

## **Design & Cost Report for S278 Highway Works associated with Student Accommodation at Park Lane, Leeds, LS3 1DH**

**Date: 06 April 2022**

**Report of: Transport Development Services Manager**

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

**Capital Scheme Number: 33532**

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 December 2019 (ref: 18/00147/FU) for the construction of an 8 storey student accommodation block with basement carpark and associated highway improvements at Park Lane, Leeds, LS3 1DH. 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.
- 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 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 works to be designed and carried out by the developer, overseen by the Council.
- 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 on plan C181-BMCE-XX-ZZ-DR-C-1010 C02 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) 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;
- d) Approve the adoption of new highway construction on land shaded red on drawing number C181-BMCE-XX-ZZ-DR-C-1015 PL1 attached at **Appendix 4** so that it can be added to the Council's maintenance regime; and

- e) Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to add a no waiting at any time waiting restriction on Park Lane; and if no valid objections are received, to make, seal and implement the Orders as advertised. If amendments are required through objection when advertised any major changes will go back to the Chief Officer, Highways & Transportation.

### **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 18/00147/FU. The location of the development site is provided on ARCH-2009-165-A-01-001-F at **Appendix 2** of this report. A Proposed Road Layout Plan (drawing ref: C181-BMCE-XX-ZZ-DR-C-1010 C02) is provided at **Appendix 3** of this report.
- 3 The highway works are required for planning permission 18/00147/FU. The proposed works comprise:
  - New land dedicated as public highway to ensure the footway has a minimum width of 2.0m wide on Park Lane;
  - A new vehicular access off Park Lane with tactile paving and dropped kerbs;
  - Tactile paving and dropped kerbs outside the bin store;
  - Informal pedestrian crossings with tactile paving and dropped kerbs to the eastern side of Park Lane, and on Belle Vue Road;
  - Replacement of stairs at the Park Lane Belle Vue Road junction;
  - No waiting at any time TRO on Park Lane;
  - All associated civils works including (inter alia) signs, lighting, road markings and drainage;
  - Any Statutory undertakers works resulting from the works described above; 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 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.
- 6 The S278 agreements will include commuted sums for future maintenance.

### **What impact will this proposal have?**

**Wards Affected: Little London & Woodhouse**

Have ward members been consulted?

Yes

No

- 7 Site specific issues raised in EDCI - The highway works will improve pedestrian infrastructure by widening the footway on Park Lane to 2m and replacing the stairs at the Park Lane/ Belle Vue Road junction make them compliant with the Inclusive Mobility

guidance. DDA compliant handrails have been placed around the stairs to assist pedestrians.

It was not possible to replace the stairs with a ramp due to the gradient, therefore dropped kerbs have been provided across Belle Vue Road to provide an alternative route for disabled pedestrians. Tactile paving has been provided at all dropped crossings to assist those with visual impairments when crossing the road.

- 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?**

- 1 Little London & Woodhouse Ward Members were consulted by email dated 18<sup>th</sup> October 2021, no comments have been received at the time of writing this report.
- 2 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 18<sup>th</sup> October 2021, no comments have been received at the time of writing this report.
- 3 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 18<sup>th</sup> October 2021. Comments are summarised below.

Stairs have been proposed on the junction of Park Lane and Belle Vue Road as it is not possible to provide a level footway due to the gradient. Following discussions with the Access Officer the developer has provided dropped kerbs across Belle Vue Road and Park Lane to provide an alternative route for pedestrians unable to use stairs.

The developer has applied for Technical Approval for the retaining walls and is currently in discussion with the Structures team. I will instruct Legal Technical Approval must be received before the agreement can be signed.

No other comments were received.

### **What are the resource implications?**

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

Funding Approval :	Capital Section Reference Number :-		33532				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2021 £000's	FORECAST				
			2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £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						
<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 £000's	TO MARCH 2021 £000's	FORECAST				
			2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2026 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			
<b>TOTALS</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2021 £000's	FORECAST				
			2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £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	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>0.0</b>	<b>15.0</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?

- 7 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 8 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.
- 9 The proposals regarding the footway alterations are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

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

- 10 The total cost of the highway works and staff fees are fully developer funded.
- 11 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

- 12 The proposals support objectives across the three pillars. The highway works will improve pedestrian infrastructure by widening the footway on Park Lane to 2m and replacing the stairs at the Park Lane/ Belle Vue Road junction make them compliant with the Inclusive Mobility guidance. It was not possible to replace the stairs with a ramp due to the gradient, therefore dropped kerbs have been provided across Belle Vue Road to provide an alternative route for disabled pedestrians. This is an example of the scheme supporting inclusive growth and health and wellbeing.
- 13 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.
- 14 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.
- 15 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 18/00147/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 are expected to commence June 2022. The proposed highway works are expected to be implemented by October 2022.

### **Appendices**

27 Appendix 1 – EDCI Screening

28 Appendix 2 – Location Plan drawing no: ARCH-2009-165-A-01-001-F

29 Appendix 3 – Proposed Road Layout Plan drawing no: C181-BMCE-XX-ZZ-DR-C-1010 C02

30 Appendix 4 – Land Dedication Plan drawing no: C181-BMCE-XX-ZZ-DR-C-1015 PL1

### **Background papers**

31 None.