

Report to the Chief Officer (Highways and Transportation)

Date: 19 July 2016

Subject: Design & Cost Report for Proposed TRO Amendments on Richmond Street, Burmantofts & Richmond Hill

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Burmantofts & Richmond Hill	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 for the conversion of the former Leeds College of Technology building to form 39 residential apartments on the corner of East Street and Richmond Street was granted in December 2014 (reference number 14/05170/FU).
2. The redevelopment of the site requires the amendment of existing waiting and loading restrictions to create a formal space for loading for the proposed development.
3. To ensure the standard and specification of any necessary Highway Works associated with the grant of planning permission, the Developer will need to enter into a Mini Section 278 Agreement with Leeds City Council, prior to undertaking any works on the Highway.

Recommendations

4. The Chief Officer (Highways and Transportation) is requested to:
 - i) note and approve the proposed TRO amendments as outlined in Section 3 and indicated on drawing referenced: 278247-LCC-HWT-XX-DR-EP-01_01_, at an estimated cost of £6,000;
 - ii) instruct the City Solicitor to advertise a draft Traffic Regulation Order in relation to the waiting restrictions as indicated on drawing referenced: 278247-LCC-HWT-XX-DR-EP-01_01_, and, if no valid objections are received then make, seal and implement the Order; and

- iii) give authority to enter an agreement with the Developer under provision of Section 278 of the Highways Act 1980 for the provision of a new vehicular access with associated footway works and the reinstatement of a redundant access to full footway construction on Richmond Street and East Street, Richmond Hill, with associated staff fees of £1,500.

1 Purpose of this report

- 1.1 This report seeks the authority for the amendment of existing waiting and loading restrictions along Richmond Street, Richmond Hill, and the authority to enter into a Mini Section 278 Agreement with the Developer. The total estimated staff fees associated with the Mini Section 278 Agreement and the Traffic Regulation Order is £7,500.

2 Background information

- 2.1 Planning permission for the conversion of the former Leeds College of Technology building to form 39 residential apartments on the corner of East Street and Richmond Street was granted in December 2014 (reference number 14/05170/FU).
- 2.2 The redevelopment of the site requires the amendment of existing waiting and loading restrictions to create a formal space for loading for the proposed development.

3 Main issues

- 3.1 The Highway Works will consist of the following:
- 3.2 The widening of the carriageway on Richmond Street to create a formal space for loading for the proposed development. This will help maintain two-way traffic whilst the loading bay is in use.
- 3.3 The introduction of a 'Loading Bay for Good Vehicles only' restriction on Richmond Street, as indicated on drawing referenced: 278247-LCC-HWT-XX-DR-EP-01_01_.
- 3.4 The construction of a new vehicular access with associated footway works on Richmond Street.
- 3.5 The reinstatement of a redundant vehicular access to full footway construction on East Street.
- 3.6 The physical works required to implement the proposed restrictions will be carried out by the Developer.
- 3.7 The Developer will need to enter into a Mini Section 278 Agreement with Leeds City Council to ensure the Highway Works are constructed to Highway Authority requirements.
- 3.8 The Mini Section 278 Agreement is currently being progressed and the Developer has already paid the staff fees of £1,500 associated with the Agreement, as well as the £6,000 Traffic Regulation Order fees.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Relevant sections in Highways and Transportation have been consulted. One issue was raised regarding the visibility for vehicles exiting the development. There were concerns that any goods vehicles using the proposed loading bay would obscure the view of vehicles exiting the development in a westerly direction and could lead to nose to nose collisions with vehicles heading east on Richmond Street.

4.1.2 Due to this concern, a Stage 1/2 Road Safety Audit was undertaken by the Road Safety team, however, the Safety Audit did not unearth any potential safety concerns with the proposals.

4.1.3 The Emergency Services and Metro were consulted on 19th May 2016. No issues were raised with the proposals.

4.1.4 Ward Members of Hyde Park and Woodhouse, along with local businesses and residents were consulted on 19th May 2016. No issues were raised concerning the proposals. One Ward Member responded to the consultation, and is happy to support the proposals.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An EDCI Impact Assessment has been prepared for the Section 278 Process and is attached as Appendix 1. The assessment confirmed that the consideration given to the Highway proposals as part of the planning application process addressed the impact of the proposals in terms of equality, diversity, cohesion and integration and that a separate screening or impact assessment was not required for the approvals requested for each individual S278 Agreement.

4.3 Council policies and City Priorities

4.3.1 The proposed TRO amendments accord with the Council's 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 total estimated cost of the scheme is £7,500, comprising £6,000 Traffic Regulation Order costs and £1,500 staff fees.

4.4.2 The scheme will be fully funded by the Developer through Mini Section 278 revenue receipts.

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 Council's standard Mini Section 278 Agreement will be used whereby the developer will fund the total cost of the works, including the cost of introducing the proposed TRO amendments.

5 Conclusions

5.1 This report seeks authority to promote amendments to an existing TRO and authority to enter into a Mini Section 278 Agreement for a new residential development.

6 Recommendations

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

- i) note and approve the proposed TRO amendments as outlined in Section 3 and indicated on drawing referenced: 278247-LCC-HWT-XX-DR-EP-01_01_, at an estimated cost of £6,000;
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7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available for 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 (by contract or grant) (please see equality assurance in procurement)	<input type="checkbox"/>

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

<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Carers	<input checked="" type="checkbox"/> Disability
<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Race	<input checked="" type="checkbox"/> Religion or Belief
<input checked="" type="checkbox"/> Sex (male or female)	<input type="checkbox"/> Sexual orientation	
<input type="checkbox"/> 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

<input checked="" type="checkbox"/> Services users	<input checked="" type="checkbox"/> Employees	<input type="checkbox"/> Trade Unions
<input type="checkbox"/> Partners	<input checked="" type="checkbox"/> Members	<input type="checkbox"/> Suppliers
<input type="checkbox"/> Other please specify		

Potential barriers.

<input checked="" type="checkbox"/> Built environment	<input checked="" type="checkbox"/> Location of premises and services
<input type="checkbox"/>	<input type="checkbox"/>

Information and communication	Customer care
<input checked="" type="checkbox"/> Timing	<input type="checkbox"/> Stereotypes and assumptions
<input checked="" type="checkbox"/> Cost	<input type="checkbox"/> Consultation and involvement
<input type="checkbox"/> 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)?	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide detail:	
Action required:	

11. Could this activity be perceived as benefiting one group at the expense of another?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide detail:	
Action required: None.	