

Report to the Chief Officer (Highways and Transportation)

Date: 28 March 2017

Subject: Design & Cost Report for S278 Works Associated with a residential development on Sweet Street, Leeds

Capital Scheme Number: 32598

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City and Hunslet	<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 14/04641/FU was granted for development of 744 Apartments in four blocks on land surrounded by Sweet Street, Ingram Street, St Barnabas Road and Manor Road. .
- 2 Alterations to the highway are proposed to improve the environment around the development site and Traffic Regulation Order changes to re-order parking bays and protect turning heads.
- 3 The proposed works are shown on drawing 5976-S278-RP-101 Rev G Pavement Construction Layout, 5976-S278-GA-004 Rev F Manor Road S278 Works, 5976-S278-RP-104 Rev F Proposed Lining and Signing and 5976-S278-RP-105 Rev B Proposed Alterations to Parking Bays.
- 4 A substantial area of Ingram Row will be stopped up and an additional area of land will be adopted beyond the current northern extent of Ingram Street as shown on drawing 5976-S278-GA-001 Rev J Highways Adoption Plan.
- 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 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.

Recommendations

- 6 The Chief Officer (Highways and Transportation) is requested to:
- i) note the principles of the highway works to provide an improved public realm around the development site;
 - ii) give authority to incur expenditure of £6,000 TRO costs and £20,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
 - iii) approve the adoption of new highway construction on land shaded blue stipple on drawing number 5976-S278-GA-001 Rev J Adoption Plan so that it can be added to the Council's maintenance regime;
 - iv) note the stopping up of a substantial section of Ingram Row under Section 247 of the Town and Country Planning Act 1980 shown hatched blue on drawing 5976-S278-GA-001 Rev J Adoption Plan;
 - v) request the City Solicitor to advertise a draft traffic regulation order to re-order parking bays on Ingram Street and protect turning heads from parking on Ingram Street and St Barnabas Street and, if no valid objections are received to make, seal and implement the order as advertised; and
 - vi) 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 a residential development of 744 apartments on Sweet Street, Leeds.
- 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 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 at the developer's expense.
- 1.3 To approve adoption of new highway construction for inclusion within the Council's maintenance regime.
- 1.4 To note the stopping up of highway under Section 247 of the Town and Country Planning Act 1980.
- 1.5 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.

2 Background information

- 2.1 Planning permission 14/04641/FU was granted for development of 744 Apartments in four blocks on land surrounded by Sweet Street, Ingram Street, St Barnabas Road and Manor Road.

- 2.2 In order to improve the environment around the development and to support the principles of Holbeck Urban Village it was agreed through the planning consent that Ingram Row would be a calmed, pedestrian friendly area paved in a high quality concrete paving, the road will be stopped up as highway and future maintenance liabilities will lie with the developer, to facilitate the stopping up, turning heads will be provided at the northern end of both Ingram Street and St Barnabas Road capable of allowing a refuse vehicle to turn, pedestrian links will be provided between Ingram Row and Manor Road on both sides of the development with public access controlled through the planning consent. To complement these works the footways surrounding the site will be reconstructed in concrete paving. Access will be provided to the basement car parks from Ingram Street which will be extended north.
- 2.3 To meet the requirements 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.

3 Main issues

- 3.1 The proposed works involve:
- 3.1.1 Resurfacing of the existing footways on Sweet Street, St. Barnabas Road, Ingram Street and Manor Road that surround the site in concrete paving, including kerbing works.
- 3.1.2 Provision of an informal dropped crossing with tactile paving on Manor Road to the east of David Street to assist pedestrian movements to the existing leisure/employment uses in Holbeck, the city Centre and the railway station.
- 3.1.3 Carriageway works to the eastern and western ends of Ingram Row to create turning heads of sufficient size to accommodate the turning of a refuse vehicle.
- 3.2 Amendment of existing Traffic Regulation Orders (TROs) to protect the turning head areas with waiting and loading restrictions and to re-order pay and display parking on Ingram Street to provide space for the car park access to the development.
- 3.3 The proposed works are shown in principle on drawing 5976-S278-RP-101 Rev G Pavement Construction Layout, 5976-S278-GA-004 Rev F Manor Road S278 Works, 5976-S278-RP-104 Rev F Proposed Lining and Signing and 5976-S278-RP-105 Rev B Proposed Alterations to Parking Bays.
- 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 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.
- 3.5 In order to gain more certainty on the cost of the works, the developer has provided a checking fee to agree the details on the drawings listed above in advance of completing the S278 Agreement, the drawings that will be embedded into the agreement may be different in the fine detail but will not change in principle from those attached to this report.

- 3.6 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.
- 3.7 A substantial part of Ingram Row is to be stopped up as highway under S247 of the Town and Country Planning Act 1980. This section of street is between the two halves of the development site and its stopping up will allow the developer to manage the area for the benefit of its occupants whilst not excluding the general public to use on foot. Delivery vehicles will be allowed access. Drainage, signage and lighting will become the responsibility of the developer along with the enforcement of controls on traffic movement. An area of land beyond the current northern extent of Ingram Street will be adopted to provide the turning head. The areas to be stopped up and adopted are shown on drawing 5976-S278-GA-001 Rev J Highways Adoption Plan.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members: Ward Members were consulted by email dated 22nd June 2016, no comments have been received.
- 4.1.2 Emergency Services and WYCA: The Emergency Services and Metro were consulted email dated 22 June 2016. The Fire Service responded with a no objection comment, no other comments have been received.
- 4.1.3 Internal consultation has taken place with colleagues in the Highways and Transportation Services as part of the planning process. Comments have been taken into account.

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.
- 4.2.2 The proposals will ultimately contribute to improved accessibility to the site for pedestrians and cyclists, the works will be designed to accommodate the needs of all users.

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 £6,000 for traffic regulation order costs and £20,000 fees to check the design and inspect the works, which will be fully funded through the Section 278 agreement.

4.4.2 The highway works must be completed to meet the development opening, whilst the developer has made a start on site, the completion date has not been confirmed.

4.5 Capital Funding and Cash Flow.

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH	FORECAST				
	£000's	2015	2015/16	2016/17	2017/18	2018/19	2019 on
		£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	FORECAST				
	£000's	2015	2015/16	2016/17	2017/18	2018/19	2019 on
		£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)	20.0				10.0	10.0	
OTHER COSTS (7)	6.0					6.0	
TOTALS	26.0	0.0	0.0	0.0	10.0	16.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH	FORECAST				
	£000's	2015	2015/16	2016/17	2017/18	2018/19	2019 on
		£000's	£000's	£000's	£000's	£000's	£000's
Section 106 / 278	26.0				10.0	16.0	
Total Funding	26.0	0.0	0.0	0.0	10.0	16.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

4.5.1 **Revenue Effects:** There are no revenue effects as a result of this capital scheme, a commuted sum will be required for future maintenance.

4.6 Legal Implications, Access to Information and Call In

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

4.7 Risk Management

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

4.7.2 The works need to be completed before the development is able to open, whilst the development has commenced on site, it is at a very early stage and the highway works will be towards the end of the construction period, currently expected to be 2018.

5 Conclusions

5.1 Planning permission 14/04641/FU was granted for development of 744 Apartments in four blocks on land surrounded by Sweet Street, Ingram Street, St Barnabas Road and Manor Road. .

5.2 Alterations to the highway are proposed to improve the environment around the development site and Traffic Regulation Order changes to re-order parking bays and protect turning heads.

5.3 The proposed works are shown on drawing 5976-S278-RP-101 Rev G Pavement Construction Layout, 5976-S278-GA-004 Rev F Manor Road S278 Works, 5976-S278-RP-104 Rev F Proposed Lining and Signing and 5976-S278-RP-105 Rev B Proposed Alterations to Parking Bays.

5.4 A substantial area of Ingram Row will be stopped up and an additional area of land will be adopted beyond the current northern extent of Ingram Street as shown on drawing 5976-S278-GA-001 Rev J Highways Adoption Plan.

5.5 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 whereby the developer will design and procure 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.

6 Recommendations

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

- i) note the principles of the highway works to provide an improved public realm around the development site;
- ii) give authority to incur expenditure of £6,000 TRO costs and £20,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
- iii) approve the adoption of new highway construction on land shaded blue stipple on drawing number 5976-S278-GA-001 Rev J Adoption Plan so that it can be added to the Council's maintenance regime;

- iv) note the stopping up of a substantial section of Ingram Row under Section 247 of the Town and Country Planning Act 1980 shown hatched blue on drawing 5976-S278-GA-001 Rev J Adoption Plan;
- v) request the City Solicitor to advertise a draft traffic regulation order to re-order parking bays on Ingram Street and protest turning heads from parking on Ingram Street and St Barnabas Street and, if no valid objections are received to make, seal and implement the order as advertised; and
- vi) 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

7.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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	