

# Design & Cost Report for S278 Highway Works Associated with Highways Works at Brotherton House, Westgate, Leeds, LS1 2RS

Date: 8<sup>th</sup> March 2023

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33649

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 into a Section 278 Agreement under the Highways Act 1980 for the execution of highway works associated with a student accommodation development on Grace Street. The highway works include resurfacing a shared pedestrian / cycle route along the southern boundary of the site and widening and resurfacing a footpath along the western boundary of the site. The footpaths being widened and resurfaced are to be adopted as highway through the powers available to the Council as local highway authority by way of Section 38 of the Highways Act 1980. The works also include a new layby at the Grace Street/ St Pauls Street junction, 5 retractable bollards on Grace Street, a no waiting at any time parking restriction on Grace Street, Paul Street, and Little Queen Street, and tactile paving and dropped kerbs Grace Street and Little Queen Street.

## Recommendations

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

- a. Note the detail of the highway works described in paragraph 4 of this report and shown on plan FW2216-C-002 A11 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, and red with hatched markings, on drawing number FW2216-C-001 A3 (Appendix 4) under the provisions

of Section 38 of the Highways Act 1980 so that it can be added to the Council's maintenance regime.

- e. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order for no waiting at any time around the Grace Street / Paul Street junction and in front of the disabled parking bay on Little Queen Street as shown at **Appendix 3** (dwg ref: FW2216-C-002 A11), and if no valid objections are received, to make and seal the Orders as advertised.

## 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 20/02021/FU. The location of the development site is provided on dwg ref: 11168-CDL-XX-XX-DR-A-PL-001 P3 at **Appendix 2** of this report. A General Arrangement Plan (drawing ref: FW2216-C-002 A11) is provided at **Appendix 3** of this report. A Highways Adoption Plan (drawing ref: FW2216-C-001 A3) is provided at **Appendix 4**.
- 3 Planning permission was granted in February 2022 (ref: 20/02021/FU) for the construction of a 14-storey building and conversion of Brotherton House to form student accommodation. Associated highway improvements with the development are on Grace Street, St Pauls Street, Little Queen Street, and footpaths to the northwest and southwest of the building. 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 4 below.
- 4 The highway works are required for planning permission 20/02021/FU. The proposed works comprise:
  - Resurfacing of shared footway/ cycleway in between St Pauls Street and the Inner Ring Road;
  - Widening and resurfacing of footway along the western boundary of the site (adjacent to the A58) to 3.0m;
  - New layby at the Grace Street/ St Pauls Street junction containing a disabled bay and loading bay;
  - 5 new removable bollards on Grace Street;
  - Adoption of new land shaded red, and red with hatched markings, on the plan attached at **Appendix 4** (ref: FW2216-C-001 A3);
  - Tactile paving and dropped kerbs across the south of Grace Street, and another set of tactile paving and dropped kerbs on Little Queen Street;
  - No waiting at any time TRO around the Grace Street / Paul Street junction and in front of the disabled parking bay on Little Queen Street as shown at **Appendix 3** (dwg ref: FW2216-C-002 A11)
  - 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 The land shaded red on the Highways Adoption Plan attached at **Appendix 4** is Leeds City Council City Development land. Asset Management have been consulted and have no concerns with this land being adopted by Highways. The land is currently hard surfaced and marked out as a shared pedestrian / cyclist route. Works to the land will be undertaken through this Section 278 agreement and then formally adopted under the powers available to the Council as local highway authority by way of Section 38 of the Highways Act 1980.
- 6 The land shaded in red with hatched markings on the Highways Adoption Plan attached at **Appendix 4** is land owned by the developer which is being offered for adoption.
- 7 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.
- 8 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. In addition, the Chief Highway Officer is asked to approve the adoption of new highway construction under the provisions of Section 38 of the Highways Act 1980 so that it can be added to the Council's maintenance regime.
- 9 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?**

- 10 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.
- 11 Site specific issues raised in EDCI - A new disabled parking space is to be created outside the building, this makes the site more accessible for people with disabilities by reducing the walking distance from their vehicle.

Tactile paving and dropped kerbs are being added to Grace Street and Little Queen Street, this will assist partially sighted pedestrians crossing the road.

The footway along the western boundary of the site (adjacent to the A58) is being widened to 3m, this creates additional space for pedestrian movement, particularly beneficial for wheelchair users or pedestrians with additional needs i.e. walking with a walking stick.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 12 The proposals support objectives across the three pillars. The highway works will create a new layby comprising of a loading bay and disabled parking space. This creates a safe place for

vehicles to park whilst visiting / servicing the building, the provision on a layby also maintains the free flow of vehicles on St Pauls Street and Little Queen Street.

- 13 The shared footway / cycleway along the southern side of the site is being resurfaced and the footway along the western boundary of the site (adjacent to the A58) is being widened to 3m. This improvement to the environment around the site promotes walking and cycling whilst reducing the risk of trips and falls through resurfacing footpaths.
- 14 The proposed highway works accord with Core Strategy policy T2, West Yorkshire Local Transport Plan and other policies in that they provide safe and sustainable means of access for all users.
- 15 The development incorporates 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.
- 16 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 public transport.

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

Wards affected: Little London & Woodhouse

Have ward members been consulted?       Yes       No

- 17 Little London & Woodhouse Ward Members were consulted by email dated 12<sup>th</sup> May 2022. No comments have been received at the time of writing this report.
- 18 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 12<sup>th</sup> May 2022. No comments have been received at the time of writing this report.
- 19 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 12<sup>th</sup> May 2022. Asset Management and City Centre Management have provided comments on surface materials, and these comments have been passed to the Design Team for inclusion in the detailed design.
- 20 A Stage 1 Road Safety Audit will be carried out as part of the detailed design process.

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

- 21 The developer will meet the Council's costs, estimated to be £5,000 fees to check the design and inspect the works and £10,000 to advertise a new Traffic Regulation Order, all of which will be fully funded through the Section 278 Agreement.
- 22 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees.
- 23 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		33649				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 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 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 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>15.0</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 £000's	TO MARCH 2022 £000's	FORECAST				
			2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	2027 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>15.0</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?

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

25 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?

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

27 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.

28 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?**

29 The scope of the highways access and other works was assessed and agreed at Planning Application stage. No other options therefore formed part of this proposal.

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

30 Success will be measured by the delivery of the highway works to support planning consent 20/02021/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

31 Works for the proposed development is expected to commence April 2023. The proposed highway works are expected to be fully implemented by September 2023.

## **Appendices**

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan drawing no: 11168-CDL-XX-XX-DR-A-PL-001 P3
- Appendix 3 - General Arrangement drawing no: FW2216-C-002 A11
- Appendix 4 – Adoption Plan drawing no: FW2216-C-001 A3

## **Background papers**

- None