

# Design & Cost Report for S278 Highway Works Associated with the development at land including 16-22 Burley Street and Park Lane, Leeds, LS3 1LD.

Date: 27<sup>th</sup> November 2024

Report of: Transport Development Services Manager

Report to: Chief Officer (Highways and Transportation)

Capital Scheme Number: 33898

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

Full planning permission was granted in November 2023 (ref: 23/02335/FU) for the demolition of existing buildings and erection of a purpose-built student accommodation development of between 6 and 8 storeys in height, with associated amenity space, roof terraces, servicing, cycle parking, hard and soft landscaping and associated highway improvements at Burley Street and Park Lane. The highway improvements at Burley Street and Park Lane are described in detail in paragraph 4 below.

To meet the requirements of the planning permissions and deliver the highway improvements, the developer seeks to enter into a Section 278 Agreement (Highways Act 1980).

This report seeks authority to negotiate terms and enter a Section 278 Agreement for highway works associated with the developments to allow the works to be carried out by the developer and overseen by the Council.

## 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 plans *Landscape General Arrangement ref.: 4325-101 Rev L* and *Preliminary Site Highways Arrangement ref.: J32-7248-PS-001 Rev H* 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 estimated staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.
- d. Approve the construction of a new refuge island on Park Lane under the powers contained in Section 68 (1) of the Highways Act 1980.
- e. Approve the adoption of new highway construction on land shaded orange on drawing *Preliminary Site Highways Arrangement ref.: J32-7248-PS-001 Rev H* so that it can be added to the Council's maintenance regime.
- f. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to create a new loading bay on Burley Street and if no valid objections are received, to make, seal and implement the Orders as advertised;
- g. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to implement no waiting at any time restrictions along the site frontage on Burley Street and if no valid objections are received, to make, seal and implement 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 23/02335/FU. The location of the development site is provided on *Location Plan ref.: 1402-22-P1* at **Appendix 2** of this report. A Landscape General Arrangement (drawing ref.: 4325-101 Rev L) and a Preliminary Site Highways Arrangement (drawing ref.: J32-7248-PS-001 Rev H) are provided at **Appendix 3** of this report.
- 3 Planning permission was granted in November 2023 (ref: 23/02335/FU) for the demolition of existing buildings and erection of a purpose-built student accommodation development of between 6 and 8 storeys in height, with associated amenity space, roof terraces, servicing, cycle parking, hard and soft landscaping and associated highway improvements at Burley Street and Park Lane. 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 to provide adequate servicing and delivery arrangements for the site and enhance the pedestrian infrastructure surrounding the site to accommodate the development and improve pedestrian safety. The proposed works comprise:
  - Provision of a new loading layby on Burley Street with associated traffic regulation orders, signing and road markings;
  - Installation of three street trees adjacent to the loading bay. Details of the tree pits to be provided by the developer including root barriers, irrigation systems and the underground tree cells to be positioned underneath the adopted footway only.
  - Land dedication shown on *Preliminary Site Highways Arrangement ref.: J32-7248-PS-001 Rev H* to provide a continuous 2m footway along Burley Street and Park Lane;

- Small area of stopping up shown on *Preliminary Site Highways Arrangement ref.: J32-7248-PS-001 Rev H* to be progressed by the developer under S247 of the T&C Planning Act.
  - Reinstatement to footway of the exiting vehicular access on Burley Street;
  - Alterations to the existing western kerb radii at the junction between Burley Street and Park Lane including provision of a dropped kerb crossing with tactile paving and a refuge island;
  - Reinstatement to footway of existing dropped kerb access on Park Lane;
  - No waiting at any time traffic regulation orders along the site frontage on Burley Street.
  - 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 improving the safety of Leeds residents, enabling safe pedestrian routes and crossings, and adequate areas for service and delivery vehicles.

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

- 8 The proposals will contribute to improved access to the site for pedestrians through the provision of wider footways and improved pedestrian crossing. Such improvements will be made to accommodate the needs of all users.
- 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 enhance pedestrian footways and pedestrian crossings and therefore, promote sustainable transport and improving safety.
- 11 The proposed highway works accord with local, regional and national policies including the Connecting Leeds Transport Strategy and Core Strategy Policies T1 and T2 in that they provide a 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 incorporates sustainable travel options which will be promoted through a Travel Plan. Section 106 contributions towards cycling infrastructure along Burley Street have also been secured as part of the development. Therefore, the proposed development will have the required infrastructure to encourage sustainable travel and reduce its carbon footprint.
- 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: Little London & Woodhouse

Have ward members been consulted?       Yes                       No

- 15 Little London & Woodhouse Ward Members were consulted by email dated 26<sup>th</sup> April 2024, no comments have been received at the time of writing this report.
- 16 The Emergency Services and West Yorkshire Combined Authority (WYCA) were consulted by email dated 26<sup>th</sup> April 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 26<sup>th</sup> April 2024. The S38/278 Team have been informed of the infrastructure requirements for the installation of the street trees on the adopted highway. The S38/278 Team has also been advised of the potential for made ground and proximity of Yorkshire Water assets.

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

- 18 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.
- 19 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.
- 20 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital Section Reference Number :-		33898				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2028 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 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2028 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 2024 £000's	FORECAST				
			2024/25 £000's	2025/26 £000's	2026/27 £000's	2027/28 £000's	2028 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?

- 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 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.
- 25 The TROs will be introduced using the powers contained within the Road Traffic Regulation Act 1984, the Highways Act 1980 and the Local Government Miscellaneous Provisions Act 1976. 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?**

26 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?**

27 Success will be measured by the delivery of the highway works to support planning consent 23/02335/FU, thereby achieving the stated social, environmental and economic benefits to the city.

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

28 Works for the proposed development will commence early 2025. The proposed highway works would be fully implemented by August 2025.

## **Appendices**

- Appendix 1 – EDCI Screening.
- Appendix 2 – Location Plan drawing no:1402-22-P1.
- Appendix 3 - Landscape General Arrangement no: 4325-101 Rev L and a Preliminary Site Highways Arrangement no.: J32-7248-PS-001 Rev H.