



Report to the Chief Officer of Highways and Transportation

Date: 10 September 2019

Subject: Design & Cost Report for Highway Works Associated with Residential Development and Basement Parking on Sweet Street / Siddall Street, Holbeck, Leeds, LS11 9AA

Capital Scheme Number: 33201

Are specific electoral wards affected? If yes, name(s) of ward(s): Beeston and Holbeck	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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

1. Planning permission 17/07963/OT was granted in 2018 for a residential development and associated basement parking on Sweet Street/ Siddall Street, Holbeck, Leeds, LS11 9AA. As a result, off site highway works are required.

The proposed works are for reinstatement of footway and formation of a new vehicle access, footway widening and resurfacing, formation of a layby for loading, and the relocation of existing parking bays, along with associated TRO's, and are shown in principle on drawing 13377 121 Rev.G

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, at the developer's expense

Best Council Plan Implications

2. The provision of a new vehicle access with dropped kerbs, wider footways, suitable carriageway widths and the formation of a layby for loading will contribute to the Best Council Plan. These works enable safe pedestrian and vehicle access therefore

contributing to the Best Council Plan by improving safety and the quality of life for the people of Leeds.

Resource Implications

3. The design works and construction will use the developer's resources and will be at the developer's expense. The Council will provide design checking and inspection during construction. Design checking fees are 10% of the estimated works costs.

Recommendations

The Chief Officer, Highways & Transportation is requested to:

- i) note the associated highways works which are shown detailed in section 3 and in principle on drawing 13377 121 Rev.G;
- ii) give authority to spend £7,500 TRO costs and £7,500 staff checking and inspection costs which will be fully funded by a developer through a Section 278 Agreement;
- iii) approve the adoption of new highway construction on land shaded deep purple or red hatched on drawing 13377 121 Rev.G so that it can be added to the Council's maintenance regime;
- iv) request the City Solicitor to:
 - advertise a draft Traffic Regulation Order to facilitate the necessary waiting restrictions, as shown on Traffic Regulation Order GA drawing 13377 121 Rev.G, and, if no valid objections are received, to make, seal and implement the order as advertised; and
- 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.

1. Purpose of this report

- 1.1 To note the principle of the implementation of highway works associated with the approved development at Sweet Street/ Siddall Street, Holbeck, Leeds, LS11 9AA. (Planning application reference number 17/07963/OT)
- 1.2 To gain 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 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 was granted for a residential development and associated basement parking on the site at Sweet Street/ Siddall Street, Hobeck, Leeds, LS11 9AA. The site and the associated highways works can be seen on drawing 13377 121 Rev.G and are detailed in section 3.1.

2.2 The applicant has requested that Leeds City Council, as Highway Authority, agrees to a Section 278 Agreement to allow the highway works to be carried out.

3. Main issues

3.1 The development shown on drawing 13377 121 Rev.G required the following highways works:

- An existing vehicle access to be reinstated to footway with full height kerbs
- The formation of a new vehicle access with dropped kerbs and tactile paving, as appropriate
- A footway widening to 2.4m with land for this dedicated to highway and the grass verge to be made into footway
- A formation of a layby on Siddall Street for loading
- The relocation of existing pay and display parking bays
- Associated TRO's
- All associated civil 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 13377 121 Rev.G as well as, proposed Traffic Regulation Orders.

3.3 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.

3.4 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 Thursday 18th July 2019; no comments were received.

4.1.2 Emergency Services and the West Yorkshire Combined Authority (WYCA): The Emergency Services and WYCA were also consulted by email on Thursday 18th July 2019 and no comments were received.

4.1.3 Internal colleagues in Highways and Transportation have been consulted both as part of the planning process and on the specifics of this report; the responses received 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 the Best Council Plan**

4.3.1 The proposed highway works, such as dropped kerbs, wider footways and a new vehicle access, will provide a safe means of access for all users of the highway, to and around, the development.

Climate Emergency

4.3.2 The works will include a footway widening which encourages pedestrian movement and trips to and from the site. This measure will contribute to an enhanced opportunity to walk/ cycle in this area therefore, minimising vehicle emissions.

4.4 **Resources, procurement and value for money**

4.4.1 The developer will meet Leeds City Council's costs. The design checking and inspection fees will be £7,500 (being 10% of the £75,000 estimated works costs being incurred directly by the developer). Also, the estimated Traffic Regulation Orders legal fee cost is £7,500; Together these fees totalling £15,000 will be fully funded through the Section 278 Agreement.

4.5 Capital Funding and Cash Flow

unding Approval :	Capital Section Reference Number :-		33201				
Previous total Authority to Spend on this scheme	TOTAL £000's	TO MARCH 2019 £000's	FORECAST				
			2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/2122 £000's	2022 on £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 2019 £000's	FORECAST				
			2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/2122 £000's	2022 on £000's
LAND (1)	0.0						
CONSTRUCTION (3)	0.0						
FURN & EQPT (5)	0.0						
DESIGN FEES (6)	7.5			7.5			
OTHER COSTS (7)	7.5			7.5			
TOTALS	15.0	0.0	0.0	15.0	0.0	0.0	0.0
Total overall Funding (As per latest Capital Programme)	TOTAL £000's	TO MARCH 2019 £000's	FORECAST				
			2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/2122 £000's	2022 on £000's
Section 278	15.0			15.0			
Total Funding	15.0	0.0	0.0	15.0	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 information in this report has been identified as exempt from call-in as a consequence of a regulatory decision.

4.7 Risk management

4.7.1 The overall cost of the highway works and staff fees are to be developer funded.

4.7.2 The works should be fully completed before the development can open.

5. Conclusions

5.1 Planning permission 17/07963/OT was granted in 2018 for a residential development and associated basement parking on Sweet Street/ Siddall Street, Holbeck, Leeds, LS11 9AA. As a result, off site highway works are required.

5.2 The proposed works are for a reinstatement and formation of a vehicle access, a footway widening, a formation of a layby for loading, and the relocation of existing parking bays, along with associated TRO's and are shown in principle on drawing 13377 121 Rev.G

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, at the developer's expense.

6. Recommendation

6.1 The Chief Officer, Highways & Transportation is requested to:

- i) note the associated highways works which are shown detailed in section 3 and in principle on drawing 13377 121 Rev.G;
- ii) give authority to spend £7,500 TRO costs and £7,500 staff checking and inspection costs which will be fully funded by a developer through a Section 278 Agreement;
- iii) approve the adoption of new highway construction on land shaded deep purple or red hatched on drawing 13377 121 Rev.G so that it can be added to the Council's maintenance regime;
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 - advertise a draft Traffic Regulation Order to facilitate the necessary waiting restrictions, as shown on Traffic Regulation Order GA drawing 13377 121 Rev.G, and, if no valid objections are received, to make, seal and implement the order as advertised; and
- 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.

7. Background documents

7.1 None

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:
<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>

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)
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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)	<input type="checkbox"/>
Procuring of a service	<input type="checkbox"/>

(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:

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

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

(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

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

Financial exclusion

Employment and training

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?
<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)
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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