

Report of Technical Services Manager

Report to Highways Officer (Highways and Transportation)

Date: 23rd June 2015

Subject: Middleton Public Transport Schemes – Release of SECTION 106 Developer Contributions.

Capital Scheme Number : 32404

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Middleton Park	<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 checked="" type="checkbox"/> Yes	<input 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. Sharp Lane Primary School is currently expanding as part of the Council's Basic Needs Programme due to its increased intake of pupils it is proposed to provide a package of highway works to mitigate the increase in numbers of children travelling to and from school.
2. The proposed off-site highway works consist of:
 - Verge hardening along Throstle Road North and Middleton Ring Road.
 - The upgrade of existing traffic calming features in the local area.
 - Provision of a footpath link between Dolphin Road and Lanshaw Place.
 - Improving the existing pedestrian route across the Middleton Ring Road arm on the roundabout at Middleton Ring Road and Belle Isle Road.
3. Ward Members have expressed their desire for verge hardening works along Throstle Road North and Middleton Ring Road and the reconstruction of speed cushions within the Middleton area.

4. The total cost of the proposed works is £336,050 which is to be funded from the Children's Services capital programme (£100,000) and externally funded Section 106 developer receipts (£236,050).
5. The Chief Planning Officer has approved the release of £236,050 of Section 106 developer receipts to part fund the above proposals, the remainder being a £100,000 contribution from the Children's Services capital programme.

Recommendations

The Chief Highways Officer is requested to:

- i) approve the undertaking of the detailed design and implementation of a scheme to install verge hardening works along Throstle Road North (West Side) between Sharp Lane and Middleton Ring Road and along Middleton Ring Road (south side) between Thorpe Road and No 41 Middleton Ring Road, provide footway links and improve pedestrian crossing points across Middleton Ring Road and also the replacement of 58 speed cushions within the area as indicated on the attached drawing number SD/3156/1A/DJS at a cost of £336,050; and
- ii) approve an injection of £236,050 into the City Development capital programme fully funded from section 106 developer receipts;
- iii) give authority to incur expenditure of £236,050 fully funded from section 106 developer receipts (note that additionally £100,000 already has approval to spend from within a Children's Services capital scheme for the Sharp Lane Primary School expansion).

1.0 Purpose of this report

- 1.1 To seek approval for the detailed design and implementation of a scheme to install verge hardening works along the length of Throstle Road North and Middleton Ring Road and the associated highways works.
- 1.2 To obtain authority to incur expenditure of £236,050 fully funded from Section 106 developer receipts, and to seek approval to inject this sum into the City Development Capital Programme.

2.0 Background information

- 2.1 The Basic Need programme represents the Council's response to the demographic growth pressures in primary school provision. The rapidly increasing birth rate in Leeds has required Leeds City Council to approve over 900 new reception places since 2009 in order that it fulfils its statutory duty to ensure sufficiency of school places.
- 2.2 The proposal for Sharp Lane Primary School will form part of the on-going work to address capacity and sufficiency across all of Children's Services, which includes provision for primary and secondary school places, early years, as well as specialist provision. These proposals form part of the Council's Basic Need

Programme that embeds the 'one council' approach that has achieved shared ownership of proposed solutions.

2.3 Sharp Lane Primary School will gradually increase the number of pupils to its maximum capacity by increasing the reception intake to 90 pupils with effect from September 2014.

2.4 On 24th February 2015 the Chief Planning Officer approved the release of £236,050 from the Section 106 developer receipts for the provision of a package of highways measures which consist of the verge hardening works along the lengths of Throstle Road North and Middleton Ring Road and creating a footpath link between Dolphin Road and Lanshaw Place. This includes the replacement of 58 speed cushions within the area and also improving the existing pedestrian route across Middleton Ring Road, at the Middleton Ring Road and Belle Isle Road roundabout.

3.0 Main issues

3.1 Housing along the lengths of Throstle Road North and Middleton Ring Road suffer from a lack of off street parking provision. Therefore on street parking along these lengths are in high demand. The demand for on street parking is also increased due to parents accessing parking to undertake school journeys. This in turn causes delays for other road users such as buses at peak periods as vehicles double park restricting access. In turn this causes damage to the existing grass verge areas causing ongoing maintenance/street cleansing issues for highways and statutory undertaker's equipment.

3.2 Neither scenario is appropriate with the solution being to 'harden' the verge areas along Throstle Road North and Middleton Ring Road. The 'harden' verge areas will be constructed out of a porous asphalt material including a free draining sub base. The verge along Middleton Ring Road will be constructed from a reinforced grass surface forming a 'grass road' which also includes a free draining sub base. This will enable residents and visitors to legally park on the verge. In turn reducing delays to other road users and bus services, whilst not causing any damage to the existing highway infrastructure.

3.3 Highways Design have undertaken a design and cost estimate of the proposals which are shown below:

- Throstle Road North verge hardening = £140,280
- Middleton Ring Road verge hardening = £137,620

3.4 As part of the expansion of Sharp Lane Primary school, Children's Services are committed to providing £100,000 from their capital programme for the works on Throstle North Road. It is proposed to make up the difference using Section 106 developer receipts.

3.5 Throstle Road North is a bus route accessed by the number 74 and 85 bus services generating a combined frequency of four buses per hour. Middleton Ring

Road is served by a minimum of 13 buses per hour during the day. Therefore any measures which can reduce delays are of benefit to a significant number of users.

- 3.6 A significant number of roads carrying bus services in the Middleton area are traffic calmed. This is a legacy of the urban design with characteristics of long straight wide roads, cutting through residential areas. As these routes are used by buses standard and more robust 'humps' are generally not used with 'cushions' being the preferred measure as they cause less discomfort to bus passengers. Speed cushions require a greater maintenance regime than other forms of traffic calming with buses themselves causing the most damage. In many cases where full reconstruction of the features would be beneficial, a 'patch up' is applied due to restricted budgets.
- 3.7 Middleton as a Ward is very dependent on bus services with a higher Leeds average of users for work, education and leisure purposes. This coupled with the historic street design and large number of speed cushions means that a significant number of these features are in a poor state of repair. Highways Officers have assessed these features and concluded that 58 require reconstruction and major works at cost of £58,150.
- 3.8 The footway link improvement will be provided as part of the work package which consists of the upgrade of the existing informal crossing point located on Middleton Ring Road adjacent to Throstle Road North. This includes upgrading the existing informal crossing point to DDA guidelines.
- 3.9 The introduction of this scheme will help to reduce delays experienced by buses at peak times, provide off street parking for local residents and parents at school drop off and pick up times. Also improved walking routes will benefit parents with push chairs, wheel chair users and pedestrians with mobility issues. Therefore improving the road safety environment for all road users.
- 4.0 The proposals are shown on the attached drawing SD/3156/1A/DJS.

5.0 Funding

- 5.1 Middleton Park Ward Members have requested that the verge hardening and speed cushion works are funded through Section 106 developer receipts.

6.0 Corporate Considerations

6.1 Consultation and Engagement

- 6.1.1 Ward Members: Ward Members have been consulted by email dated 9th February 2015. A response has been received and the Ward Members have expressed their support for the proposals.
- 6.1.2 The Chief Highways and Transportation Officer: The Chief Highways and Transportation Officer supports the use of the funds as outlined in this report.

6.2 Equality and Diversity / Cohesion and Integration

- 6.2.1 An Equality Impact Assessment Screening is in the process of being undertaken. It is not expected to show any detrimental impacts to any groups, with positives for those groups most likely to use local buses.

6.3 Council policies and City Priorities

- 6.3.1 Environmental Policy: The proposals contained in this report are in accordance with the aims of the Councils Environmental Policy.
- 6.3.2 Local Transport Plan (LTP): The proposal contained in this report are in accordance with the objectives of the polices in the West Local Transport Plan 2011-26.
- 6.3.3 Community Safety: The proposals contained in this report have no implications under Section 17 of Crime and Disorder Act 1998.
- 6.3.4 The Planning & Economic Policy Service Plan: The proposals outlined in this report will assist in meeting the set targets of agreeing the spending of developer funded section 106 monies.
- 6.3.5 UDP policies: The proposal contained in this report are in accordance with the objectives of the polices T9, T12, T13, and T14 support the implementation of new public transport schemes. Core Strategy policies SP3, SP4, SP8, SP11, CC3, T1 and T2 support the improvement of public transport and city centre connectivity. Policy T2ii sets out that developer contributions may be required towards, amongst other highways and transport infrastructure, public transport provision.

6.4 Resources and value for money

- 6.4.1 Full scheme estimate: The total estimated cost of the scheme is £336,050, with £236,050 to be funded from Section 106 developer receipts (also to be injected into the City Development Capital Programme.) and £100,000 from the Children's Services Capital Programme (a previously approved larger scheme for the expansion of Sharp Lane Primary School). Therefore no City Development capital or revenue funds are to be used.

6.4.3 Capital Funding and Cash Flow

Funding Approval :		Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST					
	£000's	2015 £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	FORECAST					
	£000's	2015 £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)	236.0		236.0					
FURN & EQPT (5)	0.0							
DESIGN FEES (6)	0.0							
OTHER COSTS (7)	0.0							
TOTALS	236.0	0.0	236.0	0.0	0.0	0.0	0.0	
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST					
	£000's	2015 £000's	2015/16	2016/17	2017/18	2018/19	2019 on	
			£000's	£000's	£000's	£000's	£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	236.0		236.0					
Government Grant- LTP	0.0							
SCE (C)	0.0							
SCE (R)	0.0							
Departmental USB	0.0							
Corporate USB	0.0							
Any Other Income (Specify)	0.0							
Total Funding	236.0	0.0	236.0	0.0	0.0	0.0	0.0	
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

6.5 Legal Implications, Access to Information and Call In

6.5.1 The various s106 agreements have been considered and the spend of developer

funded s106 monies towards the scheme is entirely reasonable and justified based on the reliability, journey and comfort improvements to public transport that are provided by the works.

6.5.2 Those contributions secured prior to April 2010 are subject to policy tests, whereas those secured after this date are subject to the CIL legal tests (the principle of which are the same as those earlier policy tests). Those tests are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Test (a) Need

The Need test was established at the time of securing the contributions by way of provision of a fulfilling the following criteria:

- Ensures compliance with the objectives of NPPF (and prior to that PPG13) to promote more sustainable travel choices, to promote accessibility by public transport and to reduce the need to travel.
- Reflects the fact that the provision of public transport, from which the developer will gain a service, is outside the scope and control of the individual developer.
- Assists the Authority to finance and provide for the cumulative impact of individual new developments and therefore the contribution assists in addressing the individual travel impact of the development.

Test (b) Directly Related

The contributions will be spent on the provision of a public transport service from which the development will benefit directly. All the development listed in table 1 are within close vicinity of the works and are contributing to public transport use in the area.

Test (c) Fairly related in scale and kind.

In terms of scale, Leeds City Council has an adopted mechanism for calculating such contributions which is derived from that set out in the Practice Guidance on Planning Obligations (DCLG 2006). This accounts for the size, scale and impact of the development and allows the amount of contribution to be varied to be proportionate to this.

6.5.3 None of the content of this report is exempt from public display or contains confidential information.

6.5.4 Any decisions arising as a result of this report are eligible for Call In.

6.6 Risk Management

6.6.1 The works are fully funded from developer contributions and set aside planning obligations from Children's Services.

7.0 Conclusions

7.1 The introduction of this scheme will help to reduce delays experienced by buses at peak times, provide off street parking for local residents and parents at school drop off and pick up times. Also improved walking routes will benefit parents with push chairs, wheel chair users and pedestrians with mobility issues. Therefore improving the road safety environment for all road users.

8.0 Recommendations

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

- i) approve the undertaking of the detailed design and implementation of a scheme to install verge hardening works along Throstle Road North (West Side) between Sharp Lane and Middleton Ring Road and along Middleton Ring Road (south side) between Thorpe Road and No 41 Middleton Ring Road, provide footway links and improve pedestrian crossing points across Middleton Ring Road and also the replacement of 58 speed cushions within the area as indicated on the attached drawing number SD/3156/1A/DJS at a cost of £336,050; and
- ii) approve an injection of £236,050 into the City Development capital programme fully funded from section 106 developer receipts;
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9.0 Background documents¹

9.1 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.