

REPORT TO: CABINET MEMBER – TECHNICAL SERVICES

DATE: 30th JUNE 2010

SUBJECT: HIGHWAYS ACT 1980, SECTION 278 AGREEMENTS, VARIOUS DEVELOPMENTS.

WARDS AFFECTED: ST OSWALD & NETHERTON & ORRELL, LINACRE & DERBY, CROSBY, LITHERLAND & FORD, SUDELL

REPORT OF: R S WALDRON – ASSISTANT DIRECTOR TRANSPORTATION AND DEVELOPMENT

CONTACT OFFICER: D. MARRIN – TRAFFIC SERVICES MANAGER – Ext. 4295
B. MASON – HIGHWAYS DEVELOPMENT CONTROL – Ext. 4175

EXEMPT/ CONFIDENTIAL: No

PURPOSE/SUMMARY:

To seek approval for the Legal Director in conjunction with the Planning and Economic Development Director to enter into agreements with the organisations/developers listed within the report, under Section 278 of the Highways Act 1980 for the implementation of various schemes of highway improvements associated with their respective developments, as detailed within the report.

REASON WHY DECISION REQUIRED:

The decision is required in order to allow a scheme of highway improvements that are the subject of a condition of planning approvals.

RECOMMENDATION(S):

That : -

1. The Director of Legal Services be authorised in conjunction with the Planning and Economic Development Director to enter into agreements with the following companies / organisations pursuant to Section 278 of the Highways Act 1980 for the implementation of a scheme of highway improvements associated with their respective developments : -
 - Former Rolls Royce Factory, Dunnings Bridge Road, Netherton – Applicant – Royal London Mutual Insurance Society Ltd 55 Gracechurch Street, London EC3V 0RL (reference S/2006/1165)
 - Various Properties On Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle – Applicant – Keepmoat Homes, Keepmoat Homes North West, Keepmoat House, Windward Drive, Estuary Drive, Estuary Business Park, Liverpool L24 8RF (reference S/2009/0873)
 - Mersey, Stanley, Chesnut and Salisbury House, St James Drive, Bootle – Applicant – One Vision Housing, Atlantic House, Dunnings Bridge Road, Bootle, L30 4TH (reference S/2009/0332)
 - Alexander, Montgomery and Churchill House, Kings Park, Seaforth – Applicant – One Vision Housing, Atlantic House, Dunnings Bridge Road, Bootle, L30 4TH (reference S/2009/0834)

- Captains Green, Bootle – Applicant – Adactus Housing, Turner House, 56 King Street, Leigh, WN7 4LJ (reference S/2010/0187)
- Maggies Public House, Bridle Road, Netherton, – Applicant – Daniel Thwaites Brewery LTD, Penny Street, Blackburn, BB1 5BU (reference S/2009/1125)
- St John and St James Church, 50a Monfa Road, Bootle – Applicant – McInerney Homes & The Parochial Church Council of Orrell Hey, Beacham Court, Smithy Brook Road, Wigan WN3 6PR (reference S/2009/1019).
- Dean & Chapel House, Waterloo, - Applicant - One Vision Housing, Atlantic House, Dunnings Bridge Road, Bootle, L30 4TH (reference S/2010/0377)
- Former Ashworth Hospital South, School Lane, Maghull, - National Offenders Management Service Room 513 Abell House, John Islip Street London SW1P 4LH (reference S/2008/0547)

as shown upon the attached drawings numbered DC0639, DC0640, DC0643, DC0642, DC0644, DC0645, DC0646, DC0641 and DC0647

KEY DECISION:

No

FORWARD PLAN:

No

IMPLEMENTATION DATE:

Following the expiry of the 'call in 'period for the minutes of the meeting.

ALTERNATIVE OPTIONS:

There are no alternative options

IMPLICATIONS:

Budget/Policy Framework:

None

Financial:

the proposals.

The applicant will meet the legal and administrative cost of

<u>CAPITAL EXPENDITURE</u>	2009 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	N/A			
Funded by:				

Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources	No			
Funded from External Resources	Yes			
Does the External Funding have an expiry date? No	When?			
How will the service be funded post expiry?				

Legal: No

Risk Assessment: None

Asset Management: None

CONSULTATION UNDERTAKEN/VIEWS

Ward Councillors, Statutory Undertakers

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities	✓		
3	Jobs and Prosperity	✓		
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local		✓	

	Democracy			
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Planning Application references S/2006/1165, S/2009/0873, S/2009/0332, S/2009/0834, S/2010/0187, S/2009/1125, S/2009/1019, S/2010/0377 and S/2008/0547

1.0 Information / Background

- 1.1 The Council's Planning Committee has granted various planning permission/consents reference S/2006/1165, S/2009/0873, S/2009/0332, S/2009/0834, S/2010/0187, S/2009/1125, S/2009/1019, S/2010/0377 and S/2008/0547 which are the subject of a number of conditions, including specific highway related improvements within the Borough. The works are essentially required to ensure that the developments are accessible and comply with the Council's supplementary Planning Guidance (SPD Ensuring Choice of Travel). The application details are set out within the report.
- 1.2 Former Rolls Royce Factory, Dunnings Bridge Road, Netherton – Applicant – Royal London Mutual Insurance Society Ltd 55 Gracechurch Street, London EC3V 0RL (reference S/2006/1165). The approved planning consent relates to development of an employment park and trade park (use classes B1, B2, B8 and sui generis) with associated areas, servicing and parking and change of use of existing Rolls Royce plant building from B2 to B2/B8. The highway conditions in relation to highway works essentially consist of the construction of a new junction at Bridle Road/Vesty Road. Plan No. DC0639.
- 1.3 Various Properties On Keble Road, Hertford Road, Exeter Road, Queens Road, Kings Road, College View, Marble Close and Balliol Road, Bootle – Applicant – Keepmoat Homes, Keepmoat Homes North West, Keepmoat House, Windward Drive, Estuary Drive, Estuary Business Park, Liverpool L24 8RF (reference S/2009/0873). The approved planning consent relates to the construction of 159 no. (2,2.5 and 3 storey) residential dwellings, garages and cycle/bin stores including the layout of car parking and public realm areas. The highway works essentially consist of alteration to the alignment of Kings Road and Queens Road, new site access roads, the installation of traffic signs. These works are in order to ensure that the development is accessible and safe for pedestrians to access the proposed development. Plan No. DC0640
- 1.4 Mersey, Stanley, Chesnut and Salisbury House, St James Drive, Bootle – Applicant – One Vision Housing, Atlantic House, Dunnings Bridge Road, Bootle, L30 4TH (reference S/2009/0332). The approved planning consent relates to the Construction of an additional two storeys to each of the existing four tower blocks creating 32 no. new flats, infill extensions to the East and West elevations of Chestnut and Salisbury House, external refurbishment to the fabric of the tower blocks, layout of new car parks, pathways, landscaping and boundary treatments. The highway works essentially consist of the alteration and configuration of all the access points and closing the existing redundant sections of vehicular access with footways reinstated. The scheme of works includes a 'homezone' area on St James Road the installation of a number of individual road humps on Capricorn Way with appropriate signage to illustrate a 20mph TRO also being required. Plan No. DC0643
- 1.5 Alexander, Montgomery and Churchill House, Kings Park, Seaforth – Applicant – One Vision Housing, Atlantic House, Dunnings Bridge Road, Bootle, L30 4TH (reference S/2009/0834). The

refurbishment and extension of 3 existing high rise tower blocks to create 109 new flats (Alexander House and Churchill House to have two new wings, Montgomery House to have one new wing all full height with three new storeys); refurbishment of all three blocks to include new render and windows; erection of 7 terraced houses; external works comprising of new play area, car parking, garden areas, pathways and boundary treatments. The highway works essentially consist of the alteration and reconfiguration of all the access points surrounding the development. The scheme of works provide a 'homezone' area on Kings Park and the provision of pedestrian links between Sandy Road and Kings Park and Sandhurst Close. Appropriate signage to illustrate a 20mph TRO is also required. Plan No. DC0642.

- 1.6 Captains Green, Bootle – Applicant – Ms A Dooley Adactus Housing, Turner House, 56 King Street, Leigh, WN7 4LJ (reference S/2010/0187). The approved planning consent relates to the construction of 16 no. two storey dwellings comprising: 2 no. terraces of 8 no. dwellings each, layout of car parking and landscaping. The highway works consist of the removal of a redundant vehicle accesses, the reinstatement of the footway and the construction of new vehicular accesses. These works are in order to ensure that the development is accessible and safe for pedestrians. Plan No. DC0644.
- 1.7 Maggies Public House, Bridle Road, Netherton, – Applicant – Daniel Thwaites Brewery LTD, Penny Street, Blackburn, BB1 5BU (reference S/2009/1125). The approved planning consent relates to the erection of mixed use development comprising of one retail unit (Class A1), one office unit (Class B1) and one drive-through restaurant (Class A3) together with alterations to the existing access road and new car parking layout after demolition of existing building. The works essentially consist of improvement of the existing footway on the south side of Bridle Road (between Netherton Way and Bridle Way). Works will include removal of overgrown vegetation, removal of bollards and guard railing, the closure of redundant accesses, reconstruction of footways and provision of tactile paving/dropped kerbs at new and existing accesses. In addition, the upgrade to the footpath link to footpath/cyclepath between Bridle Road and Netherton Way to provide a 3.0m width including signage, lining and lighting, the upgrade of the existing subway and approaches, including but not limited to improved lighting and CCTV, painting and surface improvements, the upgrade of two existing bus stops on Netherton Way, to include the provision of access kerbs and the alteration of footway levels together with the provision of enhanced carriageway markings. Plan No. DC0645.
- 1.8 St John and St James Church, 50a Monfa Road, Bootle – Applicant – McInerney Homes & The Parochial Church Council of Orrell Hey, Beacham Court, Smithy Brook Road, Wigan WN3 6PR (reference S/2009/1019) The approved planning consent relates to the erection of 16 dwellings following demolition of existing church. The works essentially consist of the reconstruction of the pedestrian footway of Monfa Road, Netherton Road and Kirby Road where they adjoin the development site. The works to the footway will also need to include the provision of flush kerbs and tactile paving on both sides of the junctions of Monfa Road/Netherton Road and Monfa Road/Kirby Road. Plan No. DC0646.
- 1.9 Dean & Chapel House, Waterloo, - Applicant - One Vision Housing, Atlantic House, Dunnings Bridge Road, Bootle, L30 4TH (reference S/2010/0377). The approved planning consent relates to the Installation of a new security fence to a maximum height of 1.8 metres together with a new vehicular access from Wesley Street and pedestrian access from Church Road, railings around tenants' private space and associated landscape works (re-submission of S/2009/0837). The highway works essentially consist of modifying vehicular accesses off Wesley Street, with existing redundant sections of vehicular access being reinstated. A scheme of highway improvements are also required, consisting of the reconstruction of the footway and increase its width along Wesley Street and Church Road to tie in with the proposed fence line. These works will ensure the safety of pedestrians visiting the new school. Plan No. DC0641.
- 1.10 Former Ashworth Hospital South, Applicant – National Offenders Management Service (NOMS) Room 513 Abell House, John Islip Street London SW1P 4LH (reference S/2008/0547.) The approved planning consent relates to the construction of a 600-place prison, 5.2m high perimeter wall, visitor centre and ancillary buildings, layout of car parking, access road, minor highway

works, landscaping details, recreational facilities and footpaths. The highway works essentially consist of closing off the redundant vehicular access on School Lane and reconstruction of the footway/verge, construction of a new roundabout largely in accordance with Atkins drawing no. 5040697/001 rev.A, constructing a new pedestrian footway on the north side of School Lane between the site entrance and the junction with Park Lane and along the south and south-west sides of Park Lane directly adjacent to the carriageway; introduce flush kerbs and tactile paving across Park Lane at its junction with School Lane, constructing a scheme of traffic calming measures along School Lane (between Park Lane and the bridge over the rail line) and Park Lane (between School Lane and Dodd's Lane, the introduction a scheme of street lighting along Park Lane (between its junction with School Lane and the bridge over the rail line), upgrading 4 existing bus stops on Park Lane with access kerbs, paving and enhanced 'bus stop' carriageway markings, the construction of 2 new bus stops on School Lane with access kerbs, paving and enhanced 'bus stop' carriageway markings, one incorporating a lay-by and shelter, the erection of a scheme of direction signs from Junction 1 of M58 to the site access and from Northway (northbound), via Eastway, Deyes Lane and School Lane to the site access and the removal of all redundant hospital signage. These works will ensure the safety of pedestrians visiting the new prison. Plan No. DC0647.

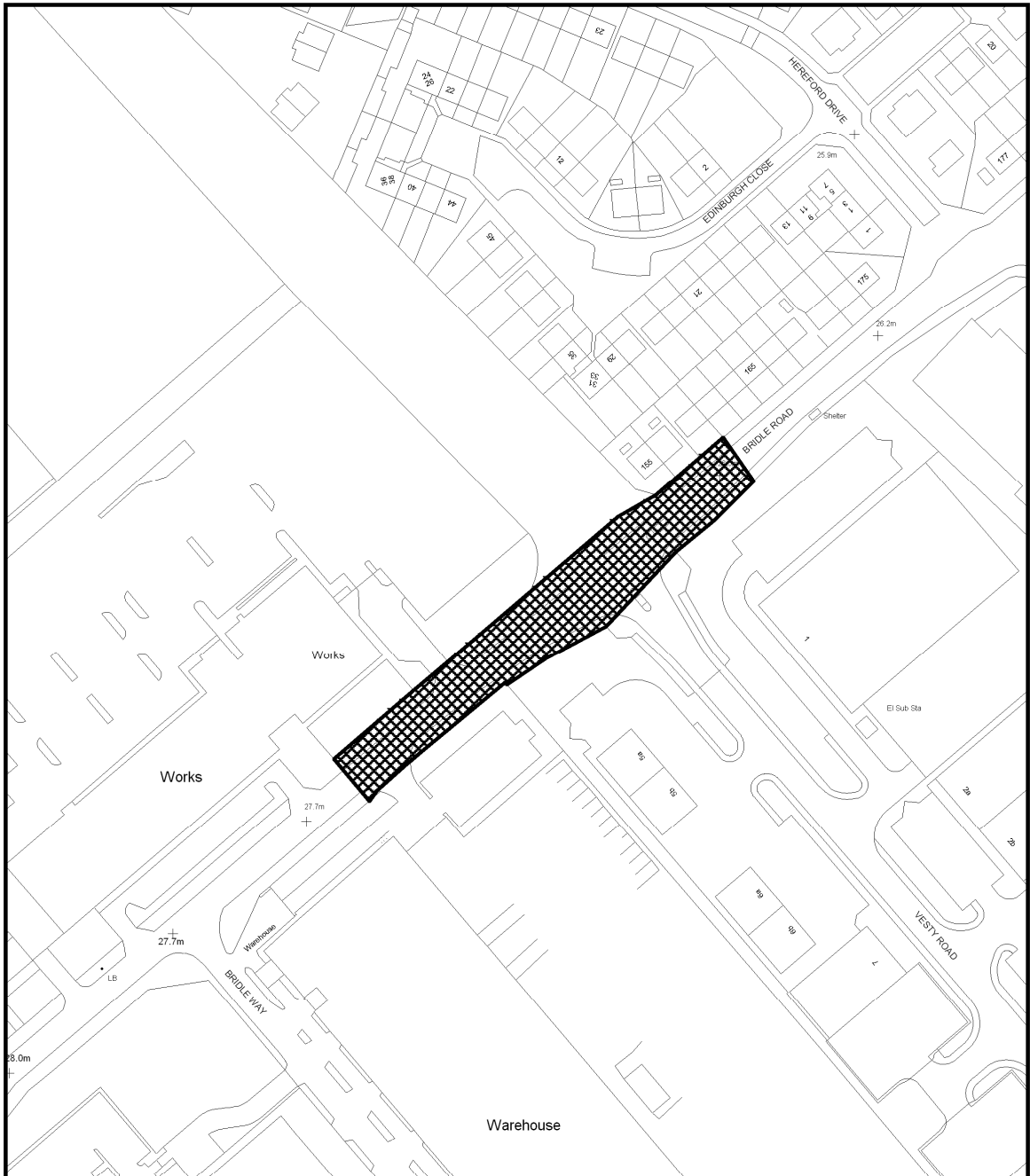
- 1.11 It is proposed that the Council's joint venture partner Capita Symonds will in all cases undertake the design of the schemes and commission the necessary improvement works on behalf of the developer via the Council's term maintenance contractors with the exception of the application from One Vision Housing, whereby their own contractor (Construction-line approved) will undertake the works under the strict supervision of the Highway Authority.
- 1.12 To enable each of the proposed works to be undertaken, it is necessary for the developers to enter into an agreement under Section 278 of the Highways Act, 1980.
- 1.13 All costs including the Councils fees in designing, procurement and implementing the improvement works in each case, will be funded solely by the developer.
- 1.14 The location of the works are shown upon the attached drawings numbered DC0639, DC0640, DC0643, DC0642, DC0644, DC0645, DC0646 and DC0641
- 1.15 It is considered that the legal test for entering into this form of agreement in each case, has been met and it is in the interests of the public that such works are undertaken to the public highway.

2.0 **Conclusion**

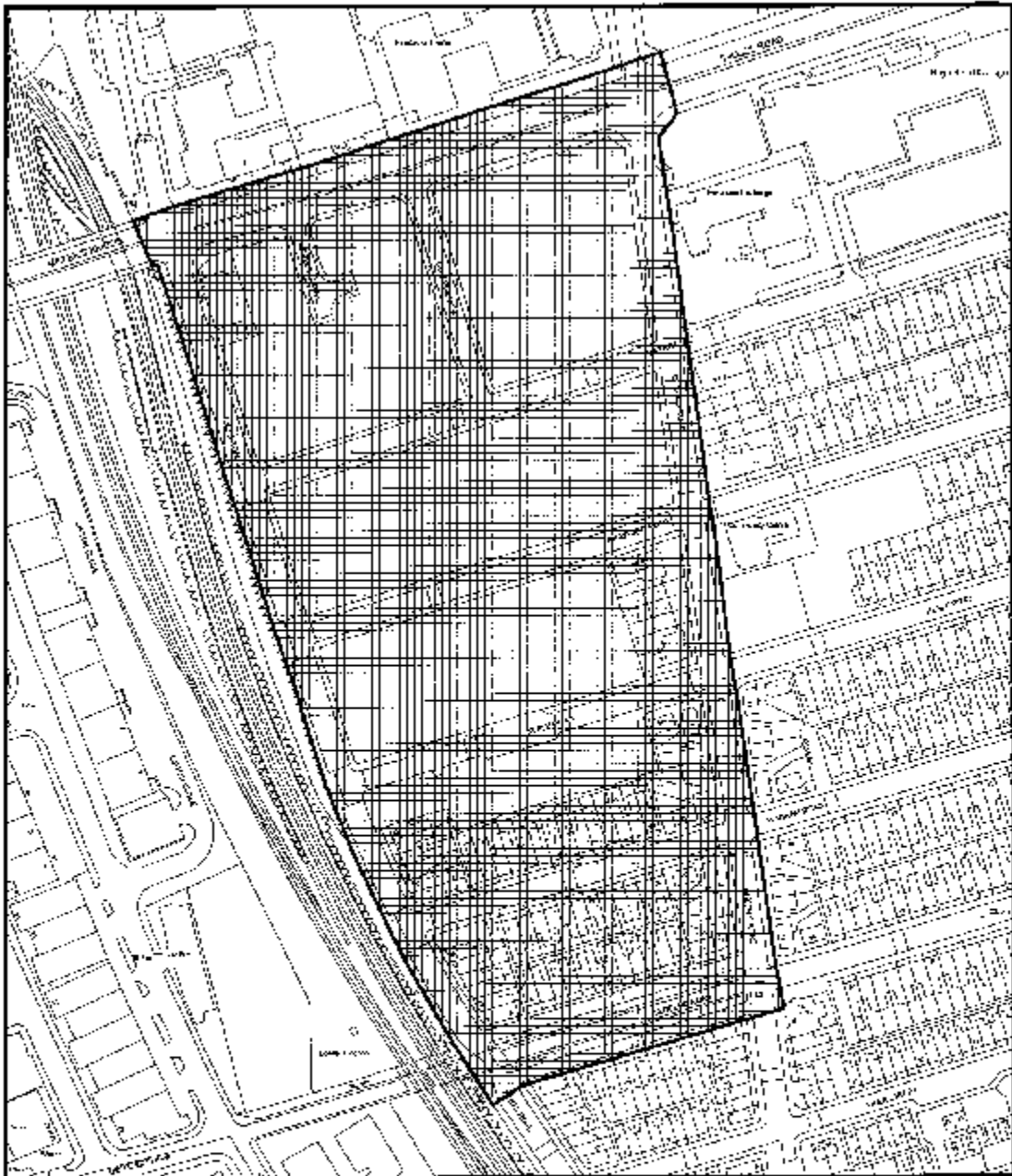
- 2.1 A Section 278 Highways Act 1980 Agreement is an agreement between the Council and a developer, which describes proposed modifications to the existing highway network to facilitate or service a development. It is not, however, a contract to carry out work and only applies to works on existing highways.
- 2.2 There are a number of applications detailed within the report from developers/applicants to enter into a s278 Highways Act 1980 agreement with the Council to execute works associated with their development and which have been identified and subsequently conditioned as part of their respective approved planning consent. Approval is required from the Cabinet Member to enable the Director of Planning and Economic Development Department to enter into such agreements and instruct the Legal Services Director to prepare and engross the agreements.



Andy Wallis

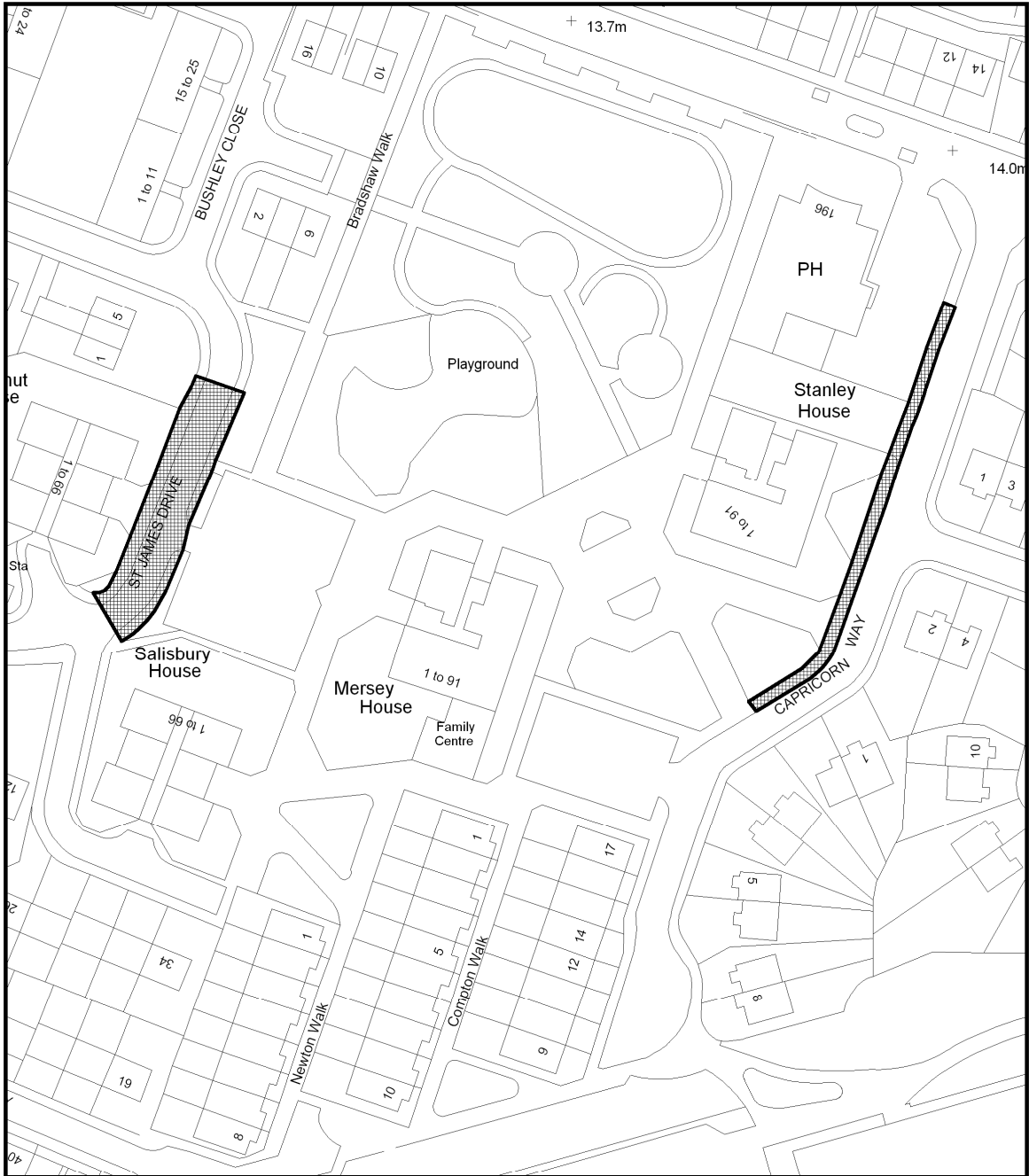
Director of Planning and Economic Development Directorate



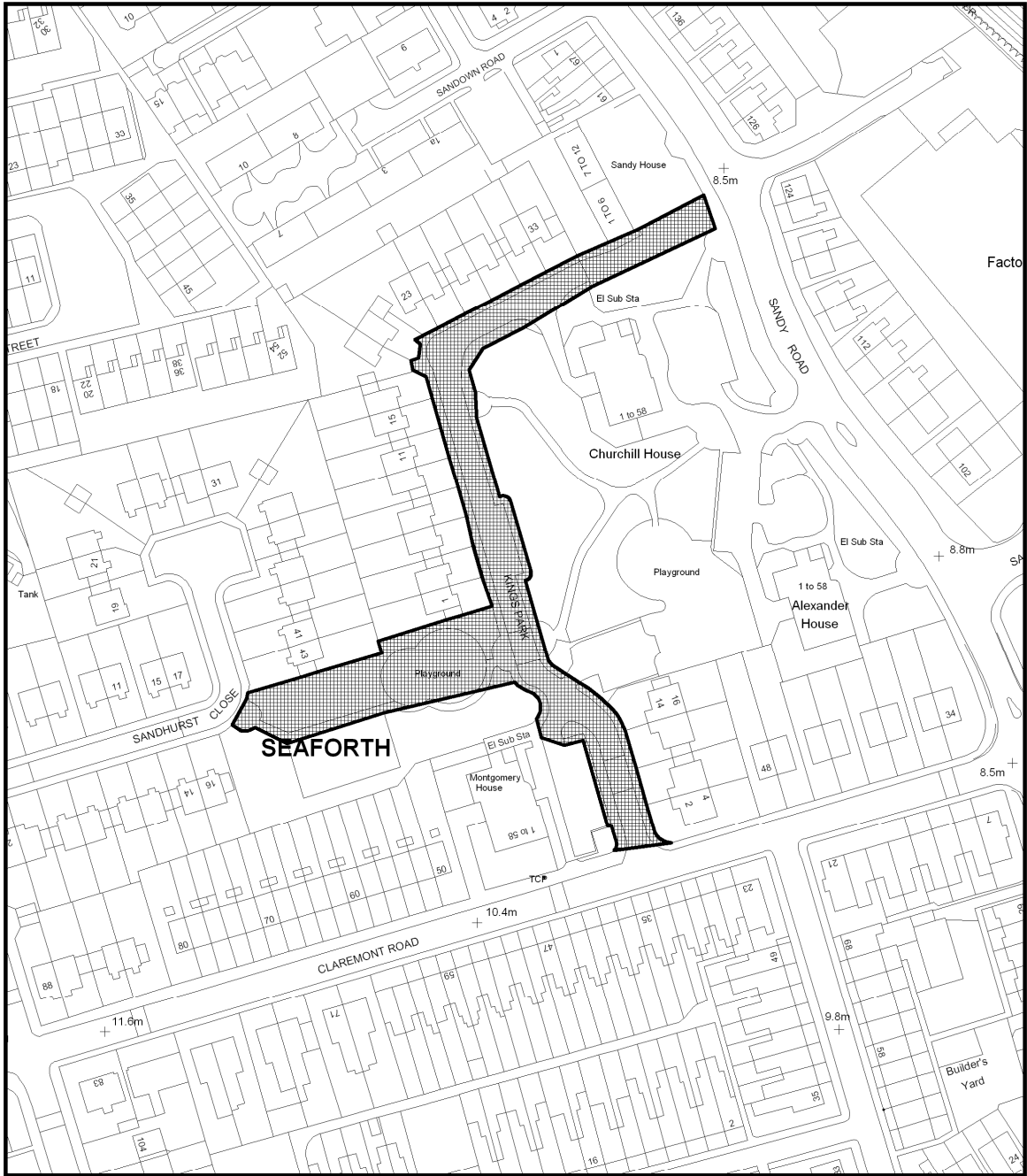
SEFTON M.B.C.	Section 278 location plan			
	Bridle Road, Netherton Area of s278 shown hatched			
HIGHWAYS DEVELOPMENT CONTROL	Drawn By: MH	Scale: NTS	Date: 10/06/10	Checked: BM
Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Bootle, L20 3NJ	Ward: Netherton & Orrell		OS: SJ3697NW	Plan: File: DC0639
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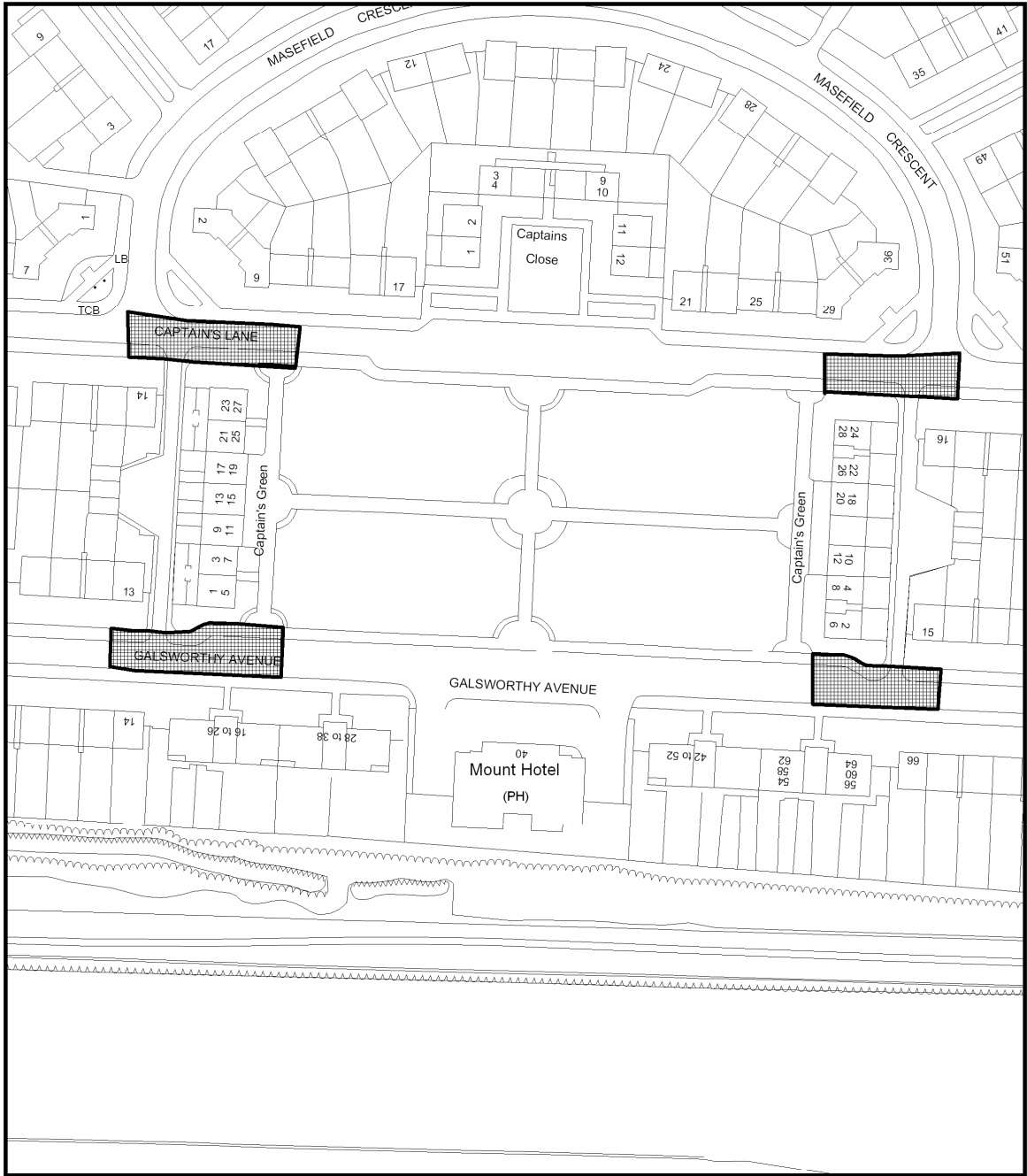
 <p>SEFTON M.B.C.</p>	Section 278 location plan			
	Queens Road/Bedford Road, Bootle, HMRI			
Area of s278 shown hatched				
<p>PLANNING DEVELOPMENT CONTROL</p> <p>Andy Wolfe Director Planning & Economic Development 10 Trinity Road Bootle, L20 9JG</p>	Drawn By: MH	Scale: NTS	Date: 10/06/10	Checked: BM
	Ward: Linacre	OS: SJ3494NW		Plan: DC0640
<small>The map is issued as a guide only and does not constitute a contract. The Council is not responsible for any loss or damage arising from its use. The Council is not responsible for any loss or damage arising from its use.</small>				File: DC0640





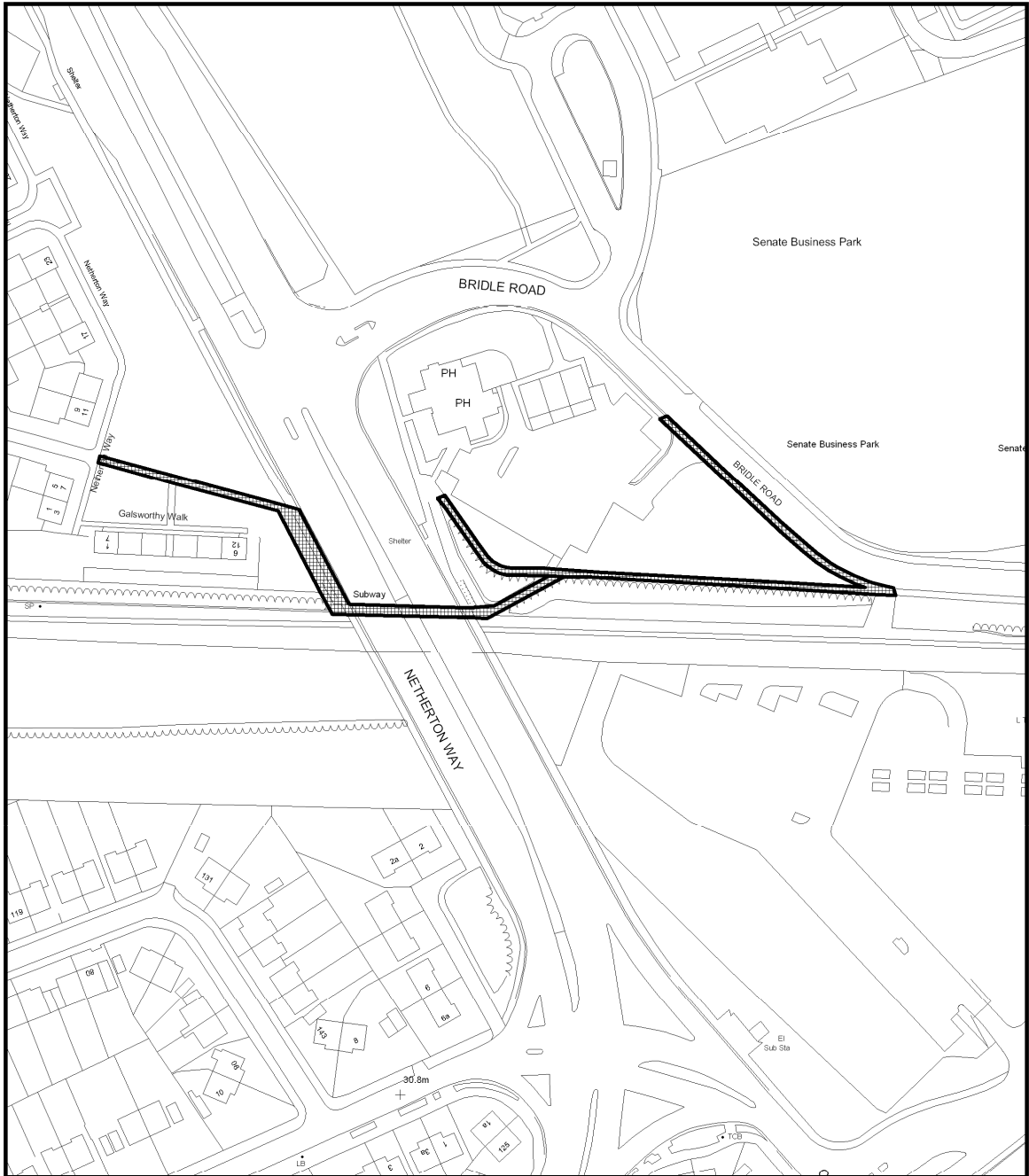
SEFTON M.B.C.	Section 278 location plan			
	<h2 style="margin: 0;">St James Drive/Capricorn Way, Bootle</h2> <p style="margin: 0;">Area of s278 shown hatched</p>			
<small>HIGHWAYS DEVELOPMENT CONTROL</small> Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Bootle, L20 3NJ	Drawn By: MH	Scale: NTS	Date: 10/06/10	Checked: BM
	Ward: Linacre	OS: SJ3395NE	Plan: DC0643 File:	
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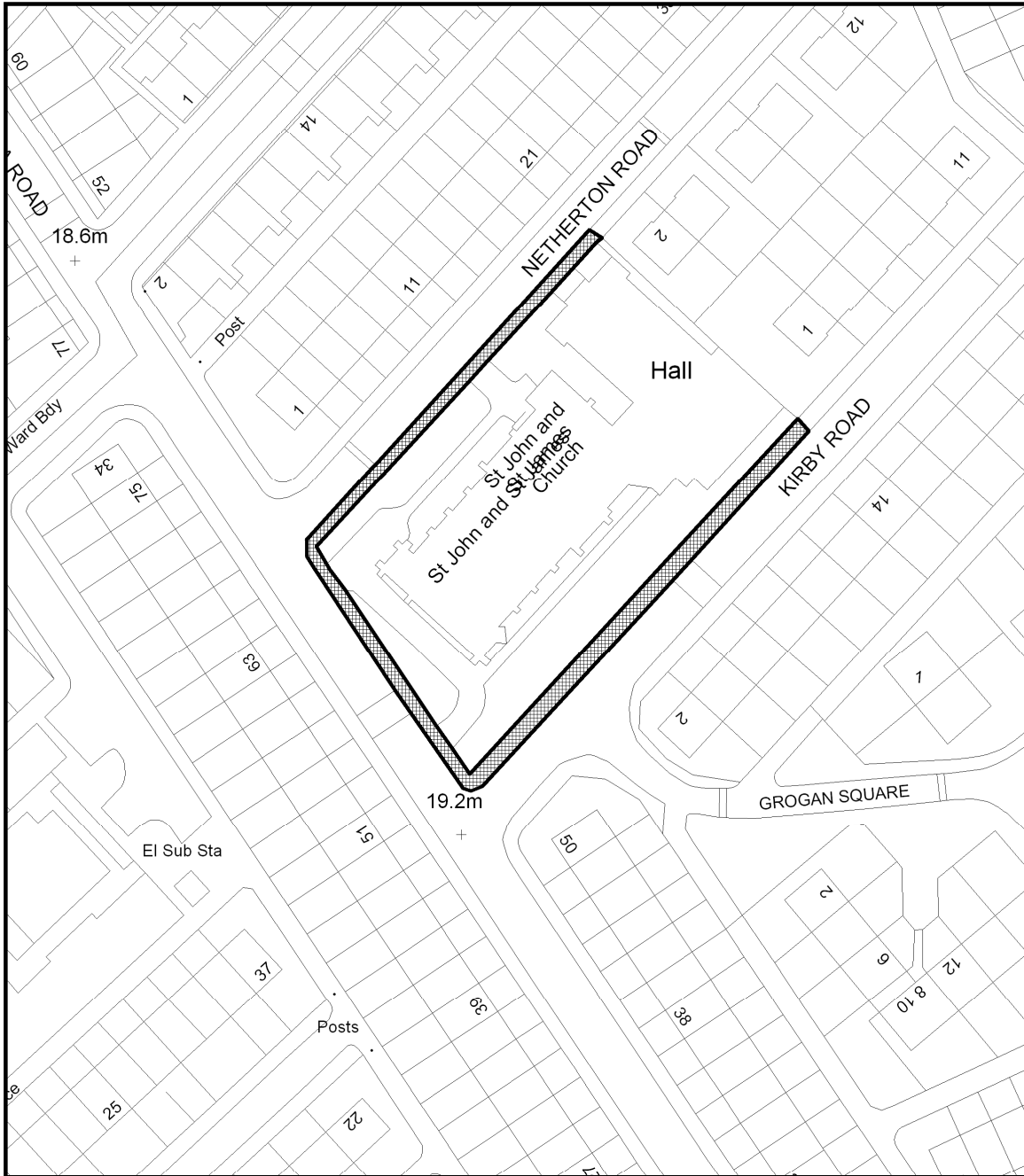
<p>SEFTON M.B.C.</p> 	<p>Section 278 location plan</p>			
<p>Kings Park, Seaforth</p> <p>Area of s278 shown hatched</p>				
<p>HIGHWAYS DEVELOPMENT CONTROL</p> <p>Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Boole, L20 3NJ</p>	<p>Drawn By: MH</p>	<p>Scale: NTS</p>	<p>Date: 10/06/10</p>	<p>Checked: BM</p>
<p>Ward: Church</p>		<p>OS: SJ3297SE</p>		<p>Plan: DC0642</p>
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<p>SEFTON M.B.C.</p>  <p>HIGHWAYS DEVELOPMENT CONTROL</p> <p>Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Bootle, L20 3NJ</p>	<p>Section 278 location plan</p> <p>Captains Lane, Bootle</p> <p>Area of s278 shown hatched</p>			
	<p>Drawn By: MH</p>	<p>Scale: NTS</p>	<p>Date: 10/06/10</p>	
<p>Ward: Litherland</p>		<p>OS: SJ3497NE</p>		<p>Plan: DC0644</p>
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SEFTON M.B.C.	Section 278 location plan			
	Bridle Road, Bootle Area of s278 shown hatched			
HIGHWAYS DEVELOPMENT CONTROL Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Bootle, L20 3NJ	Drawn By: MH	Scale: NTS	Date: 10/06/10	Checked: BM
	Ward: Netherton & Orrell		OS: SJ3597SW	Plan: File: DC0645
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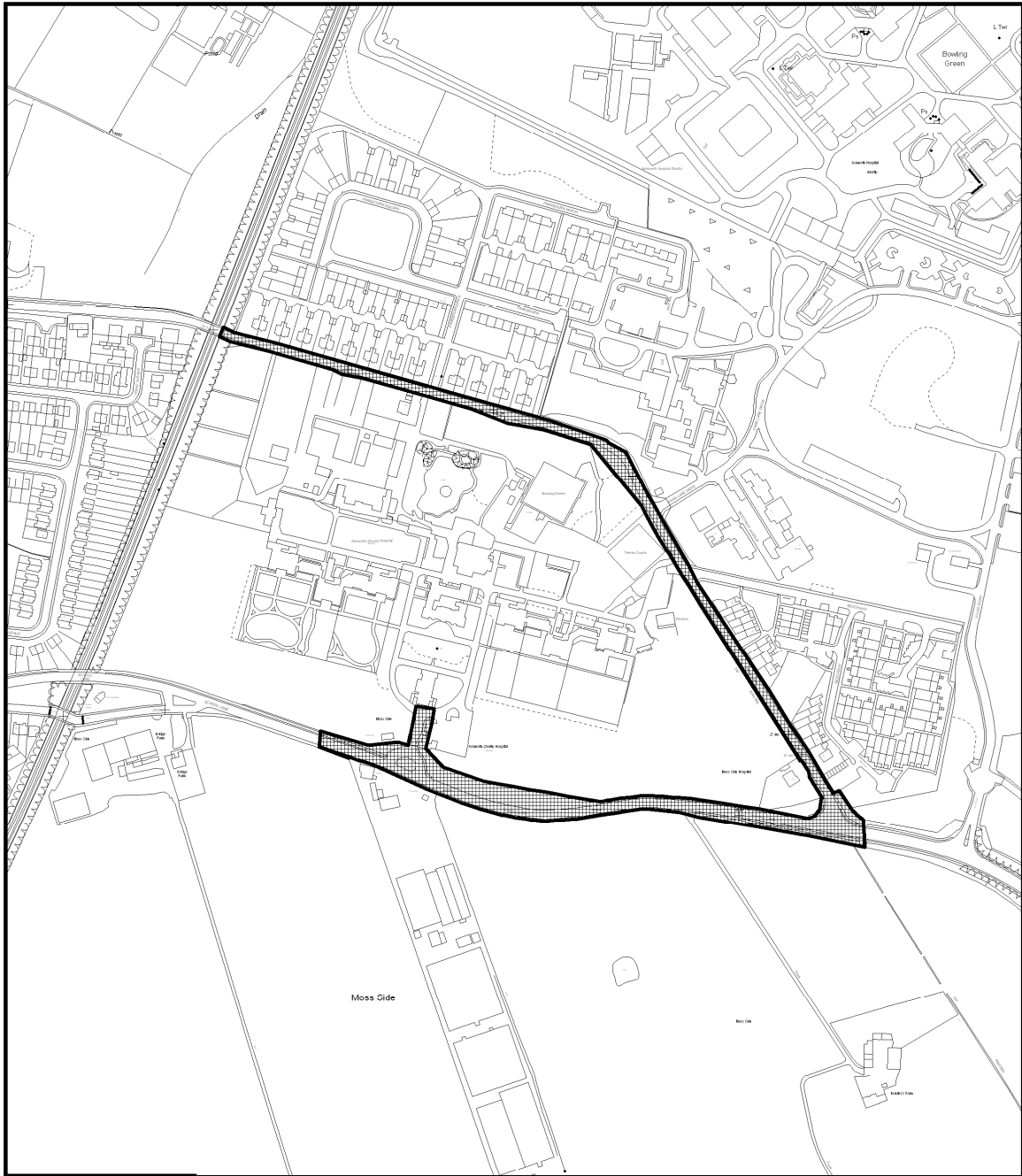


SEFTON M.B.C.	Section 278 location plan			
	Monfa Road, Bootle Area of s278 shown hatched			
HIGHWAYS DEVELOPMENT CONTROL Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Bootle, L20 3NJ	Drawn By: MH	Scale: NTS	Date: 10/06/10	Checked: BM
	Ward: Derby	OS: SJ3496NE		Plan: DC0646 File:

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<p>SEFTON M.B.C.</p> 	<p>Section 278 location plan</p>			
	<p>Dean and Chapel House, Waterloo</p> <p>Area of s278 shown hatched</p>			
<p>HIGHWAYS DEVELOPMENT CONTROL</p> <p>Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Bootle, L20 3NJ</p>	<p>Drawn By: MH</p>	<p>Scale: NTS</p>	<p>Date: 10/06/10</p>	<p>Checked: BM</p>
	<p>Ward: Church</p>	<p>OS: SJ3197NE</p>		<p>Plan: DC0641</p>
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SEFTON M.B.C.	Section 278 location plan			
	<h2>Park Lane and School Lane, Maghull</h2> <p>Area of s278 shown hatched</p>			
<small>HIGHWAYS DEVELOPMENT CONTROL</small> Andy Wallis Director of Planning & Economic Development Magdalen House 30 Trinity Road Bootle, L20 3NJ	Drawn By: MH	Scale: NTS	Date: 10/06/10	Checked: BM
	Ward: Sudell	OS: SD3902NW	Plan: DC0647	
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