

Report of Transport Development Services

Report to Chief Officer (Highways and Transportation)

Date: 23 June 2015

Subject: Design & Cost Report for S278 Works Associated with the Development of a foodstore and separate retail unit at the former police station at Tunstall Road/ Burton Road, Beeston.

Capital Scheme Number: 32228

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City & 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 As a result of planning permission being granted for a retail development with associated car parking on land between Burton Road and Tunstall Road in Beeston, off-site highway works are required to enable the development to proceed.
- 2 The Developer will need to enter a Section 278 Agreement (Highways Act 1980), whereby the off-site highway works are carried out by the City Council at the developer's cost.
- 3 This report seeks authority to negotiate terms and enter such Agreement for the highway works, to complete the detailed design and construct the works.

Recommendations

- 4 The Chief Officer (Highways and Transportation) is requested to:
 - i) note the highway works as outlined in Section 3.1 and indicated on Leeds City Council Drawing Number EP/732228/GA/01b at an estimated cost of £193,757 (this includes the estimated cost of the TRO works);
 - 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 tender and implement the works as set out in Section 3.1; developer;
- iv) to advertise the draft Traffic Regulation Order in relation to the proposed waiting restrictions on Burton Road as indicated on drawing EP/732228/GA/01b, and if no valid objections are received then make, seal and implement orders;
- v) approve an injection of an additional £93,757 into the City Development Capital Programme to be fully funded by the developer (£100,000 is already in the current approved capital programme);
- vi) give authority to incur expenditure of £162,047 works costs and £31,710 staff costs to be fully funded by a section 278 developer contribution; and
- vii) approve the adoption of new highway construction, as indicated on drawing EP/732228/MISC/02, so that it can be added to the Council's maintenance regime.

1 Purpose of this report

- 1.1 To note the principle of the implementation of highway works associated with the approved retail development with associated car parking on land between Burton Road and Tunstall Road in Beeston (planning application reference:14/04457/FU).
- 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 carried out by Leeds City Council at the expense of the developer.
- 1.3 To 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 highway works associated with the development.

2 Background information

- 2.1 Planning permission for two retail units with associated car parking on the former police station off Tunstall Road, Beeston was granted on 19 December 2014 (reference 14/04457/FU).
- 2.2 Highway works are required to provide vehicular and pedestrian access and to mitigate the effect of the traffic associated with the development on adjacent roads. The highway works are shown indicatively on the attached plan LCC Drawing Number EP/732228/GA/01b and 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.
- 2.4 There are some areas of land required for the highway works which are within land under the control of the developer, who has agreed as part of the S278 agreement

to dedicate this land to Leeds City Council as adopted highway. The Council will thereafter maintain this land as part of the adopted highway.

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 being considered and accepted as part of the planning process.
- 3.1.3 The highway works are required to ensure that the traffic generated by the development does not have a detrimental effect on the adjacent Burton Road and Tunstall Road in terms of both road users and residents. They will also provide access to the customer and staff car parks. The proposed works comprise:
- Construction of the site car park access by realignment of the former police station vehicular access on Tunstall Road with carriageway widening and white lining to provide a ghost island layout. The access will include a dropped crossing with tactile paving and a raised table to assist crossing pedestrians within the junction bellmouth.
 - Kerbed pedestrian refuge island on Tunstall Road within the hatching immediately west of the car park access with associated dropped kerbs and tactile paving on the adjacent footways.
 - 2 no. footway buildouts on both sides of Burton Road alongside the site frontage incorporating an uncontrolled pedestrian crossing (dropped kerbs and tactile paving). Give-way markings to indicate priority to southbound vehicles at carriageway narrowing within these buildouts
 - Removal of a row of parking bays located immediately south of the realigned staff entrance.
 - Kerb realignment at former police station access on Burton Road to provide an access to the development staff car park. New footway to be constructed between the realigned staff car park entrance and the northern footway buildout.
 - A Traffic Regulation Order on Burton Road to restrict on-street parking in the vicinity of the site
 - Hatching and lining along Burton Road in vicinity of the site to improve visibility at side road junctions.

- Installation of an UTC CCTV camera at the Dewsbury Road / Tunstall Road 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 above works.

3.1.4 The proposed works are shown indicatively on the attached Leeds City Council Drawing Number EP/732228/GA/01b.

3.1.4 The Engineering Projects section will be responsible for the detailed design and delivery of works. The developer at their own risk has paid an advanced £10,000 fee to Engineering Projects section who have started the detailed design process in advance of a S278 Agreement being signed.

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

3.1.6 The S278 agreement will include the standard commuted sums for future maintenance of the Works.

3.2 **Programme** – It is envisaged that the detailed design, procurement, and construction will be completed in the current financial year 2015/16.

2 Corporate Considerations

2.1 Consultation and Engagement

2.1.1 Ward Members: Members of City & Holbeck Ward were consulted by email with an accompanying letter and plans on 6th May 2015. At the time of writing this report no comments have been received. Residents adjacent to the highway works on Tunstall Road and Burton Road have also been consulted.

2.1.2 Emergency Services and the West Yorkshire Combined Authority (WYCA): The Emergency Services and West Yorkshire Combined Authority were also consulted by email with accompanying letters and plans on 6th May 2015. The WYCA had responded as Tunstall Road is a bus route. They are satisfied that the scheme will not detrimentally affect bus services. The Fire authority and Police Service have responded stating there are no concerns. At the time of writing no response has been received from the Ambulance Service.

2.1.3 Relevant sections in Highways and Transportation have been consulted and their comments have been considered and where possible incorporated in the proposals.

2.2 Equality and Diversity / Cohesion and Integration

2.2.1 An EDCI Impact Assessment has been prepared for the Section 278 Process and is attached as Appendix 1. The assessment confirmed that the consideration given to the highway proposals as part of the planning application process addressed the impact of the proposals in terms of equality, diversity, cohesion and integration and

that a separate screening or impact assessment was not required for the approvals requested for each individual S278 Agreement.

2.3 Council policies and City Priorities

- 2.3.1 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.

2.4 Resources and value for money

- 2.4.1 The total estimated costs for this scheme are £193,757 comprising £162,047 works costs and £31,710 staff fees.

2.5 Capital Funding and Cash Flow.

- 2.5.1 Funding: The developer will fund the total cost of the scheme, including the works costs, statutory undertakers costs and the cost of staff fees.
- 2.5.2 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 2015	FORECAST				
	£000's	£000's	2015/16	2016/17	2017/18	2018/19	2019 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 2015	FORECAST				
	£000's	£000's	2015/16	2016/17	2017/18	2018/19	2019 on
			£000's	£000's	£000's	£000's	£000's
LAND (1)	0.0						
CONSTRUCTION (3)	162.1		162.1				
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	31.7	7.3	24.4				
OTHER COSTS (7)	0.0						
TOTALS	193.8	7.3	186.5	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH 2015	FORECAST				
	£000's	£000's	2015/16	2016/17	2017/18	2018/19	2019 on
			£000's	£000's	£000's	£000's	£000's
Section 106 / 278	193.8	7.3	186.5				
Total Funding	193.8	7.3	186.5	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

2.6 Legal Implications, Access to Information and Call In

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

2.7 Risk Management

- 2.7.1 The Council's standard Section 278 agreement is to be used whereby the developer will fund the total cost of the works.

3 Conclusions

- 3.1 This report seeks authority to negotiate terms and enter such Agreement for the highway works, to complete the detailed design and construct the works. Such works, as detailed in Section 3.1, at an estimated cost of £193,757 (incl. design fees).

4 Recommendations

- 4.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note the highway works as outlined in Section 3.1 and indicated on Leeds City Council Drawing Number EP/732228/GA/01b at an estimated cost of £193,757 (this includes the estimated cost of the TRO works;
 - 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 tender and implement the works as set out in Section 3.1;
 - iv) to advertise the draft Traffic Regulation Order in relation to the proposed waiting restrictions on Burton Road as indicated on drawing EP/732228/GA/01b, and if no valid objections are received then make, seal and implement orders;
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 - vii) approve the adoption of new highway construction, as indicated on drawing EP/732228/MISC/02, so that it can be added to the Council's maintenance regime.

5 Background documents¹

- 5.1 None.

Appendix 1

Equality, Diversity, Cohesion and Integration Impact Assessment

Information are available to download from the Council's website, published works.

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. In all appropriate instances we will need to carry out an equality, diversity, cohesion and integration impact assessment.

This form:

- can be used to prompt discussion when carrying out your impact assessment
- should be completed either during the assessment process or following completion of the assessment
- should include a brief explanation where a section is not applicable

Directorate: City Development	Service area: Highways & Transportation
Lead person: Gillian MacLeod	Contact number: 0113 39 51341
Date of the equality, diversity, cohesion and integration impact assessment: 18 th September 2012	

1. Title: Equality Implications of Section 278 Process		
Is this a:		
<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service
<input type="checkbox"/> Function	<input checked="" type="checkbox"/> Other	
Is this:		
<input type="checkbox"/> New/ proposed	<input checked="" type="checkbox"/> Already exists and is being reviewed	<input type="checkbox"/> Is changing
(Please tick one of the above)		

2. Members of the assessment team:

Name	Organisation	Role on assessment team e.g. service user, manager of service, specialist
Gillian MacLeod	LCC	Service Manager
Adrian Hodgson	LCC	Service Officer
Andrew Thickett	LCC	Service Officer
Mary Levitt-Hughes	LCC	Equality Officer
Lisa Powell	LCC	Performance Manager

<p>3. Summary of strategy, policy, service or function that was assessed:</p> <p>Section 278 (S278) of the Highways Act 1980 makes provision for the Highway Authority to enter into an agreement to execute works with any other person (either an individual / organisation / developer) to make modifications, improvements and changes to the highway and for those works to be funded by that person / developer or organisation.</p> <p>Generally, a S278 is applied when, for example, a developer builds a housing estate and there are changes required to the highway to enable access to the site, footways, roads etc...</p> <p>This Equality Impact Assessment considers the process of determining the requirements of such developments and how this process gives due regard to the equality characteristics.</p>
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<p>4. Scope of the equality, diversity, cohesion and integration impact assessment (complete - 4a. if you are assessing a strategy, policy or plan and 4b. if you are assessing a service, function or event)</p>
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<p>4a. Strategy, policy or plan (please tick the appropriate box below)</p>	
The vision and themes, objectives or outcomes	<input checked="" type="checkbox"/>
The vision and themes, objectives or outcomes and the supporting guidance	<input type="checkbox"/>
A specific section within the strategy, policy or plan	<input type="checkbox"/>
<p>Please provide detail: This EIA assesses the process, objectives and outcomes of a Section 278 agreement.</p>	

<p>4b. Service, function, event please tick the appropriate box below</p>	
The whole service (including service provision and employment)	<input type="checkbox"/>
A specific part of the service (including service provision or employment or a specific section of the service)	<input type="checkbox"/>
Procuring of a service (by contract or grant) (please see equality assurance in procurement)	<input type="checkbox"/>
<p>Please provide detail:</p>	

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5. Fact finding – what do we already know

Make a note here of all information you will be using to carry out this assessment. This could include: previous consultation, involvement, research, results from perception surveys, equality monitoring and customer/ staff feedback.

(priority should be given to equality, diversity, cohesion and integration related information)

A S278 agreement is entered into between developers and the Council and ensures that any impact on the highway, or improvements required to the highway, as a result of developments undertaken are agreed, and paid for prior to the works commencing.

S278 agreements can be entered into with an individual, but generally they are made between Developers and the Council.

There are three types of S278 agreements:

Mini Section 278 Agreements

A Mini Section 278 Agreement is a formal arrangement to enable developers to carry out extremely minor highway works. This type of agreement covers minor footway crossing works, amendments to paving to provide level access, removal and reinstatement of planters, etc where the Developer designs and constructs the works, but provides a bond as surety. Leeds City Council obtains staff fees for checking the design and supervision of the works and fixed legal costs. This type of agreement is very minor in nature and does not include for commuted sums (payments for maintenance).

Minor Section 278 Agreements

A Minor Section 278 Agreement is a formal arrangement for developers to carry out minor highway works themselves. It follows the same format as a mini S278 agreement but is used for schemes which are slightly more involved than a footway crossing, but not so involved that there is any major requirement for traffic management on a busy road, or likely involvement with statutory undertakers, and the design is not complex in any way. This type of agreement is most often used where the development and highway works are adjacent or make use of the same site, making it very difficult for a separate contractor to be working in the same area, eg re-paving footways, provision of lay-by within a site contractor's working zone. A Minor S278 still requires the provision of a bond but does also allow for the acquisition of commuted sums for maintenance.

Standard Section 278 Agreements

A Standard Section 278 Agreement is used for all other highway works. The works are designed and supervised by Leeds City Council on behalf of the Developer. This type of agreement is used for most significant off-site highway works associated with planning applications. Standard S278 agreements do not require the provision of a bond as all monies are paid upfront.

Process Review

When considering the requirements of a planning application that will require a S278 agreement to deliver highway works once consent is granted, a pro-forma is completed which considers the following:

- Accessibility – using guidelines laid down in the Manual for Streets and LCC Street Design Guide (which has been the subject of an EIA) consideration is given to; walkers, cyclists, vulnerable road users and impact on services nearby, for example - schools
- Vehicular access – safety of this, size of the parking bays
- Internal layout / servicing / bins – shared surface issues. Ability to move around safely.
- Parking – safety issues, availability of disabled spaces in line with the Unitary Development Plan.
- Travel Plan – Availability of public transport
- Off site highways works – impacts of the development on the surrounding area e.g. – increased traffic flows, do we need a new set of traffic lights.
- Road safety – current statistics and impact on these, visibility.
- Planning conditions

These items are considered in terms of the protected characteristics.

S278 (4) 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”, and any suggested changes are put forward with this in mind.

Are there any gaps in equality and diversity information

Please provide detail:

No, however to reinforce the need to consider equality impacts, an additional equality item will be added to the pro-forma.

Action required:

Amendments to be made to the pro-forma.

6. Wider involvement – have you involved groups of people who are most likely to be affected or interested

☒

Yes

☐

No

Please provide detail:

The guidelines issued by the Department for Transport and other agencies which we

follow have been equality impact assessed, and this involved some element of consultation. We follow these guidelines and as such, wider consultation is not required or relevant however, each S278 proposal is sent to the relevant Ward Member for their input on behalf of residents.

Action required:

None.

7. Who may be affected by this activity?

please tick all relevant and significant equality characteristics, stakeholders and barriers that apply to your strategy, policy, service or function

Equality characteristics

☒

Age

☒

Carers

☒

Disability

☐

Gender reassignment

☐

Race

☒

**Religion
or Belief**

☒

Sex (male or female)

☐

Sexual orientation

☐

Other

(for example – marriage and civil partnership, pregnancy and maternity, social class, income, unemployment, residential location or family background, education or skills level)

Please specify:

The layout of the development will affect everyone, but may have a particular impact on; disabled people, carers, people with push chairs, children and older people. When designing the layout, the Officer will take into account the needs of these groups, recommending installation of things such as; dropped kerbs, tactile paving and traffic lights.

Stakeholders

☒

Services users

☒

Employees

☐

Trade Unions

☐

Partners

☒

Members

☐

Suppliers

☐

Other please specify

Potential barriers.

☒

Built environment

☒

Location of premises and services

☐

**Information
and communication**

☐

Customer care

☒

Timing

☐

Stereotypes and assumptions

☒

Cost

☐

Consultation and involvement

☐

specific barriers to the strategy, policy, services or function

Please specify

The location and heritage of a site may affect the type of improvements allowed.

In the current economic climate, the cost of certain improvements will effect what changes are agreed.

8. Positive and negative impact

Think about what you are assessing (scope), the fact finding information, the potential positive and negative impact on equality characteristics, stakeholders and the effect of the barriers

8a. Positive impact:

The designs put forward will take into account the needs of each of the equality characteristics and will aim to meet Section 278 (4) 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".

Action required:

8b. Negative impact:

None. All designs will be improvements.

Action required:
None.

9. Will this activity promote strong and positive relationships between the groups/communities identified?
<input type="checkbox"/> Yes <input type="checkbox"/> No
Please provide detail: Not applicable.
Action required:

10. Does this activity bring groups/communities into increased contact with each other (e.g. in schools, neighbourhood, workplace)?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please provide detail:
Action required:

11. Could this activity be perceived as benefiting one group at the expense of another?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please provide detail:

Action required:

None.

12. Equality, diversity, cohesion and integration action plan

(insert all your actions from your assessment here, set timescales, measures and identify a lead person for each action)

Action	Timescale	Measure	Lead person
Add 'Additional Equality Considerations to the S278 pro-forma.	December 2012	N/A	Gillian MacLeod

13. Governance, ownership and approval State here who has approved the actions and outcomes from the equality, diversity, cohesion and integration impact assessment		
Name	Job Title	Date
Gillian MacLeod	Transport Developments Service Manager	December 2013

14. Monitoring progress for equality, diversity, cohesion and integration actions (please tick)	
<input checked="checked" type="checkbox"/>	As part of Service Planning performance monitoring
<input type="checkbox"/>	As part of Project monitoring
<input type="checkbox"/>	Update report will be agreed and provided to the appropriate board Please specify which board
<input type="checkbox"/>	Other (please specify)

15. Publishing	
Date sent to Equality Team	24 April 2013
Date published	