

# Design & Cost Report for Section 278 highway works for a phased development of four residential buildings, townhouses and student accommodation with ground floor uses comprising retail, commercial, community, health, cultural and leisure with associated access, parking, landscaping, infrastructure works and a new river wall and bridge crossing at 10-81 Kirkstall Road, Leeds LS3 1LH

Date: 30 November 2022

Report of: Transport Development Services

Report to: The Chief Officer (Highways and Transportation)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

The chief Highways and Transportation officer is requested to give authority to negotiate and enter a Section 278 Agreement of the Highways Act 1980 for the execution of highway works associated with a proposed development off the A65 Kirkstall Road at former City Reach chemical works site. The highway works include upgrade of an existing pelican crossing to a toucan crossing with widening of the central path, widened footway along the site frontage, which would require additional land to be dedicated to highways, two priority junctions, removal of all redundant access points along the site frontage, revoke the existing Traffic Regulation Order and advertise a new draft order by the City Solicitor and changes to the existing road markings. The success of such works would be measured by their implementation prior to occupation of the proposed development, as phased, to the benefit of the site users and the general public.

## Recommendations

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

- a) Note the details provided in paragraphs 1-4 of this report;
- 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 highway works associated with the development are carried out by the Council on behalf of the developer;

- c) Request the City Solicitor to revoke the existing Traffic Regulation Order (TRO) along the site frontage and advertise a Draft TRO for the works; and if no valid objections are received, to make, seal and implement the new TRO as advertised; and
- d) Give authority to incur capital expenditure of £650,000 consisting of £500,000 civil works costs, £100,000 staff fees and £50,000 commuted sums. These costs will be fully funded by the developer through the Section 278 Agreement.

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

- 1 Planning permission was granted on 1<sup>st</sup> September 2022 for the development of 1,437 flats, 362 student rooms and associated mixed uses at ground floor levels of the buildings comprising retail, commercial, community, health, cultural and leisure. The planning application reference number is **21/08190/FU**. The site location plan is included at **Appendix 2**.
- 2 This report seeks authority to negotiate the terms and enter a Section 278 Agreement of the Highways Act 1980 for the highway works to be delivered by the Council on behalf of the developer, and give authority to incur expenditure.
- 3 The planned highway works will contribute to the 'Best Council Plan' by maintaining and improving the safety of Leeds residents and enabling safe access for the site.
- 4 The proposed highway works are shown in the general arrangements plan included at **Appendix 3**. In summary, the works comprise:
  - A. Upgrade the pedestrian crossing on Kirkstall Road in front of the site to a Toucan crossing, including widening the central path.
  - B. Widen the existing footway along the whole of the site frontage to 4.0m. The footway behind bus stop number 11762 in front of the site will be widened to 5.0m. The additional land will then be dedicated to highways.
  - C. Two vehicular access points on Kirkstall Road to serve the development.
  - D. Removal of all redundant access points along the site frontage and reinstate full-height footway.
  - E. Revoke the existing Traffic Regulation Order (TRO) on Kirkstall Road up to Willow Road / Viaduct Road junction and provide a new TRO to 'No Loading at Any Time'.
  - F. Associated road markings, resurfacing, street lighting, TROs and signage in accordance with TSRGD and the Traffic Signs Manual. The TRO will be implemented following authorisation of the City Solicitor to advertise a Draft TRO; and if no valid objections are received, to make, seal and implement the TROs as advertised.

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

- 5 The proposals will improve access to the site for pedestrians, cyclists and vehicles, through the provision of a wider footway, toucan crossing and improved access junctions.
- 6 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 the design 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 would be undertaken as required.
- 7 The site is within Leeds City Centre fringe zone, with local amenities, public transport facilities and Leeds City Centre core zone located within walking distance. Therefore, the proposals will contribute to improved accessibility to the site.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 8 The proposals achieve a wide range of objectives across the three pillars. The highway works will provide safe and suitable access for the proposed development as detailed previously.
- 9 The 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.
- 10 Within the site, electric vehicle charging points and secured cycle parking/storage will be provided as part of the approved planning permission. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and offset its carbon footprint.
- 11 The proposals contained in this report therefore contribute to Leeds target of net zero carbon emissions by 2030 by enabling and improving facilities for walking, cycling, public transport and use of electric vehicles.

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

Wards affected: Little London & Woodhouse

Have ward members been consulted?  Yes  No

- 12 Little London & Woodhouse ward members were consulted by email on Thursday 3<sup>rd</sup> November 2022. No comments have been received from the ward members.
- 13 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email on Thursday 3<sup>rd</sup> November 2022. WYCA queried whether the bus stop would be affected by the proposals. In response, it was confirmed that it will remain in-situ. In addition, the changes to the bus lane are only the road markings, rather than the layout or the bus lane operation hours, which will remain 24 hours.
- 14 Internal consultations have also been undertaken with colleagues in Highways and Transportation department by email on Thursday 3<sup>rd</sup> November 2022. Comments on detailed design matters have been passed to the design team for inclusion at detailed design stage. The layout has also been updated to address some of the comments raised.

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

- 15 The developer will meet the Council's costs, estimated to be £650,000 consisting of £500,000 civil works costs, £100,000 staff fees and £50,000 commuted sums, all of which will be fully funded through the Section 278 agreement.
- 16 The design of the works can be carried out within the existing staff resources.

Funding Approval:	Capital Scheme Number		32945				
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	2025 onwards £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 £000's	TO MARCH 2021 £000's	FORECAST				
			2021/22 £000's	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025 onwards £000's
LAND (1)	0.0						
CONSTRUCTION (3)	550.0				550.0		
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	100.0				100.0		
OTHER COSTS (7)	0.0						
TOTALS	650.0	0.0	0.0	0.0	650.0	0.0	0.0
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	2025 onwards £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	650.0				650.0		
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	650.0	0.0	0.0	0.0	650.0	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 key risks and how are they being managed?

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

### What are the legal implications?

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

### Options, timescales and measuring success

#### What other options were considered?

19 The approved highway works under the planning consent (ref **21/08190/FU**) proposed much larger priority junctions at 15-22m width at the bell-mouth and 7-8m width within the site. Through negotiations with the developer post application, it was agreed for the access arrangements to be revised, with reduced widths and tightened radiuses for a better pedestrian and cycling user experience. The design team has undertaken swept path analysis to ensure a large refuse vehicle (worst-case) could still enter and exit the site safely.

20 A Stage 1 RSA has also been undertaken in October 2021 for the highway works, during the determination stage of the planning application. The access layout has been amended to take into consideration the RSA issues raised. A further stage 2 RSA (detailed design) will be undertaken as part of the Section 278 Agreement.

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

21 It is considered that success will ultimately be measured by the delivery of the proposals to standards, thereby achieving the social, environmental and economic benefits to the city from the onset.

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

22 The developer confirmed that the construction programme for the site would be phased over a number of years owing to the level of infrastructure needed for the site. Enabling works have commenced in September 2022, with first occupation anticipated in spring 2025. The developer has programmed for the Section 278 works to commence in Summer 2023.

23 The Council will be responsible for implementing the access works, which could be phased to fit with the development programme and as detailed planning applications come forward. A separate construction access will be maintained to ensure this is continued whilst the Council implements the highway works.

### **Appendices**

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

25 Appendix 2 – Site Location Plan

26 Appendix 3 – Section 278 General Arrangements Plan

### **Background papers**

27 None.