.D063A

30 Appendix 4 – 733533/LCC/HWT/XX/DR/CH/MI_01 Rev P01

Background papers

31 None.