

Report to the Chief Officer of (Highways and Transportation)

Date: 01 April 2014

Subject: Design & Cost Report for S278 Highways works associated with new educational campus for Leeds College of Building on the site of the former Yorkshire Chemicals, Black Bull Street, Hunslet

Capital Scheme Number : 32087 / 000 / 000

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City and Hunslet	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

- 1 Full planning consent (reference 13/02861/FU) for a new 3 storey educational campus, external amenity spaces, car parking, servicing facilities and associated landscaping at the site of the former Yorkshire Chemicals, Black Bull Street, Hunslet, Leeds, was granted approval by Members of the City Plans Panel at its meeting on 29th August 2013.
- 2 A scheme of highway works is proposed to facilitate safe and efficient access to the site for all users of the highway network.
- 3 The Developer is required to enter a Section 278 Agreement (Highways Act 1980) in order to deliver the required highway works and this report seeks authority to negotiate terms and enter such Agreement.
- 4 The total estimated cost of designing and constructing the scheme will be £114,000.

Recommendations

- 5 The Chief Officer (Highways and Transportation) is requested to:
- i) note the principle of the highway works as outlined in Section 3.1 and indicated on drawings referenced: DC/SF/TDS00499/0A and land dedication plan DC/SF/TDS00499/02.
 - ii) 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 this Council at the cost of the developer;
 - iii) give authority to implement the works as set out in Section 3.1;
 - iv) approve an injection of £114,000 into the City Development Capital Programme, to be fully funded by the developer under a Section 278 agreement;
 - v) give authority to incur expenditure of £114,000, being £95,000 works costs and £19,000 staff costs, to be fully funded by the developer under a Section 278 agreement; and
 - vi) give authority to advertise a notice under the provisions of Section 23 of the Road Traffic Regulation Act 1980 notifying of the proposed pedestrian crossing facilities;
 - vii) approve the proposed amendments to the existing waiting restrictions as described in 3.1.3 on Cudbear Street and Sheaf Street; and
 - viii) Instruct the City Solicitor to advertise a draft Traffic Regulation Order, as shown on drawing number DC/SF/TDS00499/01A and, if no valid objections are received, to make, seal and implement the Order as advertised.

1 Purpose of this report

- 1.1 The purpose of this report is to note the principle of the implementation of highway works associated with the construction of a new 3 storey educational campus, external amenity spaces, car parking, servicing facilities and associated landscaping at the site of the former Yorkshire Chemicals, Black Bull Street, Hunslet, which was granted planning approval by Members at the meeting of the City Plans Panel on 29th August 2013.
- 1.2 To obtain authority to negotiate the terms of and enter into an agreement under the provisions of Section 278 of the Highways Act 1980, whereby the associated highway works are designed and carried out by the Council at the developer's expense.
- 1.3 Approve an injection into the City Development Capital Programme to be fully funded by the developer, and give authority to incur expenditure associated with the implementation of the highway works.

2 Background information

- 2.1 Full planning consent (reference 13/02861/FU) for a new 3 storey educational campus, external amenity spaces, car parking, servicing facilities and associated landscaping residential at the site of the former Yorkshire Chemicals, Black Bull Street, Hunslet, Leeds, was granted approval by Members of the City Plans Panel at its meeting on 29th August 2013.
- 2.2 The highway works are shown on the attached plan referenced DC/SF/TDS00499/01A and the area of land to be dedicated as highway is shown on the attached plan referenced DC/SF/TDS00499/02, these are detailed in Section 3.1.
- 2.3 To meet the requirements of the planning permission the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the highway works to be carried out.

3 Main issues

3.1 Design Proposals and Full Scheme Description.

- 3.1.1 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.
- 3.1.2 The proposals within this report are concerned only with the delivery of the highway works, the principle of these works having been considered as part of the planning process.
- 3.1.3 The highway works will consist of the following:
- Upgrading of the existing pelican crossing close to the junction of Hunslet Lane/Butterley Street to a Toucan crossing.
 - A controlled crossing (Toucan) on Crown Point Road including alterations to the width of the carriageway
 - A controlled crossing (Toucan) on Black Bull Street including alterations to the width of the carriageway
 - Amendment to waiting restrictions and parking bays on Cudbear Street and Sheaf Street, where necessary, to ensure that delivery vehicles can safely access the site.

- The reinstatement of the existing vehicular access on the Black Bull Street site frontage to full footway construction.
- The widening of the existing Cudbear Street footway to 2 metres along the full extent of the Cudbear Street site frontage, utilising land from within the development site, which is to be dedicated by the Developer as Highway.
- All associated Civil's works, including (inter alia) reconstruction, tie-ins, resurfacing, signing, lighting, drainage and lining works etc,
- Any works reasonably required following safety audits of the design and construction of the highway works; and
- Any associated statutory undertaker's work resulting from the Works.

3.1.4 Plans of the works and the land to be dedicated as highway are attached, referenced: DC/SF/TDS00499/01A and DC/SF/TDS00499/02.

3.1.5 To meet the developer's timescales they have indicated that they will pay an advance design fee of £10,000 to the council and Design Services have commenced design works.

3.1.6 Safety Audits and Maintenance Audits are to be carried out as part of the detailed design process. The S278 Agreement is to ensure that Safety Audits from part of the design process, and any appropriate works arising out of the audits are implemented at the developer's expense.

3.1.7 The S278 Agreement will include commuted sums for future maintenance of the works.

3.2 **Programme** - The design and construction of the works will be carried out within the 2014/2015 capital programme.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Ward Members: Elected Members for City and Hunslet Ward were consulted by letter dated 24 January 2014 on the developers proposed scheme.

4.1.2 The letter was accompanied by plans DC/SF/TDS/00499/01. No comments had been received from the Ward Members at the time of writing this report. No comments were received.

4.1.3 Emergency Services and Metro (WYPTE): The Emergency Services and Metro were consulted by letter dated 24 January 2014. The letter included plans DC/SF/TDS00499/01A.

4.1.4 Comments were received from Metro on 24 January 2014 seeking confirmation that bus stops 45011974 (Crown Point Road) and 45011975 (Black Bull Street) would be unaffected by the proposals. The Design Engineer has confirmed that the

location of the two bus stops will be unaffected. However the changes to Black Bull Street will result in a lay-by being provided for stop 45011975.

4.1.5 West Yorkshire Police commented on 24 January stating that they have no objections to the proposals.

4.1.6 Internal consultation has also taken place with colleagues in the Highways and Transportation Services on the above plans.

4.2 **Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality, Diversity, Cohesion and Integration Impact Assessment has been carried out on the Section 278 Process. 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.

4.2.2 The proposals will provide a widened footway (2 metres) along the Cudbear Street site frontage, will provide safe pedestrian/cycle crossing points over Black Bull Street and Crown Point Road which will aid the use of the pedestrian/cycle route to be provided along the western site boundary between Cudbear Street and Black Bull Street and will add Toucan facilities to the existing crossing facilities at Hunslet Lane.

4.2.3 The proposals will improve the pedestrian/cyclist environment and will have a positive impact on all users of the highway network in particular, vulnerable road users such as those with mobility issues / disabilities and the elderly, young and Carers (prams and wheelchairs).

4.3 **Council policies and City Priorities**

4.3.1 The proposed highway works, which allow the development to take place, accord with the Councils Local Transport Plan and other policies in that they provide a safe means of access for all users of the highway, to and around, the development.

4.4 **Resources and value for money**

4.4.1 **Full scheme estimate** The total estimated cost is £114,000 comprising £95,000 works costs and £19,000 staff fee costs for design and supervision, all to be fully funded by the developer under a Section 278 agreement.

4.5 **Capital Funding and Cash Flow**

4.5.1 **Funding:** The developer will fund the total cost of the works including works costs, TRO costs, statutory undertaker’s costs and the costs of the council’s fees.

4.5.2 **Staffing:** The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :		Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST					
	£000's	2013 £000's	2013/14	2014/15	2015/16	2016/17	2017 on	
			£000's	£000's	£000's	£000's	£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							
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Authority to Spend required for this Approval		TOTAL	TO MARCH	FORECAST				
	£000's	2013 £000's	2013/14	2014/15	2015/16	2016/17	2017 on	
			£000's	£000's	£000's	£000's	£000's	
LAND (1)	0.0							
CONSTRUCTION (3)	95.0			95.0				
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	19.0			19.0				
OTHER COSTS (7)	0.0							
TOTALS	114.0	0.0	0.0	114.0	0.0	0.0	0.0	
Total overall Funding (As per latest Capital Programme)		TOTAL	TO MARCH	FORECAST				
	£000's	2013 £000's	2013/14	2014/15	2015/16	2016/17	2017 on	
			£000's	£000's	£000's	£000's	£000's	
Section 278	114.0			114.0				
Total Funding	114.0	0.0	0.0	114.0	0.0	0.0	0.0	
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Revenue Effects

There are no revenue effects as a result of this capital scheme.

4.6 Legal Implications, Access to Information and Call In

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

4.7 Risk Management

4.7.1 The Council's standard Section 278 agreement would be used whereby the developer will fund the total cost of the works.

5 Conclusions

5.1 The scheme will facilitate safe and efficient access to the site for all users of the highway.

5.2 This report seeks authority to enter into a S278 Agreement for the agreed highway works.

6 Recommendations

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

- i) note the principle of the highway works as outlined in Section 3.1 and indicated on drawings referenced: DC/SF/TDS00499/01A and land dedication plan DC/SF/TDS00499/02;
- ii) 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 this Council at the cost of the developer;
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- vi) give authority to advertise a notice under the provisions of Section 23 of the Road Traffic Regulation Act 1984 notifying of the proposed pedestrian crossing facilities;
- vii) approve the proposed amendments to the existing waiting restrictions as described in 3.1.3 on Cudbear Street and Sheaf Street; and
- viii) Instruct the City Solicitor to advertise a draft Traffic Regulation Order as shown on drawing number DC/SF/TDS00499/01A and, if no valid objections are received, to make, seal and implement the Order as advertised.

7.0 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Appendix 2

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Transport Development Services
Lead person: Gillian MacLeod	Contact number: 24 75302

1. Title: Design & Cost Report for S278 Process Report
Is this a:
<input checked="" type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input type="checkbox"/> Other
If other, please specify:

2. Please provide a brief description of what you are screening
<p>This screening report relates to the way in which highway works for the benefit of third parties will be dealt with under the provisions of Section 278 of the Highways Act 1980, including the collection of commuted sum payments for future maintenance.</p> <p>This report is considered with process and not with the delivery of any individual S278 agreement. The S278 process is only applicable where third parties are proposing to fund highway works. The process provides a mechanism for the funding, of the design, construction and maintenance of those works either by the Proposer (for minor works) or by Leeds City Council (for more major works). There are no significant impacts on matters of equality, diversity, cohesion or integration in relation to the process to be followed.</p> <p>The principle of whether the S278 works are appropriate or not (or will impact on</p>

matters of equality, diversity, cohesion or integration) are dealt with through the planning process (if the S278 agreement is the result of a planning application) or through an individual approach and report to the Highways Authority. A separate equality impact assessment is being prepared to consider the delivery of S278 agreements.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?		X
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 		X

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

<ul style="list-style-type: none"> • How have you considered equality, diversity, cohesion and integration? (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected) <p>N/A</p>
<ul style="list-style-type: none"> • Key findings (think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another) <p>N/A</p>
<ul style="list-style-type: none"> • Actions (think about how you will promote positive impact and remove/ reduce negative impact) <p>N/A</p>

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval
Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Gillian Macleod	Transport Development Services Manager	24 August 2012

7. Publishing
This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed	24 August 2012
Date sent to Equality Team	24 August 2012
Date published (To be completed by the Equality Team)	