

Report of Transport Development Services

Report to the Chief Officer (Highways and Transportation)

Date: 11 February 2020

Subject: Design & Cost Report for S278 Highway Works Associated with Residential Development On Land at Knowsthorpe Crescent/Cross Green Lane, LS9 0DG

Capital Scheme Number: 33271

Are specific electoral wards affected? If yes, name(s) of ward(s): Burmantofts and Richmond Hill	🛛 Yes	🗌 No
Has consultation been carried out?	🛛 Yes	🗌 No
Are there implications for equality and diversity and cohesion and integration?	🗌 Yes	🛛 No
Will the decision be open 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

1. Main issues

- This report was drafted before the COVID-19 crisis. To expedite matters, no changes have been made at this stage but future reports will more fully reflect the current and ongoing situation.
- Planning application 19/04938/FU has been approved in principle for a residential development of 86 flats on land located at Knowsthorpe Crescent/Cross Green Lane, Leeds 9. A location plan is attached at Appendix 2.
- The off-site highway works are described in detail in Section 3.1 below and briefly comprise the introduction of carriageway build-outs and 22 on-street car parking bays on Knowsthorpe Crescent, an adjustment to an existing Traffic Regulation Order to remove the restrictions in the vicinity of the new parking bays; and construction of a new vehicle access to the internal car park of the development.
- 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.

- This report seeks authority to negotiate terms and enter such Agreement for the highway works.
- 2. Best Council Plan Implications (click here for the latest version of the Best Council Plan)
 - The planned works will accompany the construction of new dwellings; and will improve the local highway environment by the introduction of build-outs incorporating new landscaping and trees. The works will also facilitate a vehicular access into the internal layout of the development; thus the works will contribute to the Best Council Plan by enabling safe access within the local community and supporting the growth of new homes in Leeds.

3. Resource Implications

• The developer will meet the Council's costs, estimated to be £7,500 TRO costs and £5,000 staff fees to check the design and inspect the works, all of which will be fully funded through the Section 278 agreement.

Recommendations

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

- i) note the principles of the highway works as outlined in paragraph 3.1 and shown on drawing no. 0-100 REV N at **Appendix 3** of this report;
- ii) give authority to advertise and introduce an amendment to the existing Traffic Regulation Order on Knowsthorpe Crescent, to remove the waiting restrictions in the vicinity of the proposed on-street car parking bays and potentially introduce new waiting restrictions within the carriageway lane opposite the bays; and if no valid objections are received, to make, seal and implement the Order as advertised;
- iii) 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 works associated with the development are carried out by the developer and overseen by the Council; and
- iv) give authority to incur expenditure of £7,500 TRO costs and £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

1. Purpose of this report

- 1.1 The purpose of this report is to note the principle of the implementation of highway works associated with a residential development of 86 flats on land located at Knowsthorpe Crescent/Cross Green Lane, LS9 0DG.
- 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 described in Section 3.2 are designed and constructed by the developer at their expense, with the Council checking the design and construction, with step in rights.

- 1.3 To request approval to advertise an amendment to the existing Traffic Regulation Order on Knowsthorpe Crescent to support the introduction of the new on-street car parking bays and, if no objections are received to make, seal and implement the orders.
- 1.4 To give authority to incur expenditure associated with the implementation of highway works associated with the development.

2. Background information

- 2.1 Planning application 19/04938/FU has been approved in principle for the construction of 86 flats on land located at Knowsthorpe Crescent/Cross Green Lane, LS9 0DG.
- 2.2 The planning permission requires improvements to Knowsthorpe Crescent to create 22 on-street car parking bays located at 90° to the carriageway. The on-street bays will be formed by building out the carriageway on the northern side to create 5 blocks of parking spaces. The vehicular access into the internal layout of the residential development is also proposed from Knowsthorpe Crescent. Knowsthorpe Crescent is currently subject to waiting restrictions and the existing Traffic Regulation Order will need to be adjusted support the introduction of the new on-street parking spaces.
- 2.3 Indicative details of the proposed highway works are shown on drawing no. 0-100 REV N at **Appendix 3** of this report. Notwithstanding the details on this plan, it should be noted that the individual car parking bays within the highway boundary would not be numbered/allocated and would be available for use by any member of the public. That said, the spaces should generally be available to the new residents due to their close proximity to the new flats.
- 2.3 To meet the requirements of the development, the applicant has requested that Leeds City Council, as Highway Authority, enters into a Section 278 Agreement to enable the developer to complete the detailed design and construction of the highway works under the supervision of the Council.

3 Main issues

- 3.1 The planning permission includes a requirement for a package of off-site highway works to be implemented to support the implementation of the development and improve the highway environment on Knowsthorpe Crescent. The proposed works comprise
 - Traffic Carriageway build-outs on Knowsthorpre Crescent to create 22 on-street parking bays located at 90⁰ to the new carriageway edge.
 - Four new highway trees/grass/landscaping to be provided within the build-outs.
 - Construction of new vehicular access from Knowsthorpe Crescent to the internal car park of the development.
 - Adjustment to a Traffic Regulation Order on Knowsthorpe Crescent to remove the restrictions from the proposed on-street parking bays.

- Any works reasonably required following safety audits of the design and construction of the highway works.
- All associated Civil's works, including reconstruction, tie-ins, resurfacing, signage, lighting, road markings and drainage.
- Any statutory undertakers works resulting from the works described above
- 3.2 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.
- 3.3 Safety 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.
- 3.4 The S278 agreement will include the standard commuted sums for future maintenance of the works.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Ward Members: Ward Members of Burmantofts and Richmond Hill were consulted by email dated 19th December 2019 and 2nd March 2019. No comments from the Ward Members have been received at the time of writing this report.
- 4.1.1 Emergency Services and WYCA: The Emergency Services and WYCA were consulted via email dated 19th December 2019. No comments have been received at the time of writing this report.
- 4.1.2 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.

4.2.2 The proposals will improve the local environment and contribute towards regeneration within the local area. 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 accord with the West Yorkshire Local Transport Strategy and other policies in that they provide a safe means of access for all users of the highway, to and around, the development.

Climate Emergency

4.3.2 Whilst the works will make use of the carriageway for vehicular parking associated with the residential development, the site is located close to the City Centre and is within walking distance of local community facilities and employment sites within the nearby Cross Green Industrial area. Furthermore, the site is located close to good quality cycle routes leading towards the City Centre and Cross Green employment area and it will include secure cycle parking facilities for the residents. As such, it is considered that the development is well placed to facilitate and encourage cycle use in preference to single occupancy car journeys. The works will also improve the highway environment by providing build-outs, incorporating grassed areas and 4 new highway trees, which will reduce the width/extent of the existing carriageway. In summary, it is considered that the works and location of the site will assist in offsetting vehicle emissions and minimising the carbon footprint of the development.

4.4 Resources, procurement and value for money

- 4.4.1 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, all of which will be fully funded through the Section 278 agreement.
- 4.4.2 Funding: The developer will fund the total cost of the scheme, including works costs, statutory undertakers' costs and the cost of staff fees.
- 4.4.3 Staffing: The design and supervision of the works can be carried out within the existing staff resources.

Funding Approval :	Capital S	ection Referen	ce Numbe	er :-			
Previous total Authority	TOTAL	TO MARCH		F	ORECAST	Г	
to Spend on this scheme		2017	2017/18	2018/19	2019/20	2020/21	2021 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			ORECAS		
required for this Approval	£000's	2017 £000's	2017/18 £000's	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021 on £000's
LAND (1)	0.0	2000 3	2000 3	2000 3	2000 3	2000 3	2000 3
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	0.0
Total overall Funding	TOTAL	TO MARCH		F	ORECAS	-	
(As per latest Capital		2017	2017/18	2018/19	2019/20	2020/21	2021 on
Programme)	£000's	£000's	£000's	£000's	£000's	£000's	£000's
g,							
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				12.5		
SCE (C)	0.0						
SCE(C)	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	12.5	0.0	0.0

4.5 Legal implications, access to information, and call-in

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

4.6 Risk management

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

5 Conclusions

- 5.1 Planning application 19/04938/FU has been granted for the construction of 86 flats at Knowsthorpe Crescent/Cross Green Lane, LS9 0DG.
- 5.2 The planning consent requires a package of off-site highway works to be implemented to facilitate safe pedestrian and vehicular access to and from the school.
- 5.3 The proposed works are shown indicatively on drawing nos. 17/433/TR/004 Rev B and 17/433/TR/010 attached at **Appendix 3A** and **3B**.
- 5.4 To meet the requirements of the development 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:
 - note the principles of the highway works as outlined in paragraph 3.1 and shown on drawing no. 0-100 REV N at **Appendix 3** of this report;
 - give authority to advertise and introduce an amendment to the existing Traffic Regulation Order on Knowsthorpe Crescent, to remove the waiting restrictions in the vicinity of the proposed on-street car parking bays and potentially introduce new waiting restrictions within the carriageway lane opposite the bays; and if no valid objections are received, to make, seal and implement the Order as advertised;
 - 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 works associated with the development are carried out by the developer and overseen by the Council; and
 - give authority to incur expenditure of £7,500 TRO costs and £5,000 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement.

7 Background documents

7.1 None

8 Appendices

- 8.1 EDCI Screening
- 8.2 Site Location Plan
- 8.3 Proposed Site Plan

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 22 October 2019	and integration impact assessment:

1. Title: Equality Implications of Section 278 Process			
Is this a:			
x 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
John Mills	LCC	Technical Support Team Leader
Kasia Speakman	LCC	Highways Access Officer

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.

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.

This Equality, Diversity, Cohesion and Integration (EDCI) Impact Assessment considers the process of determining the requirements of such developments and how this process gives due regard to the equality characteristics. Specific EDCI considerations of the schemes are considered at planning application stage when the principal of the development and associated infrastructure works are approved. A summary of these considerations is included in section 5.

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	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 whole service (including service provision and employment)	
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)	
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)

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:

- Development type and location
- 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.

Site Specific Considerations

The proposed development is for a residential development of 86 flats on a formerly cleared site bounded by Cross Green Lane and Knowsthorpe Crescent. The site is located within the Cross Green area of Leeds, which is ranked amongst the 10% most deprived areas in England. Planning permission for a residential development was initially granted in 2008; and the Council was supportive of the development at this time in part due to the regenerative effect on the local area.

The highway authority has recently carried out a series of highway improvements in the vicinity of the site along Cross Green Lane, including carriageway narrowing/build-outs, traffic calming measures and pedestrian crossing points. The development includes a package of highway improvement works on Knowsthorpe Crescent that will complement the Council's scheme. The developer's highway works will improve the local environment by reducing the extent of the existing carriageway on Knowsthorpe Crescent via the introduction of build-outs incorporating new landscaping and trees. The works will also

facilitate a vehicular access into the internal layout of the site. In summary, the works will assist safe access within the community and contribute towards uplifting the profile of the local area.				
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 proforma. – May 2017				
Procedure reviewed October 2019 – site specific considerations added				
6. Wider involvement – have you involved groups of people who are most likely to be affected or interested				
X Yes No				
Please provide detail: The works subject to the S278 agreement have been consulted on through the Planning process which includes statutory processes for consultation. 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				
x Age x Carers X Disability				
Gender reassignment X Race X Religion or Belief				
x Sex (male or female) Sexual orientation				

	Other	
areas tha	•	il partnership, pregnancy and maternity, and those ity: tackling poverty and improving health and well-
being) Please s	pecify:	
Stakehol	ders	
x	Services users	X Employees Trade Unions
	Partners	X Members Suppliers
	Other please specify	
Potentia	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 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	Νο
		rovide detail: cable	
Acti	on re	equired:	

10. Does this activity bring groups/communities into increased contact with each

other? (e.g. in schools, neighbourhood, workplace)		
X Yes	Νο	
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	ΧΝο			
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
EDCI IA reviewed and amended. Specific site considerations that were considered at planning application stage has been added to section 5.	October 2019	Update TDS team and ensure site specific considerations are included in S278 HB Reports going forward.	Gillian MacLeod

Action	Timescale	Measure	Lead person

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	October 2019		
	Services Manager			
Date impact assessment completed		22/10/2019		
	-			

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

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 <u>equalityteam@leeds.gov.uk</u> 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, November 2019