

## Design & Cost Report for S278 Highway Works Associated with Residential & Commercial Development at Towers Works, Globe Road, Holbeck, LS11 5QG

Date: 24 August 2022

Report of: Transport Development Services

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33469

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

Planning permission was granted in September 2020 for a residential and commercial development and associated highway improvements at Tower Works, Globe Road, Holbeck. The planning permission requires highway improvements as described in detail in paragraph 4 below.

To meet the requirements of the planning permission and deliver the highway improvements, the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highway 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 a Section 278 Agreement for highway works associated with the development to allow the Council to design and construct the works at the developer's expense.

### Recommendations

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

- a. Note the detail of the highway works described in outline in paragraph 4 of this report and shown on plan 733469/LCC/HWT/XX/DR/CH/01\_01 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 incur expenditure of £618,000 works costs, statutory undertakers' costs and £122,000 staff costs to be fully funded by the developer through the S278 Agreement.
- d. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order for car club bay, NWAAT and removal of Pay by Phone bays, as shown on GA drawing

733469/LCC/HWT/XX/DR/CH/01\_01 at **Appendix 3** and if no valid objections are received, to make, seal and implement the Orders as advertised;

If objections are received when advertised these will be reported back to board.

### **What is this report about?**

- 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.19/03590/FU). The location of the development site is shown on a plan provided in **Appendix 2** of this report. A General Arrangement (GA) Plan (drawing ref: 733469/LCC/HWT/XX/DR/CH/01\_01) is provided in **Appendix 3** of this report.
- 3 Planning permission was granted in September 2020 (ref: 19/03590/FU) for a residential development of 245 apartments with commercial uses at ground floor, and associated highway improvements at Tower Works, Globe Road, Holbeck. The planning consent requires a package of highway improvements, some of which are being delivered as part of highway works required for development on land to the south of Globe Road (ref. 17/06455/FU) previously approved at Highways Board and Delegated Decision Notice in November 2021, shown greyed out in the GA drawing at **Appendix 3**. The remaining works required for Tower Works are described in detail in paragraph 4 below.
- 4 The proposed works comprise:
  - Footway widening, vehicle footway crossing to serve the development and formation of parking laybys along the site frontage on the northern side of Globe Road;
  - The provision of street 4 trees;
  - The provision of a further car club bay in addition to the 2 approved previously by conversion of a pay by phone bay, with associated sheffield cycle stand;
  - Associated Traffic Regulation Orders for the car club bay, NWAAT and removal of Pay by Phone bays, as shown on GA drawing 733469/LCC/HWT/XX/DR/CH/01\_01 at **Appendix 3**.
  - Footway works to be natural stone and granite kerbs;
  - 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.
- 5 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.
- 6 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.

- 7 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.

### What impact will this proposal have?

- 8 The proposals will contribute to improved access to the site for pedestrians, cyclists and vehicles through the provision of widened footway to link with the crossing being implemented, an improved site access and provision of car club bays with adjacent cycle stand. Further, the proposals will integrate with the speed reduction measures previously approved on Globe Road. Such improvements will be made to accommodate the needs of all users. Further details of site-specific considerations are set out in the Equality, Diversity, Cohesion and Integration (EDCI) at **Appendix 1**.
- 9 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.

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 10 The proposals support objectives across the three pillars. The highway works will provide high quality infrastructure to support the development and to enable improved, safer pedestrian and vehicle movement to and from the site, incorporating street trees into the design and providing car club bays with a cycle stand, thereby encouraging travel by more sustainable modes.
- 11 The proposed highway works accord with Core Strategy policy T2 and West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 12 A Stage 1 Road Safety Audit has been undertaken as part of the planning application and the issues identified by the audit will be addressed at detailed design stage.
- 13 The development has no car parking on site apart from disabled car parking, and with cycle parking provision, car club provision and sustainable travel options promoted through a Travel Plan, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint. This is in accordance with Policy EN8.
- 14 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by improving facilities for walking, cycling and lower car ownership.

### What consultation and engagement has taken place?

Wards affected: Beeston & Holbeck

Have ward members been consulted?

Yes

No

- 15 Beeston & Holbeck Ward Members were consulted by email dated 5<sup>th</sup> August 2022. Responses are awaited at the time of writing this report, but none have been received to date. Further, any comments will be addressed through detailed design
- 16 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 5<sup>th</sup> August. No comments have been received at the time of writing this report.

17 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 5<sup>th</sup> August 2022. To date the only issue raised is regarding the deliverability of street trees. This and any other issues raised will be addressed in the in the detailed design.

### What are the resource implications?

18 The developer will meet the Council's costs, estimated to be £740,000 to design and construct the works fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement. This comprises £618,000 works costs, statutory undertakers' costs and £122,000 staff costs.

19 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.

20 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		33469				
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH 2022	FORECAST				
	£000's	£000's	2022/23	2023/24	2024/25	2025/26	2027 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 2022	FORECAST				
	£000's	£000's	2022/23	2023/24	2024/25	2025/26	2027 on
			£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	611.0		611.0				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	122.0	25.0	97.0				
OTHER COSTS (7)	7.0		7.0				
<b>TOTALS</b>	<b>740.0</b>	<b>25.0</b>	<b>715.0</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 2022	FORECAST				
	£000's	£000's	2022/23	2023/24	2024/25	2025/26	2027 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	740.0	25.0	715.0				
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>740.0</b>	<b>25.0</b>	<b>715.0</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 key risks and how are they being managed?

21 The total cost of the highway works and staff fees are fully developer funded.

22 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.

### **What are the legal implications?**

- 23 The works are exempt from call in being a consequence of and in pursuance of a regulatory decision.
- 24 The works contained in this report are of a value greater than £500k but the impact on the Council's budget and financial risks associated with it are not of this value as the works are fully Developer funded. In addition, the works may have an impact on the public at large however the scope of the works was confirmed at Planning Application stage, giving the public the opportunity to provide comment. For these reasons the works contained in this report do not constitute a key decision.
- 25 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.
- 26 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. That is, under section 66(4) of the Highways Act 1980.
- 27 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984. Further, the procedural steps undertaken will fully comply with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489.

### **Options, timescales and measuring success**

#### **What other options were considered?**

- 28 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.

#### **How will success be measured?**

- 29 Success will be measured by the delivery of the highway works to support planning consent 19/03590/FU, thereby achieving the stated social, environmental and economic benefits to the city.

#### **What is the timetable and who will be responsible for implementation?**

- 30 Works for the proposed development will commence in December 2022. The proposed highway works would be fully implemented by April 2022.

### **Appendices**

- 31 Appendix 1 – EDCI Screening  
32 Appendix 2 – Location Plan drawing no: 5059-OOB-ZZ-ZZ-DR-L-0001  
33 Appendix 3 - General Arrangement drawing no: 733469/LCC/HWT/XX/DR/CH/01\_01

### **Background papers**

- 34 None.