

Report author: Lisa Brannan

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#### Report to the Chief Officer of Highways and Transportation

Date: 05 June 2018

Subject: Design & Cost Report for Highway Works Associated With Residential

Development at Mustard Wharf, Wharf Approach, LS11 5PY

Capital Scheme Number: 32863

Are specific electoral Wards affected?  If relevant, name(s) of Ward(s): City and Hunslet	⊠ Yes	☐ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	⊠ No
Is the decision eligible for Call-In?	☐ Yes	⊠ No
Does the report contain confidential or exempt information?  If relevant, Access to Information Procedure Rule number:  Appendix number:	☐ Yes	⊠ No

#### **Summary of main issues**

- 1. Planning permission 16/01115/FU was granted in 2017 for a residential development on the site of the Granary Wharf carpark, to be known as Mustard Wharf, Wharf Approach, LS11 5PY. As a result, off site highway works are required.
- The proposed works are to provide for vehicular accesses, a loading bay, speed table and junction plateau, and a 20mph speed limit, along with re-surfacing of the site frontage footway along Wharf Approach, and are shown in principle on drawing MUS-ARUP-ZZ-XX-DR-C-1308.
- 3. To meet the requirements of the planning permission, the Developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out, whereby these works are carried out by the developer, with the Council providing a design checking/approval service and undertaking inspections during construction, and preparing a Traffic Regulation Order, Speed Limit Order and 90C Notice at the developer's expense.

#### **Best City Ambition**

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

#### Recommendations

- 5. The Chief Officer (Highways and Transportation) is requested to:
  - i) note the highway works as detailed in Section 3 and shown in principle on GA drawing MUS-ARUP-ZZ-XX-DR-C-1308;
  - ii) give authority to incur expenditure of £6,000 TRO costs, £1,000 90C notice costs and £5,000 staff checking and inspection costs, to be fully funded by the developer through the Section 106 and Section 278 agreements;
  - iii) request the City Solicitor to
    - a. advertise a draft Traffic Regulation Order to facilitate the necessary waiting restrictions, as shown on Traffic Regulation Order GA drawing MUS-ARUP-ZZ-ZZ-DR-C-1309, and, if no valid objections are received, to make, seal and implement the order as advertised; and
    - advertise a draft Speed Limit Order to introduce a 20mph speed limit as shown on drawing MUS-ARUP-ZZ-ZZ-DR-C-1309, and, if no valid objections are received, to make, seal and implement the order as advertised; and
    - advertise a notice under Section 90C of the Highways Act 1980 to provide traffic calming as shown on GA drawing MUS-ARUP-ZZ-XX-DR-C-1308;
  - 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 To note the principle of the implementation of highway works associated with the approved development at Mustard Wharf, Wharf Approach, LS11 5PY (planning application ref. 16/01115/FU).
- 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, a Speed Limit Order, and a 90C Notice at the developer's expense.
- 1.3 To request the City Solicitor to advertise a draft Traffic Regulation Order, draft Speed Limit Order and a 90C Notice, and, if no valid objections are received, to make, seal and implement the order.

### 2 Background information

2.1 Planning permission was granted for a residential development on the site of the Granary Wharf carpark, to be known as Mustard Wharf, Wharf Approach, LS11 5PY. The site can be identified within the dashed red line on GA drawing MUS-ARUP-ZZ-XX-DR-C-1308.

- 2.2 Construction of the development is imminent, with the highways works required prior to occupation. The highway works are shown in principle on the attached GA drawing MUS-ARUP-ZZ-XX-DR-C-1308, and are detailed in Section 3.1.
- 2.3 To meet the requirements of the planning permission, 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.
- 2.4 In addition, the S106 secures contributions from the developer of:

A further £9,000 for TRO costs towards changes to waiting restrictions and pay and display parking bays in the vicinity of the land;

£42,650 Sustainable Transport Fund Contribution, for provision of a Metrocard or other sustainable travel measures for residents of the development;

£17,500 Car Club contribution for trial membership and use for residents of the development;

£3,567 Travel Plan monitoring fee; payable prior to first occupation of the development.

£17,008 towards tree planting within the Holbeck Urban Village, Southbank area:

Along with obligations for public access areas, including a cycle/pedestrian route through the site to the Hol Beck bridge to the south, Water Lane and the adjacent Zebra Crossing, and improvements to the canal towpath.

#### 3 Main issues

- 3.1 The development shown within the red line boundary on the GA drawing MUS-ARUP-ZZ-XX-DR-C-1308 requires the following highway works:
  - Provision of 3 new vehicular access crossings and visibility splays on Wharf Approach
  - Reinstatement of the redundant footway crossing to full height footway
  - Resurfacing of the frontage footway along Wharf Approach
  - Provision of a speed table on Wharf Approach
  - Provision of a plateau at the junction of Canal Wharf with Wharf Approach
  - Provision of a loading bay on Wharf Approach
  - Associated TROs, signing and lining for the loading bay
  - Associated Speed Limit Order, signing and lining for the 20mph limit
  - All associated civils works including (inter alia) signs, lighting, road markings and drainage
  - Any Statutory undertakers works resulting from the works described above
- 3.2 The proposed works are shown in principle on drawing GA drawing MUS-ARUP-ZZ-XX-DR-C-1308, along with Traffic Regulation and Speed Limit Orders shown on Traffic Regulation Order GA drawing MUS-ARUP-ZZ-ZZ-DR-C-1309.

- 3.3 A Stage 1 Road Safety Audit has been carried out; amendments will be done as part of detailed design.
- 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 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.

#### 4 Corporate Considerations

#### 4.1 Consultation and Engagement

- 4.1.1 Ward Members: Ward Members were consulted by email on 21 February 2018; no comments were received.
- 4.1.2 Emergency Services and the West Yorkshire Combined Authority (WYCA): The Emergency Services and WYCA were consulted by email on 21 February 2018; no comments were received.
- 4.1.3 Colleagues in Highways and Transportation have been consulted both as part of the planning process and on the specifics of this report; comments will be taken into account at detailed design.

#### 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 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 developer will meet the Council's costs, estimated to be £6,000 for traffic regulation order costs, £1000 90C notice costs and £5,000 fees to check the design and inspect the works, which will be fully funded through the Section 106 and 278 agreements.

#### 4.5 Capital Funding and Cash Flow

Funding Approval :	Capital Section Reference Number :- 3286			32863	3		
Previous total Authority	TOTAL	TO MARCH	FORECAST				
to Spend on this scheme		2018	2018/19	2019/20	2020/21	2021/2122	2022 on
	£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	TOTAL	TO MARCH		F	ORECAST		
required for this Approval		2018	2018/19	2019/20	2020/21	2021/2122	2022 on
	£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)	5.0		5.0				
OTHER COSTS (7)	7.0		7.0	0.0			
TOTALS	12.0	0.0	12.0	0.0	0.0	0.0	0.0
Total overall Funding	TOTAL	TO MARCH		F	ORECAST		
(As per latest Capital	1 0 11 1	2018	2018/19	2019/20	2020/21	2021/2122	2022 on
Programme)	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Section 278	6.0		6.0				
Section 106	6.0		6.0				
Total Funding	12.0	0.0	12.0	0.0	0.0	0.0	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

#### 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.

#### 5 Conclusions

- 5.1 Planning permission 16/01115/FU was granted in 2017 for a residential development on the site of the Granary Wharf carpark, to be known as Mustard Wharf, Wharf Approach, LS11 5PY. As a result, off site highway works are required.
- 5.2 The proposed works are to provide for vehicular accesses, a loading bay, speed table and junction plateau, and a 20mph speed limit, along with re-surfacing of the

- site frontage footway along Wharf Approach, and are shown in principle on drawing MUS-ARUP-ZZ-XX-DR-C-1308.
- 5.3 To meet the requirements of the planning permission, the Developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out, whereby these works are carried out by the developer, with the Council providing a design checking/approval service and undertaking inspections during construction, and preparing a Traffic Regulation Order, Speed Limit Order and 90C Notice at the developer's expense.

#### 6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
  - i) note the highway works as detailed in Section 3 and shown in principle on GA drawing MUS-ARUP-ZZ-XX-DR-C-1308;
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    - advertise a notice under Section 90C of the Highways Act 1980 to provide traffic calming as shown on GA drawing MUS-ARUP-ZZ-XX-DR-C-1308;
  - 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 documents<sup>1</sup>

7.1 None.

<sup>&</sup>lt;sup>1</sup> 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 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 37 88091			
Date of the equality, diversity, cohesion and integration impact assessment: 18 <sup>th</sup> September 2012, updated 15 May 2017				

1. Title: Equality Implications of Section 278 Process					
Is this	s a:				
x	Strategy /Policy	Service / Function	Other		
If oth	er, please specify				

#### 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 asse	essed:			
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 there are changes required to the highway to enable access to the site etc	•			
This Equality Impact Assessment considers the process of determinin of such developments and how this process gives due regard to the excharacteristics.				
4. Scope of the equality, diversity, cohesion and integration impa (complete - 4a. if you are assessing a strategy, policy or plan and 4b. a service, function or event)				
4a. Strategy, policy or plan (please tick the appropriate box below)				
The vision and themes, objectives or outcomes	x			
The vision and themes, objectives or outcomes and the supporting guidance				
A specific section within the strategy, policy or plan				
Please provide detail:				
4b. Service, function, event please tick the appropriate box below				
The balance in				
The whole service (including service provision and employment)				
A specific part of the service (including service provision or employment or a specific section of				
(s. a				

the service)	
Procuring of a service (by contract or grant)	
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 Leeds Core Strategy, Manual for Streets and LCC Street Design Guide (which has been the subject of an EIA) consideration is given to; walkers, cyclists, public transport users, vulnerable road users and impact on services nearby, for example - schools
- Vehicular access safety of this relating to width, radii, visibility splays, crossing opportunities
- Internal layout / servicing / bins shared surface issues. Ability to move around safely.
- Parking safety issues, availability of disabled spaces in line with the Core Strategy and Parking SPD.
- Travel Plan Availability and accessibility 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.
- 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. – completed 2012.

Review operation of equality heading on proforma. – May 2017

#### **Action required:**

Amend	Amendments to be made to the pro-forma completed 2012.				
Update team in Technical Team Meeting to ensure importance of correctly filling in profroma. – May 2017					
	er involvement – have you invo cted or interested	olved	groups of people v	who ar	e most likely to
	X Yes N	lo			
The gui follow h consult relevan	provide detail: idelines issued by the Departmentave been equality impact assess ation. We follow these guidelines thowever, each S278 proposal in alf of residents.	sed, a and a	nd this involved som as such, wider consu	e elem	nent of is not required or
Action None	required:				
please	o may be affected by this activitick all relevant and significant ed oly to your strategy, policy, service	quality		keholde	ers and barriers
Equalit	y characteristics				
x	Age	X	Carers	X	Disability
	Gender reassignment		Race	x	Religion or Belief
x	Sex (male or female)		Sexual orientation	n	
Other					
(Other can include – marriage and civil partnership, pregnancy and maternity, and those areas that impact on or relate to equality: tackling poverty and improving health and well-being)  Please specify:					
Stakeholders					
x	Services users	x	Employees		Trade Unions
$\Box$		┤ <b>┰</b> │			

EDCT impact assessment

Partners	Members Suppliers
Other please specify	
Potential barriers.	
X Built environment	x Location of premises and services
Information and communication	Customer care
X Timing	Stereotypes and assumptions
x Cost	Consultation and involvement
Financial exclusion	Employment and training
specific barriers to the strateg	y, policy, services or function
Please specify The location and heritage of a site may affect	ct the type of improvements allowed.
In the current economic climate, the cost of are agreed.	certain improvements will effect what changes
8. Positive and negative impact Think about what you are assessing (scope positive and negative impact on equality characters	), the fact finding information, the potential aracteristics, stakeholders and the effect of the
8a. Positive impact:	
The designs put forward will take into account characteristics and will aim to meet Section not enter into an agreement under this section benefit to the public".	278 (4) states that "A highway authority shall

Action required:
8b. Negative impact:
None. All designs will be of benefit to the public to meet the requirements of S278 (4)
Action required:
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)
X Yes No
Please provide detail: Improving and adding to the public realm with inclusive, accessible and safe design will increase use by the public.
Action required:

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

another? (e.g. where your activity/decision is aimed at adults could it have an impact on children and young people)					
Yes	X 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
EIA reviewed and updated by Highways Development Services reps.	May 2017	Update team at technical team meeting May 2017	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 Development Services Manager	December 2012	
Date impact assessment completed		Reviewed May 2017	

14. Monitoring progress for equality, diversity, cohesion and integration actions (please tick)		
x	As part of Service Planning performance monitoring	
	As part of Project monitoring	
	Update report will be agreed and provided to the appropriate board Please specify which board	
	Other (please specify)	

#### 15. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board**, **Full Council**, **Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality impact assessment should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality impact assessments that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached assessment was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate <b>Directorate</b>	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: 24 April 2013 Reviewed and re-sent May 2017