

Report to the Chief Officer (Highways and Transportation)

Date: 01 March 2016

Subject: Design & Cost Report for S278 Works associated with a Residential Development at Station Road, Methley, Leeds 26.

Capital Scheme Number: 32461

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Kippax & Methley	<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 Planning permission 13/04647/OT was granted on 1st April 2015 for a residential development of 181 dwellings on land located at Station Road, Methley.
- 2 Alterations to the highway are proposed as part of the planning consent to widen the Station Road carriageway from approximately 4.8m to 5.5m along most of its length to provide an adequate means of access to the development site. Widening of the footway outside the site to 2m is also to be carried out. Furthermore, a traffic regulation order is required to introduce a 20mph speed limit along Station Road from its link with the external highway network (at the mini-roundabout with Church Lane/Longbow Avenue) up to the turning head at the end of the road (next to a railway line/level crossing).
- 3 A series of traffic calming features are to be introduced along Station Road as part of the works to support the 20mph speed limit and restrain vehicle speeds in the vicinity of the site. A 20mph speed limit for is also to be implemented on the internal roads within the new residential development. The 20mph speed limit will be introduced as part of the Section 38 Agreement for the adoption of the internal layout.
- 4 The proposed works are shown indicatively on Banks Property Drawing Ref: HJB/PA678/062a & 01/Proposed Planning Layout.
- 5 A Reserved Matters planning application for the internal layout of the development was submitted by Barratt and David Wilson Homes on 30th July 2015 and

approved by the Council on 26th January 2016 (ref: 15/04604/RM). As part of this consent an increase in the overall number of properties to 219 dwellings has been allowed.

- 5 To meet the requirements of the planning permission and deliver the highway alterations, 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.

Best City Ambition

The Best City ambition is to improve life for the people of Leeds and make our city a better place. The provision of a wider footway width, suitable carriageway width, traffic calming and a 20mph speed limit contributes to this ambition by improving the safety and quality of life of Leeds residents by enabling safe pedestrian and vehicular access in local communities. They also help reduce traffic collisions to make a specific contribution to the Best City for Communities and a Child Friendly City.

Recommendations

1. The Chief Officer (Highways and Transportation) is requested to:
 - i) note the principles of the highway works to provide improved access to the development site;
 - ii) give authority to incur expenditure of £6,000 TRO costs and £15,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
 - iii) request the City Solicitor to:
 - Advertise a draft speed limit order to introduce a 20mph speed limit on Station Road as detailed in item 2 and, if no valid objections are received to make, seal and implement the order as advertised.
 - Advertise a notice under Section 90C of the Highways Act 1980 to provide traffic calming measures as shown on plan 01/Proposed Planning Layout
 - iv) 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;

6 Purpose of this report

- 6.1 The purpose of this report is to note the principle of the implementation of highway works associated with a residential development of 181 dwellings on land located at Station Road, Methley.
- 6.2 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 constructed by the developer at their expense, with the Council checking the design and construction, with step in rights, and preparing a Traffic Regulation Order for a 20mph speed limit at the developer's expense.

To request the City Solicitor to advertise a draft traffic regulation order and if no valid objections are received to make, seal and implement the order.

7 Background information

- 7.1 Outline planning permission 13/04647/OT was granted on 1st April 2015 for a residential development of 181 dwellings on land located at Station Road, Methley.
- 7.2 Condition 17 of the planning permission requires improvement works to be carried out to Station Road to improve access to the site and comply with the requirements for residential access road widths as specified in the Street Design Guide (SDG).
- 7.3 A Reserved Matters planning application for the internal layout of the development was submitted by Barratt and David Wilson Homes on 30th July 2015 and approved by the Council on 26th January 2016 (ref: 15/04604/RM). As part of the planning approval an increase in the overall number of properties to 219 dwellings has been allowed.
- 7.4 To meet the obligations of the planning permission and deliver the access 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.

8 Main issues

- 8.1 The proposed residential development will be accessed via an existing adopted highway known as Station Road. Station Road currently has a carriageway width of approximately 4.8m and there is a 1.5m footway on one side only (the development side). Station Road currently serves only 3 existing dwellings towards the end of the road, comprising two adjacent properties within a former farm complex (known as Shann House/Shann Cott) and a dwelling known as Station House (located next to a railway line).
- 8.2 The Street Design Guide (SDG) advises that a minimum carriageway width of 5.5m is required for residential developments of 50 dwellings and above. For developments of less than 50 dwellings, the existing carriageway width of 4.8m is regarded as adequate for access purposes.
- 8.3 The planning permissions would result in up to 219 additional dwellings using Station Road as a means of access. Accordingly, in order to comply with the requirements of the SDG, the developer is required to upgrade the existing carriageway width of Station Road to 5.5m along the length between Mickletown Road/Longbow Avenue and the boundary with Shann House. Additionally, a speed limit of 20mph is to be introduced along with a series of traffic calming features to support the reduced speed limit and restrain vehicle speeds in the vicinity of the site.
- 8.4 A 20mph speed limit for is also to be implemented on the internal roads within the new residential development. The 20mph speed limit will be introduced as part of the Section 38 Agreement for the adoption of the internal layout.
- 8.5 A minimum footway width of 2m is specified in the Street Design Guide to provide an appropriate standard of pedestrian access (p17, Type 2 Local Residential

Streets, points iv) & v)). Accordingly, the planning permission requires the existing footway width on Station Road to be increased from approximately 1.5m to 2m.

- 8.6 The proposed works are shown indicatively on Banks Property Drawing Ref: HJB/PA678/062 Rev A & 01/Proposed Planning Layout.
- 8.7 It is proposed that the developer will enter a Section 278 Agreement with the Council whereby the developer will design and procure the highway works at the their expense and the Council will check the design of the work and inspect the construction, with step in powers should the works not be managed or constructed to appropriate standards.
- 8.8 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.

9 Corporate Considerations

9.1 Consultation and Engagement

- 9.1.1 Ward Members: Ward Members were consulted by email dated 7th October 2015. At the time of writing no comments have been received from the Ward Members.
- 9.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 7th October 2015. WYCA sought clarification that no bus stops were affected, which was confirmed to them. No other comments have been received.
- 9.1.3 Internal consultation has taken place with colleagues in the Highways and Transportation Services. Comments have taken into account as part of the design checking process.

9.2 Equality and Diversity / Cohesion and Integration

- 9.2.1 An EDCI Impact Assessment has been carried out on the Section 278 Process and is attached as 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.
- 9.2.2 The proposals will ultimately contribute to improved accessibility to the site for pedestrians and cyclists via an improved footway and carriageway width. The works will be designed to accommodate the needs of all users.

9.3 Council policies and City Priorities

9.3.1 The proposed highway works which allow the development to take place accord with the West Yorkshire 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.

9.4 Resources and value for money

9.4.1 The developer will meet the Council's costs, estimated to be £6,000 for traffic regulation order costs and £15,000 fees to check the design and inspect the works, which will be fully funded through the Section 278 agreement.

9.5 Capital Funding and Cash Flow.

Funding Approval :		Capital Section Reference Number :-					
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2015 £000's	FORECAST				
			2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 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						
TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Authority to Spend required for this Approval	TOTAL £000's	TO MARCH 2015 £000's	FORECAST				
			2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	15.0		15.0				
OTHER COSTS (7)	6.0		6.0				
TOTALS	21.0	0.0	21.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2015 £000's	FORECAST				
			2015/16 £000's	2016/17 £000's	2017/18 £000's	2018/19 £000's	2019 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	21.0		21.0				
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						
Total Funding	21.0	0.0	21.0	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

8.5.1 **Revenue Effects:** There are no revenue effects as a result of this capital scheme.

9.6 Legal Implications, Access to Information and Call In

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

9.7 Risk Management

9.7.1 The total cost of the highway works and staff fees are fully developer funded.

10 Conclusions

10.2 Outline planning permission 13/04647/OT was granted on 1st April 2015 for a residential development of 181 dwellings on land located at Station Road, Methley.

- 10.2 A Reserved Matters planning application for the internal layout of the development was approved by the Council on 26th January 2016 (ref: 15/04604/RM). As part of this application an increase in the overall number of properties (to 219 dwellings) has been allowed.
- 10.3 Alterations to the highway are proposed to widen the Station Road carriageway from approximately 4.8m to 5.5m along most of its length to provide an adequate means of access to the development site. A widening of the footway outside the site to 2m is also proposed. Furthermore, a traffic regulation order is required to introduce a 20mph speed limit along Station Road along with a series of traffic calming features to restrain vehicle speeds in the vicinity of the site
- 10.4 The proposed works are shown indicatively on Banks Property Drawing Ref: HJB/PA678/062a & 01/Proposed Planning Layout.
- 10.5 To meet the requirements of the planning permission and deliver the highway alterations, 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.

11 Recommendations

- 11.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note the principles of the highway works to provide improved access to the development site
 - ii) give authority to incur expenditure of £6,000 TRO costs and £15,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
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 - iv) 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;

12 Background documents¹

- 12.2 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 1
 Equality, Diversity, Cohesion
 and Integration Impact
 Assessment



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

3. Summary of strategy, policy, service or function that was assessed:

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.

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...

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.

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)

4a. Strategy, policy or plan
 (please tick the appropriate box below)

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"/>

Please provide detail:
 This EIA assesses the process, objectives and outcomes of a Section 278 agreement.

4b. Service, function, event
 please tick the appropriate box below

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	<input type="checkbox"/>

(by contract or grant)
(please see equality assurance in procurement)

Please provide detail:

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?

Yes

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)?

Yes

No

Please provide detail:

Action required:

11. Could this activity be perceived as benefiting one group at the expense of another?

Yes

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="" 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	