

Report to the Chief Officer (Highways and Transportation)

Date: 26 March 2019

Subject: Design & Cost Report For S278 Works Associated with the Erection of part 7, part 11 and part 18 storey student accommodation building and commercial unit (Use Class A3 or A4) and alterations to public realm and associated landscaping works at Land at St Albans Place and Belgrave Gardens, Leeds, LS2 8DQ

Capital Scheme Number : 33116

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Little London & Woodhouse		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. Planning application 16/07741/FU was approved on 21st April 2017 for the Erection of part 7, part 11 and part 18 storey student accommodation building and commercial unit (Use Class A3 or A4) and alterations to public realm and associated landscaping works. A location plan is attached at **Appendix 2**.
2. Off-site highway works are required and are described in detail in Section 3.2 below and briefly comprise alterations to Cross Belgrave Street, provision of a footpath alongside the Inner Ring Road retaining wall and public realm improvements to St Albans Place and altering the surfacing at the corner of Belgrave Street/Cross Belgrave Street. The works necessitate alteration to Traffic Regulation Orders (TRO) as indicated on drawing 950102-Rev P10a at **Appendix 3**.
3. There is land dedication for the provision of the new footpath alongside the Inner Ring Road retaining wall as indicated on drawing 950103 - Rev P03 at **Appendix 4**.
4. To meet the requirements of the planning permission, the developer seeks to enter into a S278 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 TRO at the developer's expense.

Best City Ambition

5. The Best City ambition is to improve life for the people of Leeds and make our city a better place. The planned highway works contribute to this ambition by maintaining and improving the safety and quality of life of Leeds residents by enabling safe pedestrian, cycling and vehicular journeys in local communities.

Recommendations

6. The Chief Officer (Highways and Transportation) is requested to:
 - i) note the principles of the highway works as outlined in Section 3.2 and shown on drawing number 950102-Rev P10a at **Appendix 3** of this report;
 - ii) give authority to incur expenditure of £10,000 TRO costs, and £6000 staff checking and inspection costs, to be paid by the developer through the Section 278 agreement;
 - iii) approve the adoption of new highway construction on land shaded yellow on drawing 950103 - Rev P03 at **Appendix 4** so that it can be added to the Council's maintenance regime;
 - iv) authorise the City Solicitor to advertise notices under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 to advertise a Draft Traffic Regulation Order and if no valid objections are received, to make, seal and implement the Orders as advertised so as to make alterations to TROs at Cross Belgrave Street and Belgrave Street as shown on drawing 950102-Rev P10a at **Appendix 3**;
 - 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. 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, should the works not be managed or constructed to appropriate standard.

1 Purpose of this report

- 1.1 To note the principle of the implementation of highway works associated with the development for the erection of part 7, part 11 and part 18 storey student accommodation building and commercial unit (Use Class A3 or A4) and alterations to public realm and associated landscaping works (planning ref:16/07741/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.
- 1.3 To obtain authority to adopt the land shaded yellow on drawing 950103 - Rev P03 at **Appendix 4** so that it can be added to the Council's maintenance regime.
- 1.4 To request the City Solicitor to advertise notices under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 and if no valid objections are received to make, seal and implement the orders.

- 1.5 To give authority to incur expenditure associated with the implementation of highway works associated with the development.

2 Background information

- 2.1 Planning permission for the Erection of part 7, part 11 and part 18 storey student accommodation building and commercial unit (Use Class A3 or A4) and alterations to public realm and associated landscaping works at Land at St Albans Place and Belgrave Gardens, Leeds was granted in April 2017 (ref: 16/07741/FU).
- 2.2 Condition 27 of the planning approval requires the off-site highway works to be completed prior to first occupation of the development. Drawing 950102-Rev P10a shows the proposed off-site works and is provided at **Appendix 3**.
- 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.

3 Main issues

- 3.1 Vita Leeds 1 Limited And Wade Lane Developments Limited received planning permission (ref: 16/07741/FU) to construct a part 7, part 11 and part 18 storey student accommodation building and commercial unit (Use Class A3 or A4) and alterations to public realm and associated landscaping works at Land at St Albans Place and Belgrave Gardens, Leeds.
- 3.2 The planning permission includes a requirement to introduce a package of highway works in the vicinity of the site to assist safe pedestrian, cycle and vehicular access to and from the site. The proposed works comprise:
- i) Altered carriageway surfacing to highlight the informal pedestrian crossing point on the corner of Cross Belgrave Street as it meets Belgrave Street;
 - ii) Amended TRO to remove existing "DISABLED" parking road markings and replace with "LOADING ONLY" road markings;
 - iii) Altered carriageway surfacing to highlight the new loading bay in the retained lay-by;
 - iv) Public realm improvements to St Albans Place including surfacing and planters;
 - v) New paved surface finish along the footways at the site frontage as shown on drawing 950102 Rev P10a at Appendix 3;
 - vi) Adoption of a new footpath leading from Cross Belgrave Street to St Albans Place running alongside the Inner Ring Road (IRR) retaining wall, the extents of which are noted on plan 950103 Rev P03 at **Appendix 4**;
 - vii) Refreshing the double yellow No Waiting At Any Time road markings at the informal pedestrian crossing point at the corner of Cross Belgrave Street;
 - viii) All associated Civils works including (inter alia) signs, lighting, road markings and drainage;
 - ix) Any Statutory undertakers works resulting from the works resulting from the works described above

- 3.3 The proposed works are shown in principle on drawing number 950102-Rev P10a at **Appendix 3**.
- 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.
- 3.6 Safety Audits and Maintenance Audits are to be carried out as part of the detailed design process. The S278 Agreement will ensure that Safety Audits form part of the design process, and any appropriate works arising out of the audits are implemented at the developer's expense.
- 3.7 The S278 agreement will include commuted sums for future maintenance of the works.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward Members: Ward Members were consulted by email dated 12th June 2018. At the time of writing no comments have been received from the Ward Members.
- 4.1.2 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 12th June 2018. At the time of writing no other comments have been received.
- 4.1.3 Internal consultation has taken place with colleagues in Highways and Transportation Services. Any substantive comments will be taken into account as part of the detailed design process.

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.

4.3 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 £10,000 Traffic Regulation Order, excluding any statutory undertakers' fees and £6,000 staff fees all of which will be fully funded through the Section 278 agreement.
- 4.4.2 It should be noted that a commuted sum payment of £120,000 will be provided by the developer for future year's maintenance costs, which will be secured through the S278 Agreement. This revenue will be added to the Council's maintenance budget.

4.5 Capital Funding and Cash Flow

- 4.5.1 The developer will through the Section 278 Agreement meet the Council's costs, estimated to be £10,000 for Traffic Regulation Order costs and £6,000 fees to check the design and inspect the works.

Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH		FORECAST			
		2019 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £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 £000's	TO MARCH		FORECAST			
		2019 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	6.0		6.0				
OTHER COSTS (7)	10.0		10.0				
TOTALS	16.0	0.0	16.0	0.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH		FORECAST			
		2019 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £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	16.0		16.0				
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	16.0	0.0	16.0	0.0	0.0	0.0	0.0

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.

4.6 Risk Management

- 4.7.1 The Council's standard Section 278 agreement is to be used whereby the developer will fund the total cost of the works.

5 Conclusions

- 5.1 Planning application 16/07741/FU was approved on 21st April 2017 for the Erection of part 7, part 11 and part 18 storey student accommodation building and commercial unit (Use Class A3 or A4) and alterations to public realm and associated landscaping works, at Land at St Alban's Place, Leeds.
- 5.2 Highway works are required to comprise alterations to Cross Belgrave Street, provision of a footpath alongside the Inner Ring Road retaining wall and resurfacing of St Albans Place and the corner of Belgrave Street/Cross Belgrave Street. The works necessitate alteration to Traffic Regulation Orders.

- 5.3 The highway works are shown on drawing number 950102-Rev P10a at **Appendix 3** and detailed in Section 3.2.
- 5.4 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.

6 Recommendations

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note the principles of the highway works as outlined in Section 3.2 and shown on drawing number 950102-Rev P10a at **Appendix 3** of this report;
 - ii) give authority to incur expenditure of £10,000 TRO costs, and £6000 staff checking and inspection costs, to be paid by the developer through the Section 278 agreement;
 - iii) approve the adoption of new highway construction on land shaded yellow on drawing 950103 - Rev P03 at **Appendix 4** so that it can be added to the Council's maintenance regime;
 - iv) authorise the City Solicitor to advertise notices under the provisions of Section 23 of the Road Traffic Regulation Act 1984 and Section 90c of the Highways Act 1980 to advertise a Draft Traffic Regulation Order and if no valid objections are received, to make, seal and implement the Orders as advertised so as to make alterations to Traffic Regulation Orders at Cross Belgrave Street and Belgrave Street as shown on drawing 950102-Rev P10a at **Appendix 3**;
 - 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. 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, should the works not be managed or constructed to appropriate standard.

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 378 8091
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

<p>3. Summary of strategy, policy, service or function that was assessed:</p>
<p>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.</p> <p>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...</p> <p>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.</p>

<p>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)</p>
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<p>4a. Strategy, policy or plan (please tick the appropriate box below)</p>	
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"/>
<p>Please provide detail: This EIA assesses the process, objectives and outcomes of a Section 278 agreement.</p>	

<p>4b. Service, function, event please tick the appropriate box below</p>	
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"/>
<p>Please provide detail:</p>	

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, e.g. 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
<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"/> 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?	
<input type="checkbox"/> Yes	<input type="checkbox"/> 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)☒

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

Date sent to Equality Team	24 April 2013
Date published	

Appendix 2

Appendix 3

Appendix 4