

Design & Cost Report for S278 Highway Works Associated with the construction of a Drive Through at land South of Queen Street, Stourton

Date: 30th October 2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number : 33924

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Planning permission for the construction of a new drive through coffee shop with associated access, parking, landscaping and ancillary structures. The development requires a new access and a new footway on Wakefield Road. This requires a Section 278 Agreement.

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 7236-HJCE-XX-XX-DR-C-2002-P03 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 with step in rights.
- c. Give authority to incur expenditure of £5000 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 on drawing number Plan 22-487-TR-005 attached at Appendix 4, so that it can be added to the Council's maintenance regime.

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 23/07259/FU. The location of the development site is provided at Appendix 2. A Site Works Plan 7236-HJCE-XX-XX-DR-C-2002-P03 is provided at Appendix 3 of this report.
- 3 Planning permission was granted in August 2024 (ref: 23/07259/FU) for the construction of a new drive through coffee shop at land south of Queen Street and associated highway improvements at Wakefield Road. 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 required highway works comprise:
 - The footway on Wakefield Road to the west of the site is to be reconstructed with a fall towards the carriageway and widened to 2.0m;
 - The footway adjacent the junction is to be increased in width to 2.0m;
 - Alterations to existing footways on Queen Street to accommodate the proposed junction;
 - 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 works to be designed and carried out by the developer, overseen by the Council.
- 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 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

- 9 The proposals support objectives across the three pillars. The highway works will widen the footways on the perimeter of the site which will improve road safety.

- 10 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policies and T2 in that they provide a safe and sustainable means of access for all users.
- 11 A Stage 1/2 Road Safety Audit is currently being undertaken and will be required prior to signing the S278 agreement. The issues identified by the audits will be addressed at detailed design stage.
- 12 The development incorporates Electric Vehicle Charging Points and cycle parking provision. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.
- 13 Delivery of the highways works supports the provision of the new Drive Through thereby supporting the Inclusive Growth of the city.
- 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, public transport and use of electric vehicles.

What consultation and engagement has taken place?

Wards affected: Hunslet & Riverside

Have ward members been consulted? Yes No

- 15 Hunslet & Riverside Ward Members were consulted by email dated 25th September 2024. No comments were received about the permanent works.
- 16 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 25th September 2024, 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 25th September 2024. Issues raised have been passed to the Design Team for inclusion in the detailed design. Comments were received from Highways Asset Management and FRM which will be followed up by through the S278 process.

What are the resource implications?

The developer will meet the Council's costs, estimated to be £5,000 fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement. The S278 agreements will include commuted sums for future maintenance.

- 18 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertaker's costs and staff fees. The S278 agreements will include commuted sums for future maintenance.
- 19 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

What are the key risks and how are they being managed?

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

What are the legal implications?

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

22 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.

23 The proposals regarding the footway additions and raised speed tables and humps are to be pursued via the statutory powers available to the Council as highway authority under the provisions of the Highways Act 1980.

Options, timescales and measuring success

What other options were considered?

24 The scope of the highways access and other works was assessed and agreed at Planning Application stage.

How will success be measured?

25 Success will be measured by the delivery of the highway works to support planning consent (ref: 23/07259/FU), thereby achieving the stated social, environmental and economic benefits to the city.

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

26 Works for the proposed development will be installed prior to the Drive Through opening in 2025.

Appendices

- Appendix 1 – EDCI Screening
- Appendix 2 – Location Plan
- Appendix 3 – Site Access Works - 7236-HJCE-XX-XX-DR-C-2002-P03
- Appendix 4 – Land Dedication Plan - 22-487-TR-005

Background papers

- None