

Portfolio Holder Decisions/Leader Decisions

Date: Wednesday 15 November 2023
Time: 12.00 pm

Membership

Councillor Peter Butlin

Items on the agenda: -

1. **S278 Application B4114 Midland Road Morrison Store** 3 - 6
2. **S278 Application B4453 Straight Mile Blue Boar Roundabout** 7 - 18

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 or 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 S278 Application B4114 Midland Road Morrison Store

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	15 November 2023
	Signed

1. Decision taken

That the Portfolio Holder – Deputy Leader (Finance and Property) gives approval to the addition of the following s278 fully developer-funded highway improvement scheme to the Capital Programme for 2023/24;

- a) B4114 Midland Road, Nuneaton - Morrison Store access - of approximate value £357,300.

2. Reasons for decisions

- 2.1 On 14th 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 **B4114 Midland Road, Nuneaton - Morrison Store access**
A planning application was submitted to Nuneaton and Bedworth Borough Council by WM Morrison Supermarkets plc for the Erection of a food store, a six-pump petrol filling station with kiosk, external garden centre, substation and ATM pod and ancillary landscaping, customer parking and all other associated works.
- 3.2 Planning consent was granted (Ref 038512) on 27 July 2023 which stipulates that the development shall not be brought into use until the public highway, Midland Road, has been improved so as to provide for the proposed site access ghost right turn lane junction, signalised pedestrian crossing, relocated eastbound bus stop,

tactile paving across Stanley Road and any other associated works in general accordance with the approved plan (drawing no.T653_03F) received by the Council on 4th November 2022, and have been constructed in accordance with those details for the works to be carried out in the limits of the public highway, the developer is required to enter into a section 278 agreement with Warwickshire County Council.

- 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 section above. There are no alternative uses for the contributions and the addition of these schemes 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 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 140001 (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

	chrisharris@warwickshire.gov.uk, paulajobson@warwickshire.gov.uk,
Assistant Director	Scott Tompkins Assistant Director Environmental Services scotttompkins@warwickshire.gov.uk
Strategic Director	Executive Director for Communities markryder@warwickshire.gov.uk
Portfolio Holder	Councillor Peter Butlin Portfolio Holder for Finance and Property peterbutline@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

N/A?

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):

Councillor Caroline Phillips - Nuneaton & Bedworth Borough

Councillor Brett Beetham – Nuneaton & Bedworth Borough

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Portfolio Holder Decision

S278 Application B4453 Straight Mile Blue Boar Roundabout

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	15 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) B4453 Straight Mile/A4071 junction - Proposed Blue Boar Roundabout - of approximate value £ 830,900.

2. Reasons for decisions

- 2.1 On 14th 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 **B4453 Straight Mile/A4071 junction - Proposed Blue Boar Roundabout**
A planning application was submitted to Rugby Borough Council by Tritax Symmetry for the construction of up to 186,500 sq m of buildings for Use Class B8 (Warehousing and Distribution), and including ancillary Use Class B1(a) (Offices with site infrastructure including an energy centre, vehicle parking, landscaping, and a sustainable drainage system).
- 3.2 Planning consent was granted (Ref R16/2569) on 29 November 2017 which stipulates in planning Condition 18 that approval is given subject to agreement and approval by the Local Planning Authority (in consultation with Warwickshire County

Council) upon highway improvements at Blue Boar (A4017/Straight Mile junction).

- 3.3 Warwickshire County Council, as the Highway Authority, has undertaken a full assessment of the application to discharge Condition 18 of R16/2569. The basis of the request for the discharge of both elements of Condition 18 of R16/2569 is set out in 332210819-100-TN02, Rev C, dated 3rd March 2023 (TN02). Drawing Number 332210819-5501-002, Rev B, dated 3rd March 2023.
- 3.4 The section 278 highway works required at Blue Boar South are to replace the existing priority junction with a roundabout. The delivery of the works shall then commence within six months of final section 278 Technical Approval, provided that a section 278 agreement has been entered into by the applicant / developer for the purpose of funding the highway 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 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 estimate. 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 agreements 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.

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Report Author	Chris Harris, Paula Jobson chrisharris@warwickshire.gov.uk, paulajobson@warwickshire.gov.uk,
Assistant Director	Scott Tompkins scotttompkins@warwickshire.gov.uk
Strategic Director	Mark Ryder Executive Director for Communities markryder@warwickshire.gov.uk
Portfolio Holder	Councillor Peter Butlin 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

221138 FINAL
332210819-5501-002 Rev B

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):

Councillor Howard Roberts – Dunsmore & Leam Valley ED

Councillor Heather Timms – Earl Craven ED

Councillor Peter Butlin – Admirals & Cawston ED

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Your ref: R22/1138, R22/1139 (duplicate submission),
R22/1134, R22/1136 (Duplicate submission)
My ref: 221138



Communities

PO Box 43
Shire Hall
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Ms Nicola Smith
Head of Growth & Investment
RUGBY BOROUGH COUNCIL
Town Hall
Rugby
CV21 2RR

www.warwickshire.gov.uk

FAO : Karen McCulloch

9th March 2023

Dear Ms Smith,

PROPOSAL: R22/1138: Details for part of condition 18: Transport Assessment and Mitigation of R16/2569 (Outline application Use Class B8 buildings with associated infrastructure). Part submission - assessment information only. R22/1134: Details for part of condition 18: Transport Assessment and mitigation of R16/2569 (Outline application Use Class B8 buildings with associated infrastructure). Part submission - mitigation information only

LOCATION: LAND NORTH OF COVENTRY ROAD, COVENTRY ROAD, THURLASTON.

APPLICANT: Tritax Symmetry Ltd.

Warwickshire County Council, hereby known as the 'Highway Authority', has undertaken a full assessment of the planning application.

This letter provides the Local Planning Authority with an update of the current position in respect of the Highway Authority's analysis of the application to discharge Condition 18.

Introduction:

The Highway Authority has undertaken a robust and thorough assessment of the application to discharge of condition 18 of R16/2569.

As set out below, the Highway Authority is broadly in agreement with the assessment of the impact of the remaining 86,500 sq m of Class B8 development on the highway network between the site and the Blue Boar junctions and Rugby Gyrotory and the proposed mitigation measures at the Blue Boar South junction.

The following commentary provides a summary of the analysis.

Analysis:

Condition 18

Condition 18 states that:

“No more than 100,000 sq.m of B8 development, including any development occupied pursuant to a grant of planning permission for planning application R20/1026, shall be occupied until an assessment of the potential transportation impact of the remaining 86,500 sq m of Class B8 development on the highway network between the site and the Blue Boar junctions and Rugby Gyratory taking account of any transportation infrastructure that has already been delivered or secured funding (to the reasonable satisfaction of the Local Planning Authority) in relation to the South West Rugby Development Area (as described in Policy DS8 in the adopted Rugby Local Plan), has been submitted to, and agreed in writing by, the Local Planning Authority. Should the Local Planning Authority (in consultation with Warwickshire County Council) find that the potential transportation impact on the highway network is unacceptable as a result of developing out the remaining 86,500 sq m of Class B8 development, a scheme of mitigation including timeframes for completing any mitigation shall be submitted to and approved in writing by the Local Planning Authority. The potential transport improvements to be delivered if required could include, but are not limited to, one or more of the following measures which would be subject to agreement and approval process with the Local Planning Authority in consultation with Warwickshire County Council: Potsford Dam Link between the development and the A4071 (as illustrated on drawing 31311- 5516- SK02 Sheets 2 and 3); highway improvements at Blue Boar (A45/ A4071 junction) (as illustrated on drawing 31311-5501-026); highway improvements at Blue Boar (A4071/Straight Mile junction) (as illustrated on drawing 31311-5501-018 Rev A). The mitigation scheme shall be implemented in accordance with the approved details.”

Separate submissions have been made. The first (R22/1138 and duplicate submission R22/1139) seeks to discharge the first element of the condition i.e., the assessment of the potential transportation impact of the remaining 86,500 sqm of Class B8 development. A separate submission (R22/1134 and duplicate submission R22/1136) seeks to discharge the second element of the condition namely the scheme of mitigation.

Traffic Assessment:

The basis of the request for the discharge of both elements of Condition 18 of R16/2569 is set out in 332210819-100-TN02, Rev C, dated 3rd March 2023 (TN02).

The document sets out the applicant’s assessment of the transport impacts of development at Symmetry Park in excess of 100,000sqm up to a maximum of 186,500sqm, at the following locations:

- Blue Boar South Junction (A4071/ B4453 Straight Mile)
- Blue Boar North Junction (A4071/ A45)
- Rugby Gyratory
- Dunchurch Crossroads

The traffic impacts have been assessed using the latest RWA Paramics Model for the full development consented under the outline permission (total of 186,500sqm).

The traffic modelling methodology used to assess the traffic impacts has been reviewed by the Highway Authority and is considered acceptable.

Development and Network Assumptions – Cawston Farm and Potsford Dam Link:

The traffic impacts of several scenarios associated with the Cawston Farm residential development have been assessed by the applicant and included within TN02. The scenarios have included various quanta of development at the Cawston Farm site together with associated connections to the existing highway network, including a potential alternative alignment for the Potsford Dam Link (PDL), which is identified within the adopted South West Rugby Masterplan Supplementary Planning Document as being an essential part of the transport infrastructure needed to deliver the masterplan's full allocation of housing and employment.

The planning applications for Cawston Farm Phases 1 and 2 are currently being assessed by the Highway Authority and the transport infrastructure proposals and mitigation measures have yet to be agreed. This includes the applicant's proposal to route the PDL via the Cawston Farm development and the B4642 (Coventry Road) rather than Rugby Borough Council's and the Highway Authority's preferred alignment which will link directly into the A4071 at its junction with the B4642. Both the Highway Authority and the Local Planning Authority have significant concerns in respect of the PDL alternative alignment proposals.

In view of this, and to ensure that that the Discharging Planning Condition 18 assessment identifies the traffic impacts solely for the employment land, the applicant was requested to assess the following scenarios:

- **Employment-only Scenario:**
No PDL and no Cawston Farm development – an 186,500sqm B8 employment only scenario.
- **Employment plus Cawston Farm Phase 1 (150 dwelling)-only Scenario:**
No PDL and a 150 dwelling Cawston Farm development served solely off the B4642 (a cul-de-sac) – an 186,500sqm B8 employment plus Cawston Farm Phase 1 only scenario.

For the purposes of the application to discharge Condition 18, the Highway Authority assessment has necessarily focussed on the above two scenarios only. The alternative PDL proposals, including any proposed highway links between Cawston Farm Phase I and Cawston Farm Phase II and Symmetry Park, will be separately assessed as part of the consultations on the Cawston Farm planning applications.

Junction Analysis:

The results of the assessments of the individual junctions are summarised below.

1. Blue Boar South:

As set out in TN02 (table 4.3 and para 4.10) mitigation is required to address residual cumulative impacts of both the employment-only and the employment plus Cawston Farm Phase 1 (150 dwelling)-only scenarios. The Highway Authority is in agreement with this assessment.

It is proposed to mitigate these impacts by modifying the layout of the Blue Boar South junction. The proposal is to replace the existing priority junction with a roundabout.

The preliminary design of the proposed scheme was reviewed by the Highway Authority and was subject to an independently prepared Stage 1 Road Safety Audit. The applicant subsequently amended the design as shown in Drawing Number 332210819-5501-002, Rev B, dated 3rd March 2023.

The applicant has demonstrated that, through the implementation of the proposed scheme at Blue Boar South, they will mitigate the residual effect of the employment-only and the employment plus Cawston Farm Phase 1 (150 dwelling)-only scenarios.

The Highway Authority is therefore satisfied¹ that the proposed mitigation at Blue Boar South is sufficient to discharge Condition 18, inclusive of 150 dwellings at Cawston Farm Phase 1, but note that further improvements at the junction may be required to mitigate the cumulative impacts associated with the remaining 125 dwellings at Cawston Farm Phase 1, Cawston Farm Phase 2 residential (375 dwellings) and any other developments which may come forward in the area. This situation will be separately assessed and conditioned, if necessary.

The Blue Boar South Junction mitigation scheme will help to manage queue lengths on the approaches to the junction and is considered important for reasons of road safety. As such the Highway Authority require that the Blue Boar South scheme be implemented as soon as possible following commencement of the development of the additional 86,500 sq m of Class B8 employment units.

The Highway Authority will require that prior to the commencement of development of the first employment units that will increase the cumulative area above the 100,000sqm already approved for this site, the detailed design of the improvement scheme at the Blue Boar South Junction, in general accordance with drawing number 332210819-5501-002, Rev B, dated 3rd March 2023, together with a Stage 2 Road Safety Audit, shall be submitted for Technical Approval to Warwickshire County Council. The delivery of the works shall then commence within six months of final s278 Technical Approval.

2. **Blue Boar North:**

As set out in TN02 (table 4.3 and para 4.11), the assessment of this junction indicates that no mitigation is required at the Blue Boar North junction for the employment-only scenario. The Highway Authority is in agreement with this assessment.

It is noted, however, that the capacity testing for other development scenarios summarised within TN02 demonstrate increased queue lengths at this junction,

¹ Please note that the Junctions 10 Arcady input file (Blue Boar South Roundabout Mitigation single lane entry report.pdf) submitted by Stantec is based on a PCU factor of 2.0. However, this is inconsistent with the PCU factor of 2.3 used to derive the PCU demand flow inputs (turning movements). The Junctions 10 User Guide also recommends that HV percentages are included even when working in PCUs if RFC on an arm is close to 1.0 which is the case here. Although our checks confirm that inclusion of the HV percentages and a PCU factor of 2.3 would not materially affect the submitted results, we would expect these to be included in any subsequent analysis for the residential planning applications (Cawston Farm Phases 1 and 2).

particularly on the A4071 northbound approach, and therefore this situation will be separately assessed and conditioned, if necessary.

3. Rugby Gyrotory:

The assessment of the Rugby Gyrotory indicates that no mitigation is required for the employment-only scenario. Whilst some increases in queues and delays are forecast on the B4642 Bilton Road and A426 Dunchurch Road approaches during the 2031 AM (8-9 am) and 2031 PM (5-6 pm) peak hours respectively, these are relatively limited in scale and not considered sufficiently severe to require mitigation for the employment-only scenario.

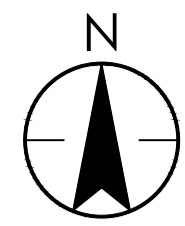
4. Dunchurch Crossroads:

The assessment of Dunchurch Crossroads indicates that no mitigation is required at this junction for the employment-only scenario.

Yours sincerely,

Stephen Harrison
Development Group

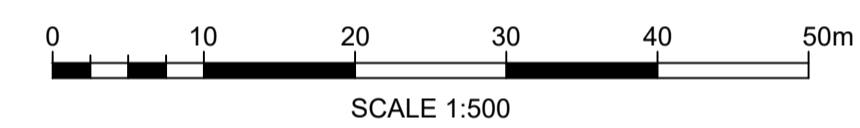
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- Notes
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION
 - DO NOT SCALE FROM THIS DRAWING, USE ONLY PRINTED DIMENSIONS
 - HIGHWAY BOUNDARY DATA OBTAINED FROM WARWICKSHIRE COUNTY COUNCIL IN SEPTEMBER 2014 AND APRIL 2019
 - DESIGN BASED ON OS MAPPING, TOPOGRAPHICAL SURVEY REQUIRED TO CONFIRM DESIGN PROPOSALS
 - SPEED SURVEY UNDERTAKEN IN SEPTEMBER 2022 ON B4453 STRAIGHT MILE TO DETERMINE VEHICLE SPEEDS EXISTING THE A45. RESULTS SHOW 85TH PERCENTILE SPEED OF 55.7KPH. THEREFORE, REDUCED VISIBILITY OF 120M IN ACCORDANCE WITH A DESIGN SPEED OF 70KPH SHOWN FOR SOUTHBOUND APPROACH TO ROUNDABOUT

- Key
- HIGHWAY BOUNDARY
 - APPROACH VISIBILITY



B	B4453 STRAIGHT MILE SW APPROACH UPDATED	RP	DG	2023.03.03
A	UPDATED FOLLOWING WCC COMMENTS	RP	DG	2023.01.24
Issued/Revision		By	Appd	YYYY.MM.DD

	RP	RP	DG	2023.03.03
	Dwn.	Dsgn.	Chkd.	YYYY.MM.DD

Issue Status

FOR INFORMATION

This document is suitable only for the purpose noted above. Use of this document for any other purpose is not permitted.

Client/Project Logo

Client/Project
TRITAX SYMMETRY

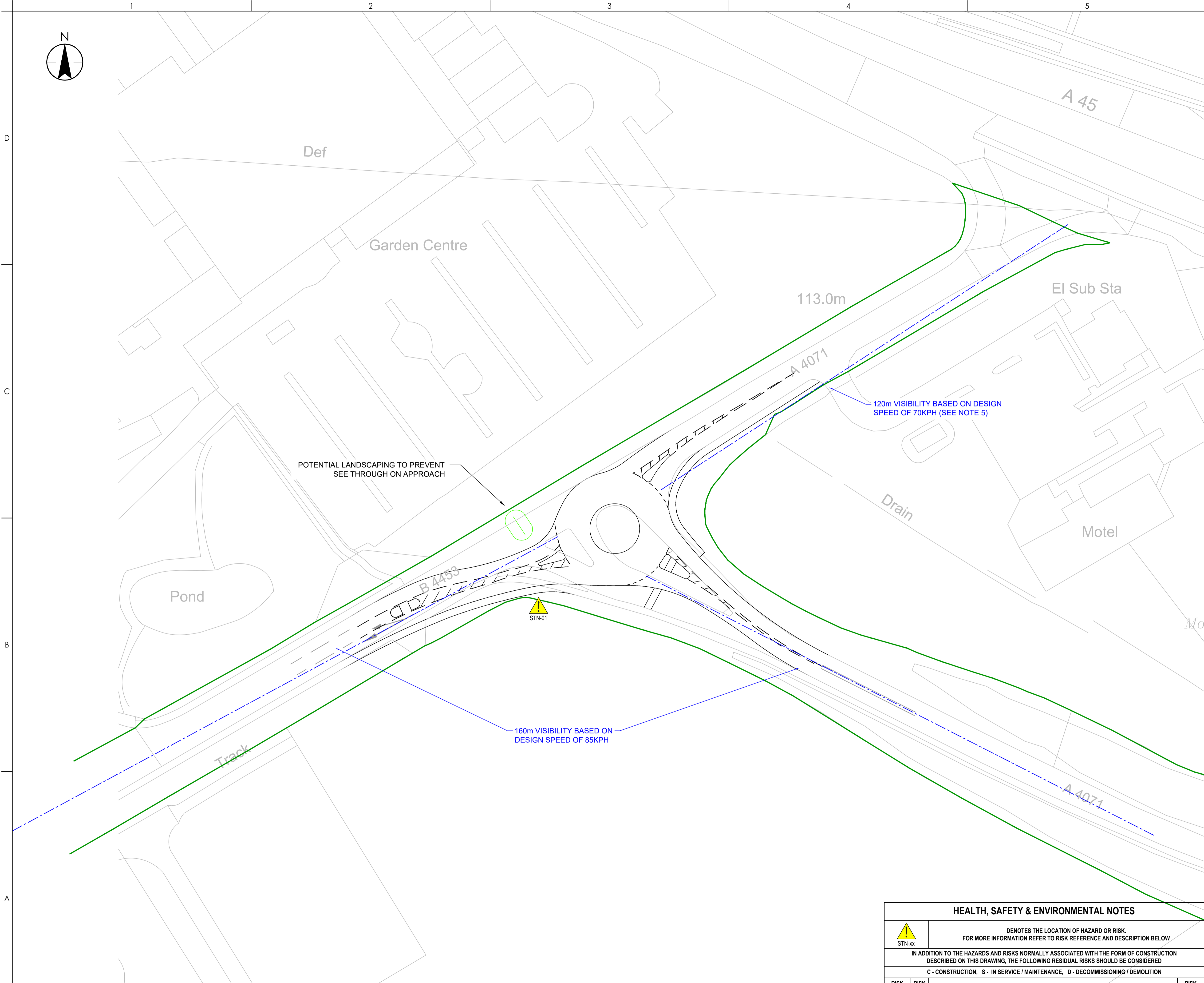
SOUTH WEST RUGBY, CONDITION 18

Title
PROPOSED BLUE BOAR SOUTH ROUNDABOUT IMPROVEMENT SCHEME

Project No. 332210819 Scale 1:500 @ A1

Revision B Drawing No.

332210819-5501-002



HEALTH, SAFETY & ENVIRONMENTAL NOTES			
		DENOTES THE LOCATION OF HAZARD OR RISK. FOR MORE INFORMATION REFER TO RISK REFERENCE AND DESCRIPTION BELOW	
IN ADDITION TO THE HAZARDS AND RISKS NORMALLY ASSOCIATED WITH THE FORM OF CONSTRUCTION DESCRIBED ON THIS DRAWING, THE FOLLOWING RESIDUAL RISKS SHOULD BE CONSIDERED			
C - CONSTRUCTION, S - IN SERVICE / MAINTENANCE, D - DECOMMISSIONING / DEMOLITION			
RISK PREFIX	RISK REF.	RISK DESCRIPTION	RISK PHASE
STN	01	TOPOGRAPHICAL SURVEY REQUIRED TO CONFIRM HIGHWAY BOUNDARY. DESIGN TO BE UPDATED IF NECESSARY TO ENSURE SUFFICIENT LAND BETWEEN HIGHWAY BOUNDARY AND PROPOSED SCHEME FOR CONSTRUCTION.	C

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