

Report to the Chief Officer (Highways and Transportation)

Date: 17 July 2018

**Subject: Proposed Highway Works Associated with Development of a Hotel, Bridge Street, Sheepscar, LS2 7QZ – Planning Application 16/02252/FU
Capital Scheme Number: 32989**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Little London & Woodhouse	<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 16/02252/FU was granted on 4th August 2016 for the change of use of a vacant office building (B1) and extension of existing building to form Hotel (C1), with ancillary café (A3) and gym (D2), car parking, access, landscaping and other associated works at Bridge Street, Sheepscar, LS2 7QZ. A location plan is attached at **Appendix 2**.
- 2 The off-site highway works are described in detail in para 7.2 below and briefly comprise,
 - i) Bridge Street – closure of the existing vehicular access and replacement with full face kerb and the extension of the existing adopted low retaining wall and parapet (located along the carriageway edge) across the access to be closed.
 - ii) Gower Street – construction of a new vehicular access and provision of a continuous full face kerb to both sides of that access to tie in to the existing footway. Relocation of an existing controlled on-street parking bay from the east side to the west side of the site access and the introduction of No Loading/No Waiting restrictions at the site access and along the Gower Street site frontage up to the controlled parking bays.
 - iii) Regent Street / New York Road – closure of the existing vehicular access including the replacement with a widened full face kerb which will require the dedication and adoption as highway, of a small section of land from within the development site.

- 3 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.
- 4 This report seeks authority to negotiate terms and enter a Minor S278 Agreement for the highway works in order to allow the developer to complete the detailed design and construction of the works under the supervision of the Council.

Best City Ambition

The Best City ambition is to improve life for the people of Leeds and make our city a better place. The highway works will contribute to this ambition by improving pedestrian facilities in the locality through the closure of existing access points to vehicles and the reinstatement of full height footway along most of the site frontage with Gower Street, on Bridge Street and at the junction of New York Road with Regent Street.

Recommendations

1. The Chief Officer (Highways and Transportation) is requested to:
 - i) note the principles of the highway works to provide safe pedestrian and vehicular access to the development site;
 - ii) give authority to incur expenditure of £7,500 TRO costs and £5,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
 - iii) request the City Solicitor to advertise a draft Traffic Regulation Order to introduce double yellow lines indicating No Waiting and No Loading at Any Time at the site access and along the Gower Street site frontage and relocation of a controlled on-street parking bay, as indicated on Drawing No. 70017468-GA-100_P03, included as **Appendix 3** and if no valid objections are received, to make and seal the TRO as advertised.
 - iv) note and approve the changes to the adopted Highway boundary proposed as part of the works as described in section 7.2. The area shown in red on the attached Proposed Adopted Highway Plan, included as **Appendix 4**, will be the resultant area of adopted Highway.
 - v) 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;

5 Purpose of this report

- 5.1 The purpose of this report is to note the principle of the implementation of highway works associated with the development of a Hotel (C1), with ancillary café (A3) and gym (D2), car parking, access, landscaping and other associated works at Bridge Street, Sheepscar, LS2 7QZ.
- 5.2 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, at the developer's expense.

- 5.3 Indicative details of the proposed waiting restrictions are included on Drawing no. 70017468-GA-100_P03 shown at **Appendix 3**.

6 Background information

- 6.1 Planning permission 16/02252/FU was granted on 4th August 2016 for the for the change of use of a vacant office building (B1) and extension of existing building to form Hotel (C1), with ancillary café (A3) and gym (D2), car parking, access, landscaping and other associated works at Bridge Street, Sheepscar, LS2 7QZ.
- 6.2 Highway works are required to provide satisfactory pedestrian and vehicular access and to mitigate the effect of the traffic associated with the development on the adjacent highways. The highway works are shown indicatively on the attached plan Drawing No.70017468-GA-100_P03 shown at **Appendix 3** and detailed in Section 7.2.
- 6.3 To meet the obligations of the planning permission and deliver the works the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the highway works to be carried out.

7 Main issues

- 7.1 Ultra Asset Holdings Ltd received planning permission for (ref: 16/02252/FU) Hotel (C1), with ancillary café (A3) and gym (D2), car parking, access, landscaping and other associated works at Bridge Street, Sheepscar, LS2 7QZ.
- 7.2 Highway works are proposed to provide safe and satisfactory pedestrian and vehicular access to the development. The proposed works comprise:
- a. Bridge Street – closure of the existing vehicular access and replacement with full face kerb and the extension of the existing adopted low retaining wall and parapet (located along the carriageway edge) across the full extent of the access to be closed.
 - b. Gower Street – construction of a new vehicular access and provision of a continuous full face kerb to both sides of that access to tie in to the existing footway. Relocation of an existing controlled on-street parking bay from the east side to the west side of the site access and the introduction of No Loading/No Waiting restrictions at the site access and along the Gower Street site frontage up to the controlled parking bays.
 - c. Regent Street/New York Road - closure of the existing vehicular access including its replacement with a widened full face kerb. Which will require the dedication and adoption as highway, of a small section of land from within the development site.
 - d. Any works reasonably required following safety audits of the design and construction of the highway works.

- e. All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc.
- f. Any associated statutory undertakers' works resulting from the works.

7.3 Indicative details of the works are included and highlighted on Drawing No. 70017468-GA-100_P03 shown at **Appendix 3**.

7.4 Given the scale of the works, it has been agreed that the developer will enter a Minor Section 278 Agreement with the Council 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.

7.5 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.

8 Corporate Considerations

8.1 Consultation and Engagement

8.1.1 Ward Members: Ward Members were consulted by email dated 31 May 2018. At the time of writing no comments have been received from the Ward Members.

8.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 31 May 2018. No comments have been received.

8.1.3 Internal consultation has taken place with colleagues in the Highways and Transportation Services. Any substantive comments will be taken into account as part of the design checking process.

8.2 Equality and Diversity / Cohesion and Integration

8.2.1 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.

8.2.2 The proposals will ultimately contribute to improved accessibility to the site for pedestrians via improved footways. The works will be designed to accommodate the needs of all users.

8.3 Council Policies and City Priorities

8.3.1 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.

8.4 Resources and value for money

8.4.1 The developer will meet the Council's costs, estimated to be £7,500 for traffic regulation order costs and £5,000 fees to check the design and inspect the works, which will be fully funded through the Section 278 agreement.

8.5 Capital Funding and Cash Flow.

Funding Approval :	Capital Section Reference Number :-						
Previous total Authority to Spend on this scheme	TOTAL	TO MARCH 2015	FORECAST				
	£000's	£000's	2015/16	2016/17	2017/18	2018/19	2019 on
			£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 2015	FORECAST				
	£000's	£000's	2015/16	2016/17	2017/18	2018/19	2019 on
			£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)	7.5					7.5	
TOTALS	12.5	0.0		0.0	0.0	12.5	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL	TO MARCH 2015	FORECAST				
	£000's	£000's	2015/16	2016/17	2017/18	2018/19	2019 on
			£000's	£000's	£000's	£000's	£000's
LCC Supported Borrowing	0.0						
Revenue Contribution	0.0						
Capital Receipt	0.0						
Insurance Receipt	0.0						
Lottery	0.0						
Gifts / Bequests / Trusts	0.0						
European Grant	0.0						
Health Authority	0.0						
School Fundraising	0.0						
Private Sector	0.0						
Section 106 / 278	12.5					12.5	
Government Grant	0.0						
SCE (C)	0.0						
SCE (R)	0.0						
Departmental USB	0.0						
Corporate USB	0.0						
Any Other Income (Specify)	0.0						
Total Funding	12.5	0.0	0.0	0.0	0.0	12.5	0.0
Balance / Shortfall =	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

8.6 Legal Implications, Access to Information and Call In

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

8.7 Risk Management

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

9 Conclusions

9.1 Planning permission 16/02252/FU was granted on 4th August 2016 for the change of use of a vacant office building (B1) and extension of existing building to form Hotel (C1), with ancillary café (A3) and gym (D2), car parking, access, landscaping and other associated works at Bridge Street, Sheepscar, LS2 7QZ.

9.2 Highway works are required to provide satisfactory pedestrian and vehicular access and to mitigate the effect of the traffic associated with the development on the adjacent highways.

9.3 The highway works are shown indicatively on the attached plan Drawing No. 70017468-GA-100_P03 shown at **Appendix 3**; and detailed in Section 7.2.

9.4 To meet the requirements of the planning permission and deliver the highway alterations, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the highway works to be carried out.

10 Recommendations

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

- i) note the principles of the highway works as outlined in Section 7.2 and indicated on Drawing No. 70017468-GA-100_P03 and
- ii) give authority to incur expenditure of £7,500 TRO costs and £5,000 staff checking and inspection costs, all to be fully rechargeable to the developer through the Section 278 agreement;
- iii) request the City Solicitor to advertise a draft Traffic Regulation Order to introduce double yellow lines indicating No Waiting and No Loading at Any Time at the site access and along the Gower Street site frontage and relocation of a controlled on-street parking bay, as indicated on Drawing No. 70017468-GA-100_P03, included as **Appendix 3**; and if no valid objections are received, to make and seal the TRO as advertised.
- iv) note and approve the changes to the adopted Highway boundary proposed as part of the works as described in section 7.2. The area shown in red on the attached Proposed Adopted Highway Plan Drawing No. 70017468-S278-102_PO1, included as **Appendix 4**, will be the resultant area of adopted Highway.
- v) 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;

11 Background documents

11.1 None.

Appendix 1
 Equality, Diversity, Cohesion
 and Integration Impact
 Assessment



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration. In all appropriate instances we will need to carry out an equality, diversity, cohesion and integration impact assessment.

This form:

- can be used to prompt discussion when carrying out your impact assessment
- should be completed either during the assessment process or following completion of the assessment
- should include a brief explanation where a section is not applicable

Directorate: City Development	Service area: Highways & Transportation
Lead person: Gillian MacLeod	Contact number: 0113 37 88091
Date of the equality, diversity, cohesion and integration impact assessment: 18th September 2012, updated 15 May 2017	

1. Title: Equality Implications of Section 278 Process

Is this a:

Strategy /Policy

 Service / Function

 Other

If other, 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 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:

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)	
Procuring of a service (by contract or grant)	<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 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

Services users	Employees	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"/> Information and communication	<input type="checkbox"/> 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"/> Financial exclusion	<input type="checkbox"/> Employment and training
<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 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)

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

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)	
<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	
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:	
<ul style="list-style-type: none"> • 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 Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: 24 April 2013 Reviewed and re-sent May 2017

