

Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input checked="" type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Director of City Development		
Contact person:	Daniel Riley	Telephone number: 0113 37 88093	
Subject²:	Design & Cost Report for S278 Highway Works Associated with Highways Works at Brotherton House, Westgate, Leeds, LS1 2RS		
Decision details³:	What decision has been taken? The Chief Officer (Highways and Transportation) was requested to: <ol style="list-style-type: none"> 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 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, seal and implement the Orders as advertised. 		
	A brief statement of the reasons for the decision		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.

- 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 A7) 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 A7)
 - 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, I have spoken to Asset Management who 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, this land will be formally adopted through this Section 278 agreement.
- 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.

	Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision N/A
Affected wards:	Little London & Woodhouse
Details of consultation undertaken⁴:	Executive Member
	Ward Councillors 1 Little London & Woodhouse Ward Members were consulted by email dated 12 th May 2022, no comments have been received at the time of writing this report.
	Chief Digital and Information Officer ⁵
	Chief Asset Management and Regeneration Officer ⁶
	Others 1 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 12 th May 2022, no comments have been received at the time of writing this report. 2 Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 12 th May 2022. Asset Management and City Centre Management have provide comments on surface materials, these comments have been passed to the Design Team for inclusion in the detailed design.
Implementation	Officer accountable, and proposed timescales for implementation 1 Works for the proposed development is expected to commence April 2023. The proposed highway works are expected to be fully implemented by September 2023.
List of Forthcoming Key Decisions⁷	Date Added to List:-
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible:

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁵ See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

⁶ See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

	If published late relevant Executive member's approval	
	Signature	Date
Call In	Is the decision available ⁹ for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ¹⁰ Gary Bartlett – Chief Officer, Highways & Transportation	
	Signature G J Bartlett.	Date 9 th May 2023

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.