
Report to the Chief Officer (Highways and Transportation)

Date: 26 April 2016

Subject: Design & Cost Report for S278 Works associated with a Development at Lidl Store, Selby Road/Temple Newsam Road, Halton, LS15 0DL.

Capital Scheme Number : 32517

| | | |
|--|---|--|
| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Temple Newsam | <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 15/04656/FU was granted on 11th January 2016 for an extension to the existing Lidl food store at Selby Road/Temple Newsam Road, Leeds 15. A location plan is attached.
- 2 As part of the planning permission, Lidl UK GmbH are proposing to close the existing service-only vehicular access off Temple Newsam Road and divert delivery vehicles to the main site entrance off Selby Road. A widening of the existing Selby Road car park entrance is required in order to satisfactorily accommodate HGV delivery vehicle turning manoeuvres. These entrance works will require an adjustment to the existing signals equipment at the junction, which will be designed and installed by the Council's UTMC team.
- 3 The proposed works are shown indicatively on HTC Architects Drawing No. 442-1 13 G.
- 4 To meet the requirements of the planning permission and deliver the access 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.

Recommendations

5. The Chief Officer (Highways and Transportation) is requested to:
 - i) note the principles of the highway works to facilitate access changes to the development site;
 - ii) give authority to incur expenditure of £10,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
 - iii) give authority to incur expenditure of £7250 for UTMC works costs and £2000 UTMC staff costs, to be fully funded by the developer through the Section 278 agreement;
 - 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.

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 an extension to the Lidl food store at Selby Road/Temple Newsam Road, Halton.
- 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 civils element of the associated highway works are designed and constructed by the developer at their expense, with the Council checking the design and construction; with the Traffic Signals element of the works being designed and implemented by the Council's UTMC section at the expense of the developer.

2 Background information

- 2.1 Planning permission 15/04656/FU was granted on 11th January 2016 for an extension to the existing Lidl food store at Selby Road/Temple Newsam Road, Leeds 15. The extension will accommodate an in-store bakery and freezer storage. The proposals will result in no increase in the retail sales area.
- 2.2 The planning permission includes an expansion of the store car park by creating additional parking spaces to the south/rear of the site. The proposals include the closing off of the existing servicing access from Temple Newsam Road, which will result in deliveries taking place via the Selby Road car park access.
- 2.3 Changes to the configuration of the Selby Road junction are required to accommodate HGV delivery vehicle manoeuvres. The changes will consist of widening of the access/egress lanes in conjunction with increased radii where the entrance joins Selby Road. Condition 4 of the planning permission requires the existing delivery arrangements via Temple Newsam Road to remain operational until the approved Selby Road junction improvements have been implemented.
- 2.4 Condition 5 of the planning permission deals with the delivery hours after the closing off of the service access has been implemented. The deliveries will take place outside of the store opening hours which are confirmed as 07:00 to 22:00 Monday to Sunday inclusive. However, the Local Planning Authority requires the delivery times to be reviewed after 4th August 2016. After this date deliveries will be

permitted during the store opening hours, subject to an experienced banksman being used to oversee a vehicle reversing into or out of the loading bay.

- 2.5 Adjustments to the traffic signals equipment at the junction with Selby Road will need to be carried out as a result of the changes to the junction configuration. The Council's UTMC team will design and install the new traffic signals equipment.
- 2.6 To meet the obligations of the planning permission and deliver the access works 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 Lidl UK GmbH have received planning permission (ref: 15/04656/FU) to extend their existing food store at Selby Road/Temple Newsam Road, Halton.
- 3.2 As part of the planning permission, the developer is proposing to close the existing service-only vehicular access off Temple Newsam Road and divert delivery vehicles to the main site entrance via Selby Road.

The proposed highway works will consist of the following: -

- A closure of the existing delivery vehicle entrance off Temple Newsam Road and its replacement with a new section of footway.
 - Widening of the access/egress widths and radii at the traffic signal controlled vehicular access off Selby Road (in order to satisfactorily accommodate HGV delivery vehicle turning manoeuvres).
 - Any required adjustments to the existing traffic signals installations at the Selby Road access.
 - Any works reasonably required following safety audits of the design and construction of the highway works.
 - 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 works.
- 3.3 Indicative details of the works are included and highlighted on HTC Architects Drawing no. 442-1 13 G.
 - 3.4 It is proposed that the developer will enter a Section 278 Agreement with the Council whereby the developer will design and procure the civils element of the highway works at 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. However, the Traffic Signals element of the works is to be designed and installed by the Council's UTMC section, with all costs to be fully funded by the developer through the Section 278 agreement.

- 3.5 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.
- 3.6 The proposals within this report are concerned only with the delivery of the highway works, the principle of these works having been considered and accepted as part of the planning process.
- 3.7 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 checking process, and any appropriate works arising out of the audits are implemented at the developer's expense.
- 3.8 The S278 agreement will include the standard commuted sums for future maintenance of the Works.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members: Ward Members were consulted by email dated 1st February 2016. At the time of writing no comments have been received from the Ward Members.
- 4.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 1st February 2016. At the time of writing no comments have been received from the Emergency Services or WYCA.
- 4.1.3 Internal consultation has taken place with colleagues in the Highways and Transportation Services. Any substantive comments received from the internal consultees will be taken into account as part of the design checking process.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 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.

4.3 Council policies and City Priorities

- 4.3.1 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.

4.4 Resources and value for money

4.4.1 The developer will meet the Council's costs, estimated to be £19,250, comprising £10,000 to check the design and inspect the civils element of the works and £9250 for UTM staff and works costs, which will be fully funded through the Section 278 agreement.

4.4.2 Capital Funding and Cash Flow.

| Funding Approval : | Capital Section Reference Number :- | | | | | | |
|--|--|----------------------|-----------------|----------------|----------------|----------------|----------------|
| Previous total Authority to Spend on this scheme | TOTAL | TO MARCH 2016 | FORECAST | | | | |
| | | | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
| | £000's | £000's | £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 2016 | FORECAST | | | | |
| | £000's | £000's | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
| | | | £000's | £000's | £000's | £000's | £000's |
| LAND (1) | 0.0 | | | | | | |
| CONSTRUCTION (3) | 7.3 | | 7.3 | | | | |
| FURN & EQPT (5) | 0.0 | | | | | | |
| DESIGN FEES (6) | 12.0 | | 12.0 | | | | |
| OTHER COSTS (7) | 0.0 | | | | | | |
| TOTALS | 19.3 | 0.0 | 19.3 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total overall Funding (As per latest Capital Programme) | TOTAL | TO MARCH 2016 | FORECAST | | | | |
| | £000's | £000's | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
| | | | £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 | 19.3 | | 19.3 | | | | |
| 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 | 19.3 | 0.0 | 19.3 | 0.0 | 0.0 | 0.0 | 0.0 |
| Balance / Shortfall = | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

4.5 Legal Implications, Access to Information and Call In

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

4.6 Risk Management

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

5 Conclusions

5.1 Planning permission 15/04656/FU was granted on 11th January 2016 for an extension to the existing Lidl food store at Selby Road/Temple Newsam Road, Leeds 15.

5.2 The planning permission includes the closure of an existing service-only vehicular access off Temple Newsam Road with deliveries being diverted to the car park entrance off Selby Road. A widening of the Selby Road access is needed to satisfactorily accommodate the HGV delivery vehicle turning manoeuvres and the works will include an adjustment to the existing signals equipment at the junction, which will be designed and installed by the Council's UTMC (traffic signals) team.

5.3 The proposed works are shown indicatively on HTC Architects Drawing No. 442-1 13 G.

5.4 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.

6 Recommendations

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

- i) note the principles of the highway works to facilitate access changes to the development site
- ii) give authority to incur expenditure of £10,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
- iii) give authority to incur expenditure of £7250 UTMC works costs and £2000 UTMC staff costs, to be fully funded by the developer through the Section 278 agreement;
- 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.

7 Background documents¹

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.

7.1 None.



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 | |