

Portfolio Holder Decisions/Leader Decisions

Date: Friday 10 November 2023

Time: 12.00 pm

Membership

Councillor Peter Butlin
Councillor Jan Matecki

Items on the agenda: -

- | | |
|---|----------------|
| 1. Rugby CPE Var.7 - Central Park Drive | 3 - 16 |
| 2. S278 Application A423 Southam By Pass Aldi access | 17 - 20 |

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

Disclaimers

Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web
<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Portfolio Holder Decision

The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 7) Order 2023

Portfolio Holder	Portfolio Holder for Transport and Planning
Date of decision	10 November 2023
	Signed

1. Decision taken

- 1.1 That the Portfolio Holder for Transport and Planning approves that the following proposed Variation Order be made as advertised:

"The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 7) Order 2023".

2. Reasons for decisions

- 2.1 The statutory consultation upon the proposed Variation Order comprised of the following proposals which are shown on the accompanying plan which can be found in Appendix B:

- i.) No waiting at any time restrictions upon Castle Mound Way, Central Park Drive, Coton Park Drive, and Bryant Road, Rugby;
- ii.) Limited waiting restrictions on Mondays to Fridays between 7am and 5pm, 1 hour, no return within 2 hours upon Central Park Drive; and
- iii.) No stopping restrictions on Mondays to Fridays between 8am and 5pm on the school keep clear markings upon Central Park Drive.

- 2.2 Located on Central Park Drive, Rugby, are a number of industrial units, as well as a primary school. There are often multiple Heavy Goods Vehicles (HGVs) parked in the carriageway, with high volumes of traffic flow and short-term parked vehicles at school pick up and drop off times.
- 2.3 Double yellow lines have been installed previously on sections of Central Park Drive, but there have continued to be longstanding reports of traffic flow difficulties at peak times and issues around visibility when parked HGVs are present. Further double yellow lines were advertised in 2020 but withdrawn having received multiple objections, which were considered and upheld by the Portfolio Holder for Transport & Planning.
- 2.4 Following further correspondence with Councillors and other interested parties, revised proposals were informally consulted upon in May/June 2023, incorporating further double yellow lines and a 3 hour Limited Waiting restriction on the remaining available parking places.
- 2.5 96 responses were received to the informal consultation, of which 19 were not in favour. Approximately 80% were in favour, including some offering suggested minor amendments. A common theme amongst responses was concern that HGVs could still be present in significant numbers during the peak traffic times (both vehicular and pedestrian) around school opening and closing.
- 2.6 Taking into account the reasoning behind the majority of responses which were not in support, the proposals were revised further to replace the proposed 3 hour limited waiting with a proposed 1 hour limited waiting, with hours of operation as such that vehicles parking overnight would have to move on before school opening and could not arrive before school closing times.
- 2.7 The revised proposals were advertised and consulted upon in accordance with statutory procedure. A public notice was published in the Rugby Observer on 14 September 2023, with the consultation open until the 6 October 2023.
- 2.8 One objection was received during the statutory consultation which is detailed below along with an officer's response and recommendation.

Emails/letters	
Total objections	1

Ref	Objections and comments received	Total number of responses containing the comment
A	<p>The scheme is centred around Central Park Drive and may displace vehicles into other streets, specifically Castle Mound Way which already has issues with HGV parking.</p> <p>Whilst many lorry / van drivers are considerate, a number are not and they cause hazards for both pedestrians and drivers by blocking junctions, parking on both sides of the road and parking in locations which restrict visibility for traffic.</p>	1

Ref	Officer Comments
A	<p>The primary driver for proposals in and around Central Park Drive is on safety grounds, reducing conflict where HGVs are parked in areas which see substantial vehicular and pedestrian traffic at school opening and closing times.</p> <p>It is accepted that some vehicles may be displaced into nearby streets including Castle Mound Way, where there are lower levels of vehicular and pedestrian traffic. While this may increase demand for limited available parking places, drivers (including HGVs) still need to abide by the terms of the Highway Code, which states:</p> <p><i>“You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road. [Laws CSDPA sect 21 & RTRA sects 5 & 8]”</i></p> <p>In such a case the Police may issue a Fixed Penalty Notice or arrange removal / relocation of the vehicle.</p> <p>Following implementation, the effects of the introduction of waiting restrictions and parking places will be monitored, and should the need arise restrictions in other nearby streets could be considered subject to further Traffic Regulation Order consultation.</p>
Recommendations	
<p>It is recommended that the Portfolio Holder for Transport and Planning approves that the following proposed Variation Order be made as advertised:</p> <p>“The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents’ Parking) (Consolidation) (Variation No. 7) Order 2023”.</p>	
Members Comments	
<p>Councillor Simpson-Vince engaged with the previous informal consultation and assisted with formulating the revised proposals as advertised.</p>	

3. Background information

- 3.1 The statutory criteria for decisions on making Traffic Regulation and Parking Orders are included as Appendix A.
- 3.2 Drawings showing the published proposals are in Appendix B.
- 3.3 A copy of the published Statement of Reasons can be found in Appendix C.
- 3.4 A copy of the objection received is available as background information in Appendix D.

4. Financial implications

- 4.1 All work (Traffic Regulation Order process and implementation) will be carried out within existing allocations from the Local Member's Delegated Budget.

5. Environmental implications

- 5.1 It is anticipated that the presence of waiting restrictions and parking places would not have a significant adverse effect on air quality, with no predicted increase in traffic volumes or noise levels as a result of the schemes.

Report Author	Phil Mitton philmitton@warwickshire.gov.uk,
Director	Scott Tompkins Director of Environment, Planning & Transport
Executive Director	Mark Ryder Executive Director for Communities
Portfolio Holder	Councillor Jan Matecki Portfolio Holder for Transport and Planning

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

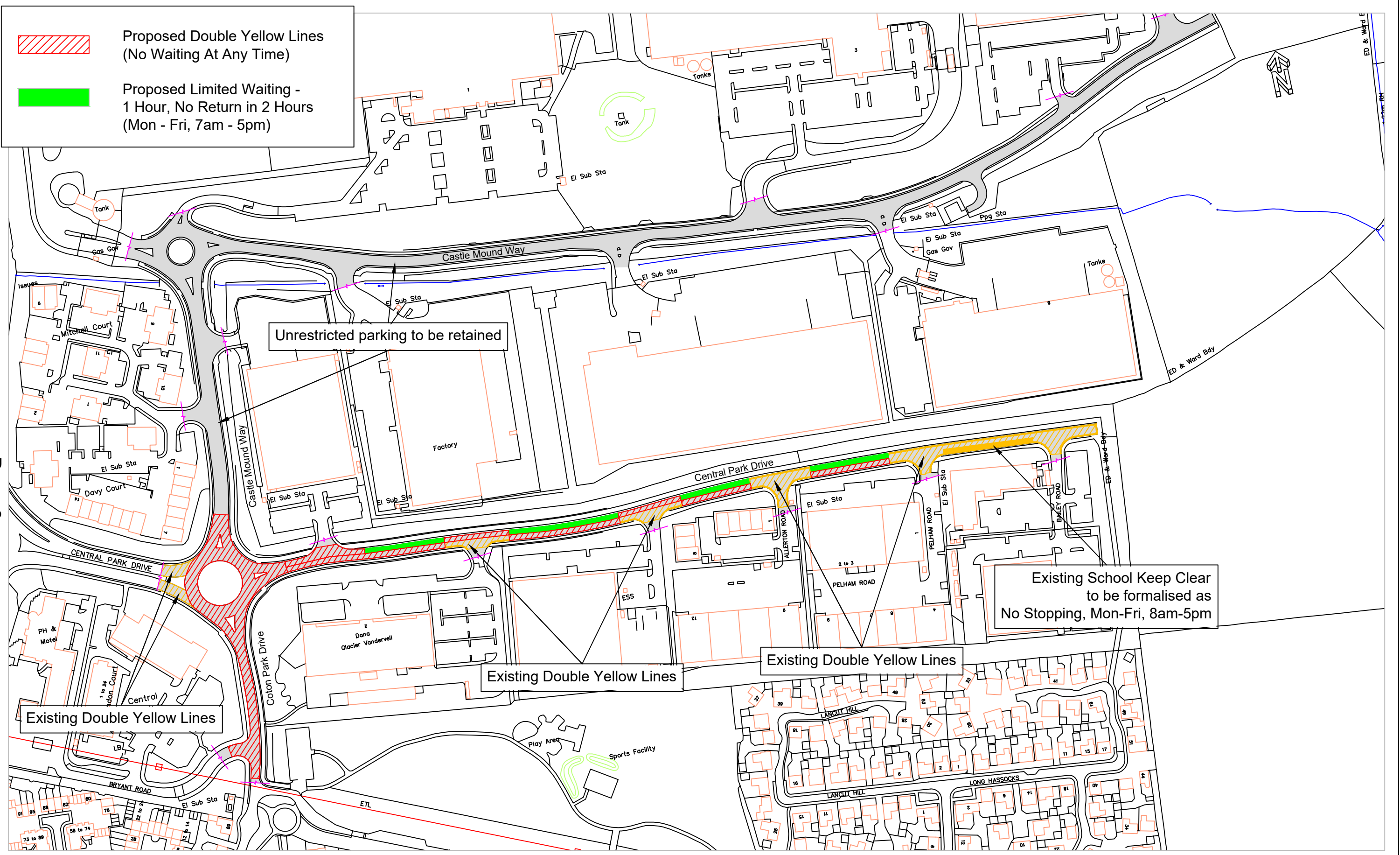
Members and officers consulted and informed

Portfolio Holder – Councillor Jan Matecki
 Corporate Board – Mark Ryder
 Legal – Serena Cammish, Caroline Gutteridge
 Finance – Caroline Jones, Andrew Felton
 Equality – Delroy Madden
 Procurement – John Hopper
 Democratic Services –
 Councillors – Leaders of the Party Groups
 Local Member(s): Councillor Jill Simpson-Vince

Statutory Criteria for Decisions on Making Traffic Regulation Orders and Parking Orders

1. The Road Traffic Regulation Act 1984 enables the Council to implement Traffic Regulation Orders (TROs) for one or more of the following purposes:-
 - (i) avoiding danger to persons or traffic;
 - (ii) preventing damage to the road or to buildings nearby;
 - (iii) facilitating the passage of traffic;
 - (iv) preventing use by unsuitable traffic;
 - (v) preserving the character of a road especially suitable for walking and horse riding;
 - (vi) preserving or improving amenities of the area through which the road runs;
 - (vii) for any of the purposes specified in Section 87(1)(a) to (c) of the Environment Act 1995 in relation to air quality.
2. TROs are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. Permanent TROs remain in force until superseded or revoked.
3. TROs must not have the effect of preventing pedestrian access at any time, or preventing vehicular access for more than 8 hours in 24, to premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.
4. The Road Traffic Regulation Act 1984 also enables the Council to make orders authorising the use of part of a road as a parking place without charge, for the purpose of preventing or relieving congestion, and enables the Council to make orders designating parking places on highways with a charge. In determining what parking places are to be designated, the Council shall consider both the interests of traffic, and those of the owners/occupiers of adjoining property and in particular:-
 - (i) The need for maintaining the free movement of traffic;
 - (ii) The need for maintaining reasonable access to premises; and
 - (iii) The extent to which off-street parking is available in the neighbourhood.
5. In deciding whether or not to make any order, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable, having regard to the matters specified in Section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.
6. The matters to which the Council must have regard are:-

- (i) The desirability of securing and maintaining reasonable access to premises;
 - (ii) The effect on the amenities of any locality affected, and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
 - (iii) The national air quality strategy prepared under Section 80 of the Environmental Protection Act 1995;
 - (iv) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
 - (v) Any other matters appearing to the Council to be relevant
7. Therefore, whilst the overall objective of the Council must be to secure the expeditious, convenient and safe movement of vehicular traffic, this will sometimes need to give way to the objectives in Section 122(2), and a balance has to be achieved between the overall objective and the matters set out in Section 122(2).



H:\CH-Minor Works\TRAFFIC REGULATION ORDERS\CPE PARKING\Rugby\Variation 7 - Central Park Drive - PTR022 028\5 Drawings\Central Park - Castle Mound.dwg



County Highways Minor Works
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 Shire Hall
 Warwick
 CV34 4RL
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NOTES

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 Warwickshire County Council.

REV	DATE	BY	CHK	AMENDMENT
1	21/07/23	PM	PT	Hours of operation 1hr 7am-5pm
-	--/--	-	-	-
-	--/--	-	-	-
-	--/--	-	-	-
-	--/--	-	-	-

Drawing title
**Proposed Waiting Restrictions
 Central Park Drive
 Rugby**

Project title
Rugby CPE V7 - Central Park Drive

Drawn by PM	Checked by GVS
Date 27 July 2023	
Scale 1:2500 @ A3_L	
Drawing number PTRO22-028-01	

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Warwickshire County Council**Road Traffic Regulation Act 1984****THE WARWICKSHIRE COUNTY COUNCIL
(BOROUGH OF RUGBY) (CIVIL ENFORCEMENT AREA)
(WAITING RESTRICTIONS, ON-STREET PARKING PLACES
AND RESIDENTS' PARKING) (CONSOLIDATION) (VARIATION 7) ORDER 2023****1. Background**

Located on Central Park Drive, Rugby, are a number of industrial units, as well as a primary school. There are often multiple Heavy Goods Vehicles (HGV's) parked in the carriageway, with high volumes of traffic flow and short-term parked vehicles at school pick up and drop off times.

Double yellow lines have been installed previously on sections of Central Park Drive, but there have continued to be longstanding reports of traffic flow difficulties at peak times and issues around visibility when parked HGVs are present. Further double yellow lines were advertised in 2020 but withdrawn having received multiple objections, considered and upheld by the Portfolio Holder for Transport & Planning.

Following further correspondence with councillors and other interested parties, revised proposals were informally consulted upon in May/June 2023, incorporating further double yellow lines and a 3 hour Limited Waiting restriction on the remaining available parking places.

96 responses were received, of which 19 were not in favour (approx. 80% favourable, including some offering suggested minor amendments); a common theme amongst responses was concern that Heavy Goods Vehicles (HGVs) could still be present in significant numbers during the peak traffic times (both vehicular and pedestrian) around school opening and closing.

Taking into account the feedback received, proposals have therefore been amended to include a 1 hour Limited Waiting restriction on the remaining parking places, and with apparent level of public support the proposals as outlined below are to be formally consulted upon.

Consultation Plan	Location	ParkMap Tile	Revision No.
PTRO22-028-01-Rev1	Central Park Drive,	DY100	2
	Castle Mound Way,	DY101	1
	Coton Park Drive,	DZ100	1
	Bryant Road (Rugby)	DZ101	1

2. Statement of Reasons**Central Park Drive – No Waiting at any Time**

Double yellow lines (No Waiting At Any Time) are proposed along sections of Central Park Drive, in order to ensure visibility for vehicles entering from side roads and accesses, assist with forward visibility for through traffic, and to ensure the area with heavy pedestrian traffic is kept clear of parked vehicles. This will help to avoid danger to persons or traffic using the road and prevent the likelihood of any such danger arising.

Central Park Drive – Limited Waiting, Mon - Fri, 7am - 5pm, 1 Hour No Return in 2 Hours

Limited Waiting parking places are proposed along sections of Central Park Drive, in order to promote turnover of parking and increase availability of spaces for visitors to any of the commercial units including the school. In addition, the hours of operation will mean that any vehicles parking overnight (including HGVs) will need to have moved on by 8am and/or not arrive before 4pm, ensuring maximum availability of spaces for peak school pickup and drop-

off times and a minimum of conflict arising from peak traffic volumes and parked large vehicles. This will aid forward visibility for through traffic, helping to avoid danger to persons or traffic using the road and prevent the likelihood of any such danger arising, and aid in facilitating the passage on the road of any class of traffic (including pedestrians).

Central Park Drive - School Keep Clear – (No Stopping) Mon-Fri, 8am-5pm

The current advisory School Keep Clear Markings are proposed to become mandatory with the appropriate upright signage being installed to prohibit stopping on the markings during Monday-Friday between the hours of 8am-5pm. This will ensure the area is kept clear of parked vehicles at times of heavy pedestrian usage, helping to avoid danger to persons or traffic using the road and prevent the likelihood of any such danger arising.

Castle Mound Way, Coton Park Drive, Bryant Road – No Waiting At Any Time

To manage any potential displacement of parked vehicles (including HGV's) from Central Park Drive, double yellow lines (No Waiting At Any Time) are proposed in sections of the nearby roads named above, in order to prevent inappropriate or obstructive parking. This will ensure visibility for vehicles entering from side roads and accesses and assist with forward visibility for through traffic, helping to avoid danger to persons or traffic using the road and prevent the likelihood of any such danger arising.

3. Schedule

No Waiting At Any Time

Castle Mound Way

- (i) Both sides, from its junction with Central Park Drive, northwards for a length of 22 metres

Central Park Drive

- (ii) South side, from its junction with Castle Mound Way, eastwards for the entire length
- (iii) North side, from its junction with Castle Mound Way, eastwards for a length of 81 metres
- (iv) North side, from a point 138 metres east of its junction with Castle Mound Way, eastwards for a length of 46 metres
- (v) North side, from a point 262 metres east of its junction with Castle Mound Way, eastwards for a length of 46 metres
- (vi) North side, from a point 359 metres east of its junction with Castle Mound Way, eastwards for a length of 43 metres

Roundabout Junction of Central Park Drive and Castle Mound Way

- (i) Both sides, for the entire of the circulatory carriageway

Coton Park Drive

- (i) Both sides, from its junction with Central Park Drive, southwards for 120 metres

Bryant Road

- (i) South side, from its junction with Coton Park Drive, westwards for 15 metres
- (ii) North side, from its junction with Coton Park Drive, westwards for 17 metres

Limited Waiting, Monday – Friday, 7am – 5pm, 1 Hour No Return in 2 Hours

Central Park Drive

- (i) North side, from a point 81 metres east of its junction with Castle Mound Way, eastwards for a length of 57 metres

- (ii) North side, from a point 184 metres east of its junction with Castle Mound Way, eastwards for a length of 78 metres
- (iii) North side, from a point 308 metres east of its junction with Castle Mound Way, eastwards for a length of 51 metres
- (iv) North side, from a point 402 metres east of its junction with Castle Mound Way, eastwards for a length of 56 metres

School Keep Clear – (No Stopping) Mon-Fri, 8am-5pm

Central Park Drive

- (i) from a point 496 metres east of the roundabout junction with Castle Mound Way, eastwards for 63 metres.

4. Existing orders to be varied

The Warwickshire County Council (Borough Of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) Order 2017

5. Priority

High

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Objection 1

To:PMC WCC

Tue 26-Sep-23 2:47 PM

Dear Sirs,

With regard to the proposed changes to parking restrictions on Central Park Drive, Rugby I would like to register an objection on behalf of [redacted]. We are situated on Castle Mound Way and feel it is obvious that the displaced vehicles from Central Park Drive will make, the already problematic, parking on Castle Mound Way much worse. The area is already frequently difficult to drive along with multiple lorries parked, both long term (with some units being left for weeks) and shorter duration parking during the day, particularly earlier in the morning and in the evening when the day shift it arriving at and departing from work.

Whilst many lorry / van drivers are considerate, a number are not and they cause hazards for both pedestrians and drivers by blocking junctions, parking on both sides of the road and parking in locations which restrict visibility for traffic.

By having a scheme considering only Central Park Drive these problems will obviously be exacerbated as more vehicles will use Castle Mound Way to Park.

Any scheme needs to consider the whole area and not seek to improve the situation in one road to the obvious detriment of neighbours.

Hence, for the reasons outlined above, please register our objection to the scheme as currently proposed.

Regards

Castle Mound Way, Central Park
Rugby

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Portfolio Holder Decision

S278 Application A423 Southam By Pass Aldi access

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	10 November 2023
	Signed

1. Decision taken

That the Portfolio Holder – Deputy Leader (Finance and Property) gives approval to the addition of the following section 278, fully developer-funded, highway improvement scheme to the Capital Programme for 2023/24:

- a) A423 Southam Bypass access bellmouth, ghost island and associated works for Aldi Store. Approximate value estimated at £ 1,086,400.

2. Reasons for decisions

- 2.1 On 16th May 2023 Council reconfirmed the delegated power to the Leader, or body nominated by them, to approve the addition to the capital programme of projects costing less than £2.0 million, which are fully funded from external grants, developer contributions or from revenue.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

- 3.1 **A423 Southam Bypass - Proposed Aldi Store bellmouth access and associated works**
A planning application was submitted to Stratford-on-Avon District Council by Aldi Stores Limited for the demolition of existing buildings and the erection of a Class E (Formerly Class A1) Food Retail Store, with associated highways access, car parking, servicing and landscaping.
- 3.2 Planning consent was granted (Ref 21/00070/FUL) on 11th April 2023 which stipulates that the development shall not be brought into use until access for vehicles, cycles and pedestrians has been provided from the public highway at

A423 Southam Bypass, as illustrated in drawing 19030-SK20220825.1, and public highway at A425 Banbury Road and C21 Banbury Road have been improved so as to provide improved access to the site.

- 3.3 The applicant / developer must enter into a Highway Works Agreement made under the provisions of section 278 of the Highways Act 1980 for the purposes of completing the works.

4. Financial implications

- 4.1 As the new highway assets which are being created through this scheme will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.
- 4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the scheme described in the above. There are no alternative uses for the contributions and the addition of this scheme will not affect the overall level of available capital resources.
- 4.3 The applicant/developer has already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the section 278 agreement being signed.
- 4.4 Procurement and subsequent award of construction contracts will only take place subject to the applicable section 278 agreement being signed, which will provide 100% of the funding. The section 278 agreement will also require the applicant / developer to provide a bond or cash security. The commencement of the works is dependent on the completion of the technical review, procurement, and contractor mobilisation processes. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

5. Environmental implications

- 5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works are currently being evaluated. The new contract will demonstrate that all contractors hold a certificate of compliance with BS EN ISO 14001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

Report Author

Chris Harris, Paula Jobson
 chris@warwickshire.gov.uk,
 paula@warwickshire.gov.uk,

Director

Executive Director	Executive Director for Communities markryder@warwickshire.gov.uk
Portfolio Holder	Portfolio Holder for Finance and Property peterbutlin@warwickshire.gov.uk

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

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Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Caroline Gutteridge

Finance – Andrew Felton

Equality – n/a

Democratic Services – Amy Bridgewater-Carnall

Councillors – Warwick, Singh Birdi, Boad, Feeney and W Roberts

Local Member(s):

Cllr Andy Crump (Southam, Stockton & Napton)

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