

Design & Cost Report for Section 278 Highway Works Associated with the Conversion of two storey office space (Ground and first floor) to 22 No. apartments at Westfield Road, Woodhouse, Leeds, LS2

Date: 13 June 2022

Report of: Transport Development Services (Highways Development Engineer)

Report to: The Chief Officer (Highways and Transportation)

Capital Scheme Number: 33573

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 28th January 2021 under application ref 20/01846/FU for the Conversion of two storey office space (Ground and first floor) to 22 No. apartments at Westfield Road, Woodhouse, Leeds, LS2. The site location plan is included in **Appendix 2**.
- The planning consent requires a package of highway improvements described in detail in paragraph 1 below. Briefly, the works will comprise the widening of the footway along the 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, give authority to incur expenditure (which will be fully recouped from the developer via the aforementioned Agreement) and to adopt an additional strip of land as highway following completion of the works.
- 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 paragraph 1 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 developer at the developer's expense under Leeds City Council's supervision;

- c) Give authority to incur capital expenditure of £5,000 staff costs, all to be fully rechargeable to the developer through the Minor Section 278 Agreement. These are subject to estimated costs; and
- d) Approve the adoption of new highway construction on land hatched in magenta on drawing number Y622 - BPL - 00 - XX - DR - C - 0004 P3 so that it can be added to the Council's maintenance regime.

### **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. The Section 278 access layout is provided at Appendix 3.
- 2 Widening the footway along the frontage from 1.2m to 2.0-2.5m (except adjacent the existing ramp) is proposed to meet the requirements of the Street Design Guide SPD and improve footway provision to support the development.
- 3 The works are required under condition 4 of planning permission ref no 20/01846/FU.

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

<b>Wards Affected: Little London and Woodhouse</b>
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Have ward members been consulted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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- 4 The proposals will create an improved footway for pedestrians on a radial route to the city centre.
- 5 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.
- 6 The development will have cycle parking and EV charging in accordance with the emerging Transport SPD and adopted Policy EN8 respectively.

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

- 7 Little London and Woodhouse ward members have been consulted by email on 4<sup>th</sup> April 2022. No comments have been received.
- 8 The Emergency Services and West Yorkshire Combined Authority (WYCA) have been consulted by email on 4<sup>th</sup> April 2022. No responses were received.
- 9 Internal consultation has also been undertaken with colleagues in Highways and Transportation Services by email on 4<sup>th</sup> April 2022. Comments relating to footway construction details, street lighting and drainage were received and have been incorporated into a revised drawing

## What are the resource implications?

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

<b>Funding Approval:</b>	<b>Capital Scheme Number</b>		<b>33574</b>				
<b>Previous total Authority to Spend on this scheme</b>	<b>TOTAL</b>	<b>TO MARCH 2021</b>	<b>FORECAST</b>				
	<b>£000's</b>	<b>£000's</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025 on</b>
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
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>
<b>Authority to Spend required for this Approval</b>	<b>TOTAL</b>	<b>TO MARCH 2021</b>	<b>FORECAST</b>				
	<b>£000's</b>	<b>£000's</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025 on</b>
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	5.0			5.0			
OTHER COSTS (7)	0.0						
<b>TOTALS</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>5.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Total overall Funding (As per latest Capital Programme)</b>	<b>TOTAL</b>	<b>TO MARCH 2021</b>	<b>FORECAST</b>				
	<b>£000's</b>	<b>£000's</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025 on</b>
			<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
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	5.0			5.0			
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	5.0	0.0	0.0	5.0	0.0	0.0	0.0
<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?**

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

**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.

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

- Inclusive Growth       Health and Wellbeing       Climate Emergency

- 16 The proposals achieve a range of objectives across the three pillars. The highway works will provide a widened footway which will increase from 1.2m width to 2.0-2.5m width, ensuring safe and suitable access to and from the proposed development for pedestrians and other non-motor vehicle users utilising the footway. The footway is part of a radial route towards the City Centre.
- 17 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.
- 18 Due to the minor nature of the works, a safety audit is not required.
- 19 Within the new development to which the proposed highway works are related, 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.
- 20 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.
- 21 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?**

- 22 A 2.0m wide footway delineated by a pin kerb, with an unadopted strip up to the wall. The unadopted strip would have been the same width as the protrusion of the footing in front of the wall. It was agreed that the retaining wall footing was acceptable beneath the footway and the widened footway provided a greater benefit to pedestrians.

**b) How will success be measured?**

23 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 outset.

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

24 Works for the proposed development commenced in January 2022 and is due to be completed within 12 months. The proposed highway works will be implemented prior to occupation of the proposed development, as required by the planning condition. The contractor's programme is for the S278 works takes 8 weeks starting in mid August 2022

**Appendices**

25 Appendix 1 – Equality, Diversion, Inclusion and Cohesion screening form

26 Appendix 2 – Site Location Plan

27 Appendix 3 – Proposed Section 278 Layout

**Background papers**

28 None.