

Report of Engineering Project Manager

Report to Chief Officer (Highways and Transportation)

Date: 21 June 2016

Subject: Middleton Public Transport Schemes (Throstle Road North and Ward Traffic Calming Refurbishment) – Release of Section106 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 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. A package of highway improvements in the Middleton Park Ward was approved in 2015, including a scheme to provide verge hardening along Throstle Road North.
2. This element of the scheme has yet to be delivered as the required lowering of the Statutory Undertakers apparatus has escalated the cost estimate to £298,000. An affordable scheme, which proposed to provide verge hardening to only one side of the road and so avoiding the most expensive diversions, was met with strong opposition from residents. The Ward Councillors have subsequently asked if other contributions can be found to fund the full scheme.
3. The package of highway improvements are funded by a combination of s106 receipts associated to a number of developments within the Ward and a contribution from Children's Services Capital Plan. It has been determined that there are funds yet to be committed to any project from the available s106 receipts. A reallocation of these funds, in combination with a reduction in scope of the other proposed highway improvements, would permit the Throstle Road North scheme to be delivered. This proposal is supported by the Local Ward Members.
4. This report is therefore presented to demonstrate the reallocation of funding that is required to allow the verge hardening on Throstle Road North to be delivered this financial year.

Recommendations

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

- i) note and approve the contents of this report;
- ii) approve an injection of a further £134,186 into the City Development capital programme, fully funded from s106 developer receipts to deliver the Throstle Road North Verge Hardening Scheme; and
- iii) give authority to incur expenditure of £134,186 in addition to £236,050 that has been approved previously, and is fully funded from s106 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 The purpose of this report is to seek approval for an injection of a further £134,187 into the City Development capital programme, fully funded from s106 developer receipts to deliver the Throstle Road North Verge Hardening Scheme; and to seek authority to incur expenditure of £134,186 in addition to £236,050 that has been approved previously, and is fully funded from s106 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).

2.0 Background information

2.1 A proposal to harden the verges along Throstle Road North and provide a new footway between Lanshaw Lane and Dolphin Road are conditions of the planning permission granted for the extension of the Sharp Lane Primary School (Planning Ref: 13/03416/FU). A contribution of £100,000 is secured within Children's Services Capital Plan for these improvements.

2.2 A number of other improvements are also proposed, developed through local consultation with the Ward Members. These include verge protection measures on Ring Road, Middleton and the refurbishment of 58 traffic calming cushions and plateaux throughout the Ward.

2.3 The works are funded by money received through s106 Agreements associated to developments in the area and the contribution from Children's Services. The preliminary estimates that was developed for the highway improvements are shown below:

• Throstle Road North Verge Hardening	£140,280
• Middleton Ring Road Footway Improvements	£27,000
• Middleton Ring Road Verge Hardening	£110,620
• Traffic Calming Refurbishment	<u>£58,150</u>
Total	£336,050

The Chief Planning Officer approved the release of £236,050 in s106 monies on 24 February 2015 which were collected from the following S106 receipts:

• Aldi (Planning Ref : 11/02744)	£40,939
• Health Centre (Planning Ref : 22/137/04)	£17,457
• Thorpe Road Residential (Planning Ref : 12/02500)	£9,726
• Asda (Planning Ref : 09/02589)	<u>£302,114</u>
Total	£370,236

- 2.4 Subsequently, the injection of £236,050 into the City Development capital programme was approved by the Chief Officer of Highways and Transportation on 23rd June 2015.
- 2.5 The total s106 contribution received from the Asda development in Middleton totals £1,052,114 and has been secured via the 'Public Transport Improvements and Developer Contributions' SPD. Paragraph 2.3.1 of the SPD sets out those contributions will be used to 'help finance and deliver the programme of public transport improvements and enhancements for Leeds identified in the Leeds City region Transport Vision, the Local Transport Plan, and the emerging documents of the LDF and a figure of £750,000 has been specifically ring-fenced to improve local bus service frequency.
- 2.6 The balance of £302,114 is a contribution for infrastructure 'to be used by the Council towards public transport infrastructure improvements in accordance with the requirements of the Council's Supplementary Planning Document "Public Transport Improvements and Developer Contributions" (adopted August 2008)'. An Infrastructure contribution of £177,654, as shown above, has already been committed to the highway improvements and the balance of £124,460 has been confirmed as uncommitted.
- 2.7 Similarly, the receipt of £9,726 from the Thorpe Road Residential also remains uncommitted. The s106 agreement sets out how the contributions should be used and states "Means the sum of £xx.xx relating to public transport or other environmental improvements within the vicinity of the development or elsewhere within the administrative area of the Council required as a consequence of the development as the Council in its absolute discretion may decide". An actual figure was not included within the s106 Agreement to allow further consultation with the Ward Members and therefore the use of these funds as a contribution to both the Throstle Road North scheme and the Ward-based traffic calming refurbishments is considered acceptable.
- 2.8 Delivery of the verge hardening on Throstle Road North has faltered as the cost estimates currently exceed the allocated budget. This report therefore seeks authority to divert the uncommitted funds to the scheme and is explained in detail in the following section.

2.9 Two of the highway improvement schemes have now been delivered within the available budgets detailed below:

• Middleton Ring Road Footway Improvements	£24,255
• Middleton Ring Road Verge Hardening	<u>£105,460</u>
Total	£129,715

3.0 Main issues

3.1 It has been confirmed that the construction of the verge hardening scheme at Throstle Road North will affect the existing the Statutory Undertakers (SU's) apparatus present. Unlike Middleton Ring Road, where the affect was limited and in-situ protection of the SU apparatus was agreed, the lowering of the SU apparatus at Throstle Road North cannot be avoided. The cost estimates to divert the apparatus increased the overall cost of the scheme to £298,000, making the scheme unaffordable within the allocated budget.

3.2 A revised scheme for Throstle Road North, which reduced the scope to hardening the eastern verge only and so avoiding the most expensive diversions, was reluctantly accepted by the Local Members. As residents learnt of the revised proposals, it prompted a number of very strong objections from both sides of the road and prompted requests from the Ward Members to re-evaluate the scheme and the available budgets.

3.3 Funding of £302,144 has been received from the Middleton Asda development as detailed previously and is set aside for Public Transportation infrastructure works. A spend of £177,654 has already been released as a contribution to the approved highway improvements, leaving a balance of £124,460 that remains uncommitted. –

3.4 Similarly, the s106 receipt of £9,726 from the Thorpe Road Residential remains uncommitted also.

3.5 Re-allocation of these uncommitted funds could potentially provide an increased budget for the highway improvements to £470,236.

3.6 The funding of the Throstle Road North Scheme has been discussed with the local Ward Members and it has been suggested that by reducing the scope of the Ward based traffic calming remedial works and reallocating the uncommitted receipts, the full scheme could be afforded. A suggested budget that is shown below:

• Throstle Road North Verge Hardening	£298,000
• Middleton Ring Road Verge Hardening	£105,460
• Middleton Ring Road Footways	£24,255
• Traffic Calming Refurbishment	<u>£43,021</u>
Total	£470,236

3.7 This budget has been discussed and agreed with the Ward Members. They recognise the reduction in scope of traffic calming refurbishment that can be

achieved for this budget that will be re-assessed to target on the worst traffic calming features. The Ward Councillors have asked that any underspend on the Throstle Road Scheme should be used to maximise the extent of refurbishment possible.

4.0 Funding

- 4.1 City Development Finance has confirmed that £134,187 remains uncommitted and the transfer of these funds for the scheme is available once authorised by the Chief Officer.
- 4.2 The resurfacing of Throstle Road North is also planned as part of the works but will be funded as part of the LTP Capital Highway Maintenance Programme 2016/17. This programme was approved on 11th May 2016.

5.0 Programme

- 5.1 It is anticipated that, subject to approval, the works on Throstle Road North can start in July 2016 and be complete within 3 months. The reassessment of the Ward based traffic calming refurbishments will follow once the remaining budget has been confirmed.

6.0 Corporate Considerations

6.1 Consultation and Engagement

- 6.1.1 Ward Members: The ward members were consulted in December 2015 and agreed to the proposal to reallocate s106 funds and reduce the scope of the ward base traffic calming refurbishments
- 6.1.2 The Chief Planning Officer: The availability of the uncommitted funds has been confirmed and the transfer for use on the Throstle Road North scheme is supported.

6.2 Equality and Diversity / Cohesion and Integration

- 6.2.1 An Equality Impact Assessment Screening has been completed and found no detrimental impacts to any groups, with positives for those groups most likely to use local buses, reduced congestion and increased safety.

6.3 Council policies and City Priorities

- 6.3.1 Environmental Policy: to fund the full scheme
- 6.3.2 Local Transport Plan (LTP): The proposals contained in this report are in accordance with the objectives of the policies 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.

6.6 **Legal Implications, Access to Information and Call In**

6.6.1 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.

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.

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

6.7 **Risk Management**

6.7.1 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 the 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 but requires further funding.

8.0 Recommendations

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

- i) note and approve the contents of this report;
- ii) approve an injection of a further £134,186 into the City Development capital programme fully funded from section 106 developer receipts to deliver the Throstle Road North Verge Hardening Scheme;
- iii) give authority to incur expenditure of £134,186 in addition to £236,050 that has been approved previously, and is fully funded from s106 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).

9.0 Background documents¹

9.1 Throstle Road North GA (Drawing No. 732404/LCC/HWT/TRN/DR/EP/GA_01_)

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.

Equality, Diversity, Cohesion and Integration Screening



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

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

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

Directorate: City Development	Service area: : Highways &Transportation
Lead person: Simon Tidswell	Contact number: 0113 2243723

1. Title: Middleton Public Transport Schemes – Release of SECTION 106 Developer Contributions (Throstle Road North and Ward Traffic Calming Refurbishment)

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

The above schemes propose:

- The introduction of verge hardening along Throstle Road North to provide off street parking for local residents and parents dropping-off children for the Sharp Lane Primary School, reducing congestion and improving bus journey time.
- A number of the existing traffic calming features throughout the Ward need refurbishment as the effect of the cushions and plateaux on curbing speed is seen to have diminished. The refurbishment will therefore reinstate the speed control features, increasing the safety for pedestrians, cyclists and traffic.

3. Relevance to equality, diversity, cohesion and integration

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

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

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

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

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

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

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

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

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

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

- **How have you considered equality, diversity, cohesion and integration?** (**think about** the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The Emergency Services, local residents, Metro and Ward Members have been

consulted. The Emergency Services and Metro have no objections to the proposals. The Ward Members and local residents have expressed their support of the proposals.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

Positive Impacts:

The introduction of the Throstle Road North scheme will:

- Improve the congestion on Throstle Rd North, improving the life for residents and visitors. Journey time reliability will be improved for the local bus service.
- Provide off street parking for residents with improved access, where currently parking on the verge is happening.
- Provide new footway and carriageway; and
- Improve the general appearance and aesthetics of the location

The resurfacing of the existing carriageway and footways will have a positive impact on all pedestrians such as parents with pushchairs, wheelchairs users, careers, pedestrians with mobility issues and the partially sighted. The provision of off street parking will also provide improved access for residents and all users with mobility issues.

Negative impacts: The increased parking opportunities do not encourage travel to the school by walking or cycling.

The introduction of the Ward based traffic calming refurbishment will:

- Improve the effect of curbing traffic speed, increasing safety for residents and pedestrians;

The introduction of this scheme will also improve road safety for all road users through the upgrade of the existing traffic calming features.

Negative Impacts: None

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

The school travel plan will encourage walking and cycling to the school. The traffic calming refurbishment will also increase safety; further encouraging parents to choose alternatives to the car. The reduced congestion on Throstle Road North will encourage travel by bus as journey time reliability is increased.

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

Date to scope and plan your impact assessment:

N/A

Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

6. Governance, ownership and approval		
Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
Mr Paul Russell	Principal Engineer	26/05/16

7. Publishing	
This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.	
If this screening relates to a Key Delegated Decision, Executive Board, full Council or a Significant Operational Decision a copy should be emailed to Corporate Governance and will be published along with the relevant report.	
A copy of all other screenings should be sent to equalityteam@leeds.gov.uk . For record keeping purposes it will be kept on file (but not published).	
Date screening completed	26/05/16
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	