

# **Proposed Decision to be taken by the Deputy Leader (Finance and Property) on or after 15 November 2019**

## **Various Developer-funded Scheme Approvals**

### **Recommendations**

That the Deputy Leader (Finance and Property) gives approval to the addition of the following six schemes to the Capital Programme for 2019/2020 and authorises the Strategic Director for Communities to procure the construction contracts for the schemes where appropriate and to enter into such contracts on terms and conditions acceptable to the Strategic Director for Resources subject to the applicable Section 278 Agreements with the Developers being signed which will provide for 100% of the funding:

- A45 Stonebridge Highway / D2201 Rowley Road, Baginton. Developers – Coventry City Council and Coventry and Warwickshire Development Partnership LLP. Approximate value (fees only) £600k
- B4029 Severn Road, Bulkington. Developer – Taylor Wimpey. Approximate value (fees and works) £500k
- B4632 Campden Road, Quinton. Developer – Persimmon Homes. Approximate value (fees and works) £1.5m
- C33 Bubbenhall Road, Baginton (Gateway South). Developer – Coventry and Warwickshire Development Partnership LLP. Approximate value (fees only) £600k
- D6216 Upper Henley Street, Stratford-upon-Avon. Developer – Stratford-upon-Avon District Council. Approximate value (fees only) £50k
- M6 Junction 1 / A426 Leicester Road, Rugby. Developer – MOTO Hospitality Ltd. Approximate value (fees only) £250k

### **1.0 Key Issues**

- 1.1 On 21 May 2019 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, and to approve proposals to procure and/or enter into major contracts with a total value up to £3.0 million. The Deputy Leader (Finance and Property) is that nominated body.
- 1.2 These schemes will be fully funded by developer contributions ring-fenced for the fees and works specified. In the case of Section 278 schemes there are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.
- 1.3 Within the following section of this report there are references to plans showing the proposed highway improvements in accordance with the appropriate planning conditions. Statutory and public consultation on these proposals was undertaken through the planning process. These schemes are

subject to on-going technical approval processes and the final detail of the schemes may differ slightly to that shown here.

- 1.4 Where applicable the construction contracts for these works will be undertaken by contractors from the appropriate Lot of the Council's Framework Contract for the Provision of Engineering and Construction Works. The procurement process will either involve a mini-competition between Framework contractors or a direct award to a Framework contractor nominated by the appropriate developer. The direct award option is only available when the works are wholly funded by a developer who has entered into a Section 278 agreement with the Council. In very specific circumstances the Council will allow a developer to procure the works through their own contract and in these cases the capital programme allocation will be for fees only.
- 1.5 Where the proposed highway improvements include certain forms of traffic calming, a traffic signal controlled pedestrian or cycle crossing or there is a need for a traffic regulation order in respect of a speed limit or waiting restrictions, then it will be necessary to carry out a separate statutory notice and consultation procedure which will be reported to the relevant Portfolio Holder if objections are received.
- 1.6 Where a highway scheme is considered and approved as part of the planning process, the courts have made it clear that the highway / traffic authority is expected to co-operate in its implementation unless some exceptional or changed circumstances call for a different approach.

## **2.0 A45 Stonebridge Highway / D2201 Rowley Road, Baginton**

- 2.1 A planning application was submitted to Warwick District Council by Coventry City Council in respect of a development on land between A45 Stonebridge Highway and D2201 Rowley Road, Baginton, known as "Whitley South". Planning permission was granted on 10 July 2017 (ref: W/16/0239). The planning application includes new slip roads to the A45 and connecting roads to a new roundabout on Rowley Road.
- 2.2 A plan showing the approved design of the highway improvement is included in **Appendix A**. The Council entered into a Section 278 agreement with the Developer, Coventry City Council, and the leaseholder, Coventry and Warwickshire Development Partnership LLP, on 12 September 2019 which permitted the Developer to enter into their own contract and works are now underway. Under the terms of the Section 278 agreement all the costs and fees are fully funded by the Developer.
- 2.3 As the new highway assets which are being created will come on to the Council's balance sheet once completed, the costs incurred by the Council still need to be treated as capital expenditure. Therefore the recommendation is to add this scheme to the Capital Programme at an estimated cost of **£600,000** in respect of the fees which have been and will be incurred for technical approval of the designs and the supervision of the construction works, which are expected to be completed in the 2020/21 financial year.

### 3.0 B4029 Bedworth Road, Bulkington

- 3.1 A planning application was submitted to Nuneaton and Bedworth Borough Council by Taylor Wimpey for the erection of up to 190 dwellings on land between Bedworth Road and Severn Road, Bulkington. Planning permission is pending (ref: 036491) and the proposals submitted by the Developer include the construction of an access from Bedworth Road.
- 3.2 Plans showing the layout of the proposed highway improvement are included in **Appendix B**, however these may be subject to change as the planning process and subsequent detailed designs evolve. The Council will enter into a Section 278 agreement with the Developer and under the agreement all the Council's costs and fees associated with the technical review, procurement and supervision of the works will be fully funded by the Developer.
- 3.3 Subject to the recommendation to add this scheme to the Capital Programme being agreed at an estimated cost of **£500,000** the technical review of the scheme design is expected to commence within the 2019/2020 financial year and the works will be procured in a future financial year once the technical review is complete to the County Council's satisfaction.

### 4.0 B4632 Campden Road, Quinton

- 4.1 A planning application was submitted to Stratford-on-Avon District Council by Codex Land Promotions Ltd for a four-arm roundabout to serve a mixed use development on land within Wychavon District Council's administrative boundary. Planning permission was granted on 01 August 2013 (ref: 13/00126/OUT). This scheme is now being promoted by Persimmon Homes.
- 4.2 Plans showing the layout of the proposed highway improvement are included in **Appendix C**, however these may be subject to change as the detailed designs evolve. The Council will enter into a Section 278 agreement with the Developer and under the agreement all the Council's costs and fees associated with the technical review, procurement and supervision of the works will be fully funded by the Developer.
- 4.3 Subject to the recommendation to add this scheme to the Capital Programme being agreed at an estimated cost of **£1,500,000** the technical review of the scheme design is expected to commence within the 2019/2020 financial year and the works will be procured in a future financial year once the technical review is complete to the Council's satisfaction.
- 4.4 Subject to the Deputy Leader's approval to add this scheme to the capital programme, further approval is sought to procure the major contract for the scheme and to enter into such contract subject to the applicable Section 278 Agreement with the Developer being signed which will provide for 100% of the funding.

## 5.0 C33 Bubbenhall Road, Baginton

- 5.1 A planning application was submitted to Warwick District Council by Coventry and Warwickshire Development Partnership LLP in respect of a development on land between D2201 Rowley Road and C33 Bubbenhall Road, Baginton, known as "Gateway South". Planning permission was given on 07 October 2019 (ref: W/18/0522). The planning application includes connecting roads to the new Whitley South roundabout on Rowley Road and C33 Bubbenhall Road.
- 5.2 A plan showing the proposed design of the highway improvement is included in **Appendix D**, however these may be subject to change as the detailed designs evolve. The Council will enter into a Section 278 agreement with the Developer and under the agreement all the Council's costs and fees associated with the technical review and supervision of the works will be fully funded by the Developer.
- 5.3 As the new highway assets which are being created will come on to the Council's balance sheet once completed, the costs incurred by the Council still need to be treated as capital expenditure. Therefore, the recommendation is to add this scheme to the Capital Programme at an estimated cost of **£600,000** in respect of the fees which have been and will be incurred for technical approval of the designs and the supervision of the construction works, which are expected to be completed in the 2021/22 financial year.

## 6.0 D6216 Upper Henley Street, Stratford-upon-Avon

- 6.1 Stratford-on-Avon District Council wish to make public realm improvements to the adopted highway on Upper Henley Street in Stratford-upon-Avon.
- 6.2 A plan showing the proposed design of the public realm improvements is included in **Appendix E**, however these may be subject to change as the detailed designs evolve. The Council will enter into a Section 278 agreement with Stratford-on-Avon District Council to permit them to enter into their own contract to undertake the works and under the agreement all the County Council's costs and fees associated with the technical review and supervision of the works will be fully funded by Stratford-on-Avon District Council.
- 6.3 As the new highway assets which are being created will come on to the Council's balance sheet once completed, the costs incurred by the Council still need to be treated as capital expenditure. Therefore the recommendation is to add this scheme to the Capital Programme at an estimated cost of **£50,000** in respect of the fees which have been and will be incurred for technical approval of the designs and the supervision of the construction works, which are expected to be completed in the 2020/21 financial year.

## 7.0 M6 Junction 1 / A426 Leicester Road, Rugby

- 7.1 A planning application was submitted to Rugby Borough Council by Moto Hospitality Limited in respect of a new motorway service area off M6 Junction 1 to the north of Rugby. Planning permission was given on 02 May 2018 (ref: R17/0011). The highway improvements include an access into the motorway service area and changes to the slip road from the M6.
- 7.2 A plan showing the proposed design of the highway improvement is included in **Appendix F**, however these may be subject to change as the detailed designs evolve. Given the complexity of these works and the interaction with the strategic highway network, the County Council will enter into a Section 278 agreement with the Developer to permit them to enter into their own contract to undertake the works and under the agreement all the costs and fees associated with the technical review and supervision of the works will be fully funded by the Developer.
- 7.3 As the new highway assets which are being created will come on to the Council's balance sheet once completed, the costs incurred by the Council still need to be treated as capital expenditure. Therefore, the recommendation is to add this scheme to the Capital Programme at an estimated cost of **£250,000** in respect of the fees which have been and will be incurred for technical approval of the designs and the supervision of the construction works, which are expected to be completed in the 2021/22 financial year.

## 8.0 Financial implications

- 8.1 As the new highway assets which are being created through these schemes will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.
- 8.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the schemes described in the sections 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.
- 8.3 The financial years within which the technical review and works are expected to start are included in the sections above. However, the commencement of the works is dependent on the completion of the technical review, procurement and contractor mobilisation processes and may slip. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

## Background papers

None

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The report was circulated to the following members prior to publication:

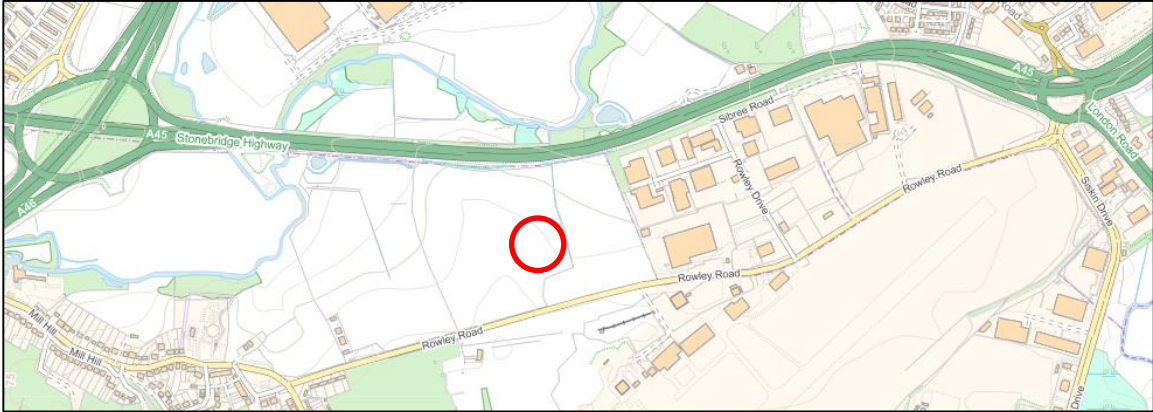
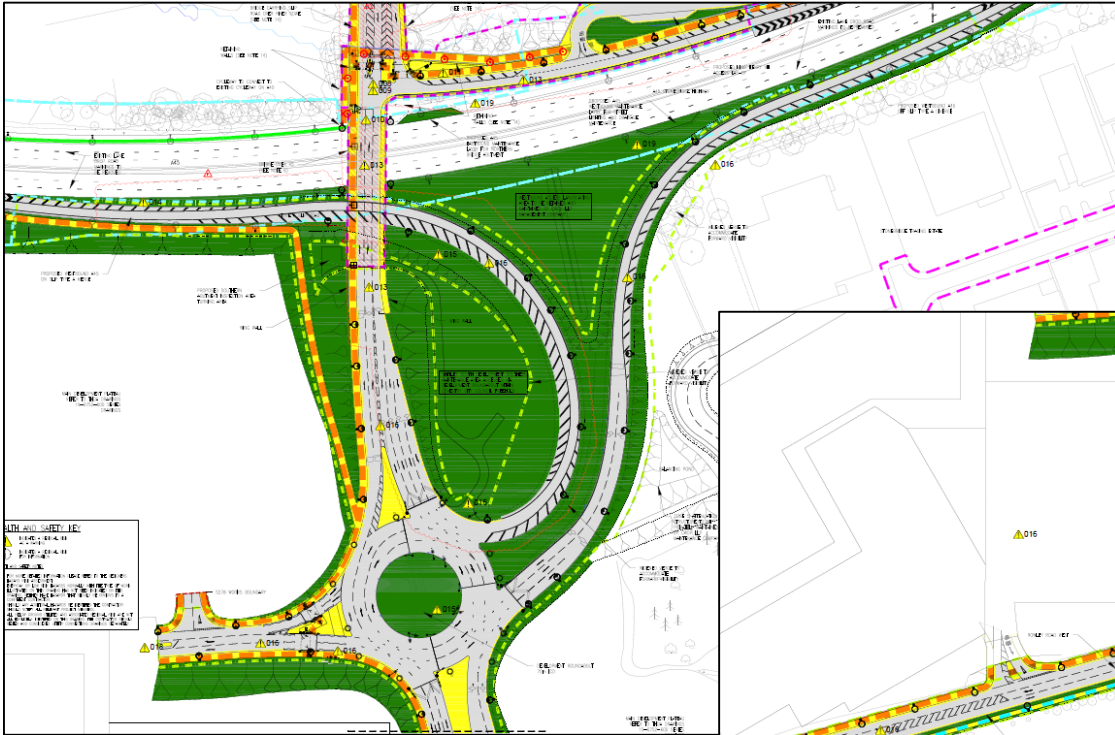
Local Members:

Cllr Brain – Bidford and Welford  
Cllr Morgan – Bulkington and Whitestone  
Cllr Redford – Cubbington and Leek Wootton  
Cllr Seccombe – Stour and the Vale  
Cllr Simpson-Vince – Brownsover and Coton Park  
Cllr Skinner – Stratford North  
Cllr Warwick – Fosse

Other Members:

Cllrs Singh Birdi, Chilvers, Butlin, Chattaway and Boad

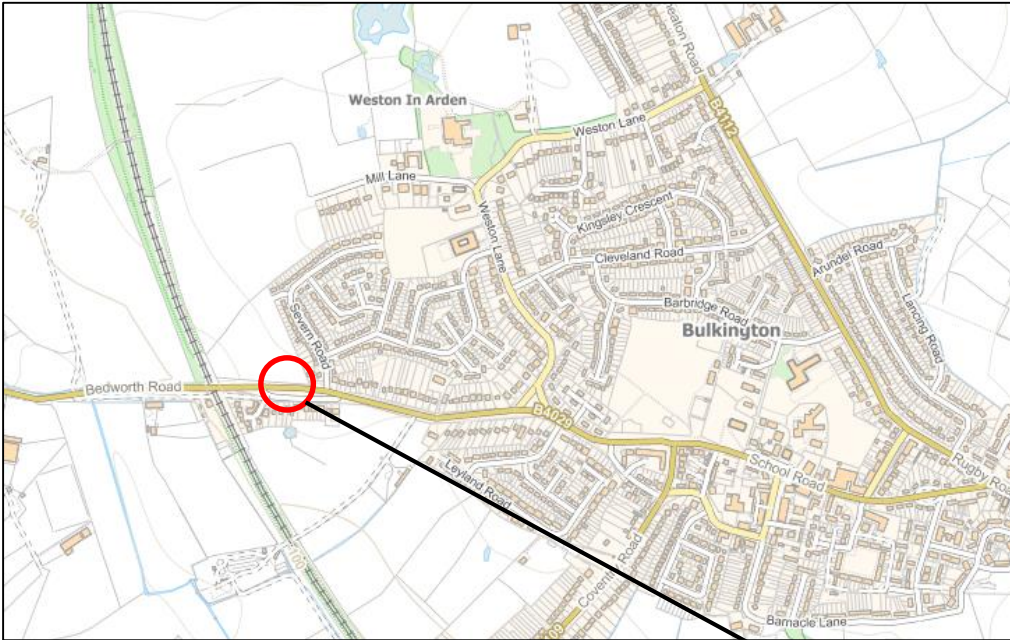
# Appendix A



S278 scheme:  
Stonebridge Highway /  
Rowley Road, Baginton



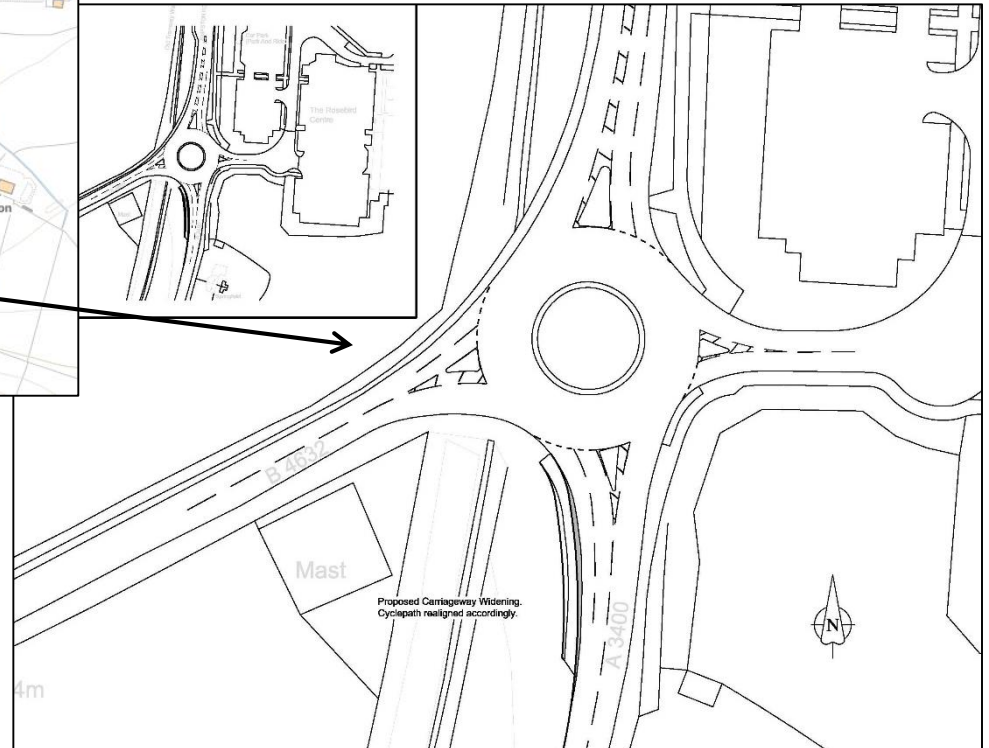
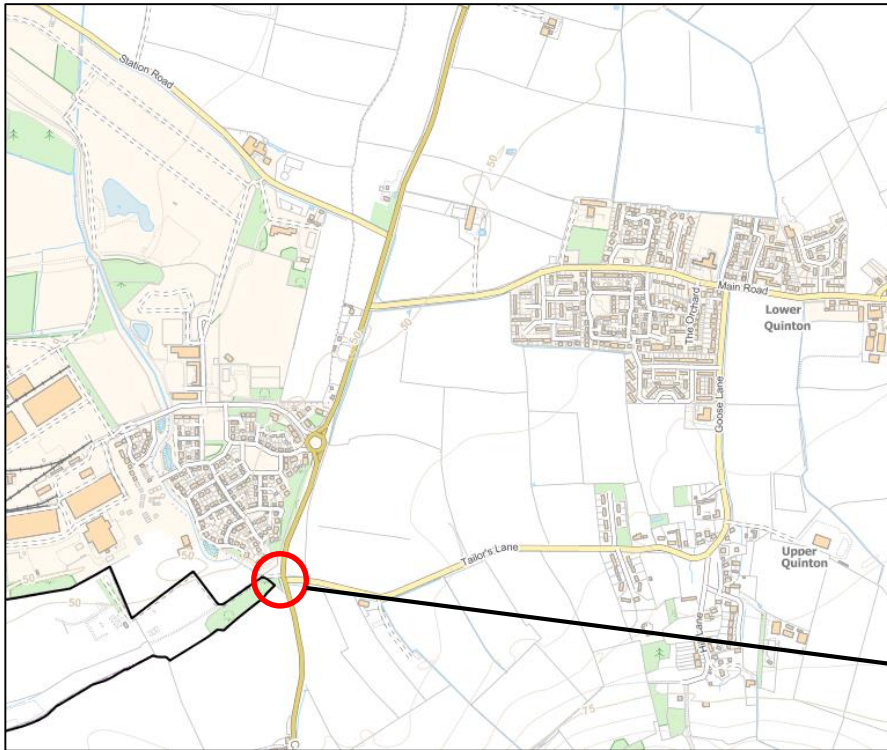
**Appendix B**



S278 scheme:  
B4029 Bedworth Road,  
Bulkington



# Appendix C

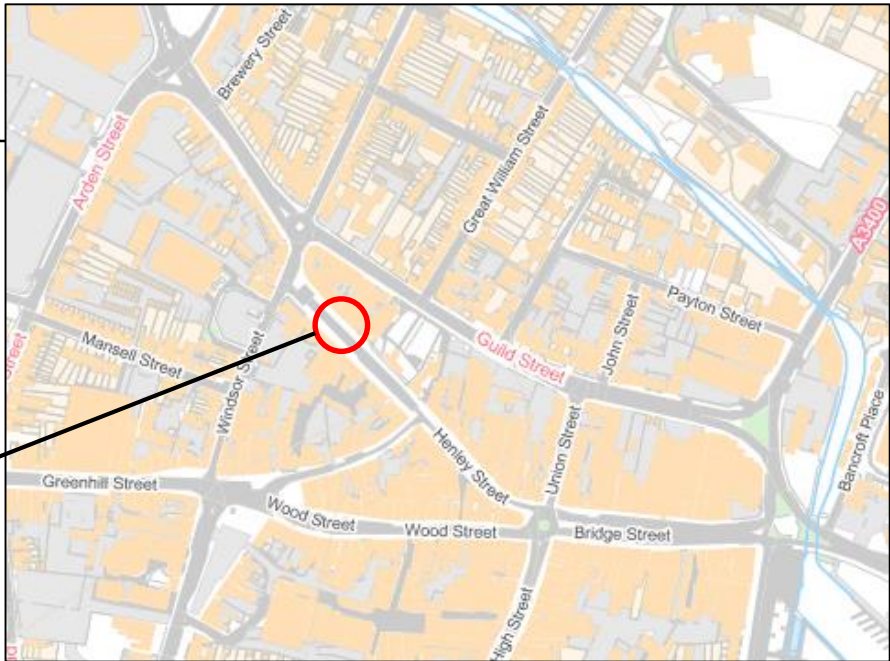
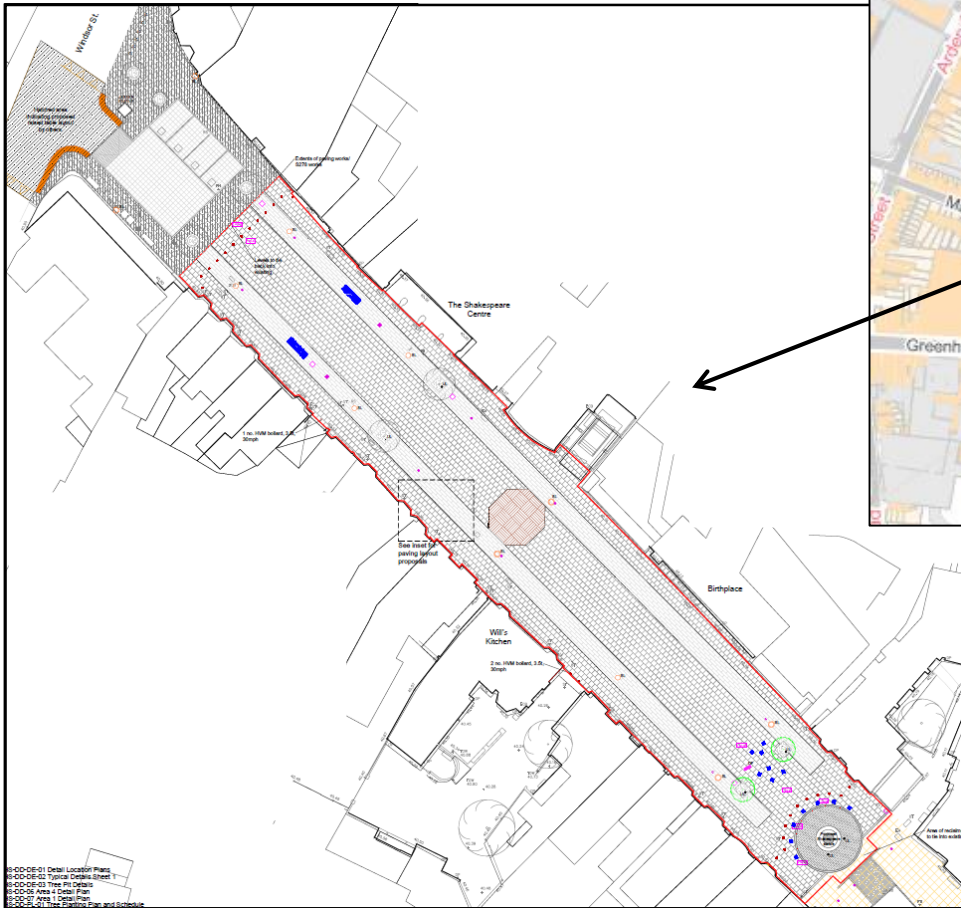


S278 scheme:  
B4632 Campden Road,  
Quinton



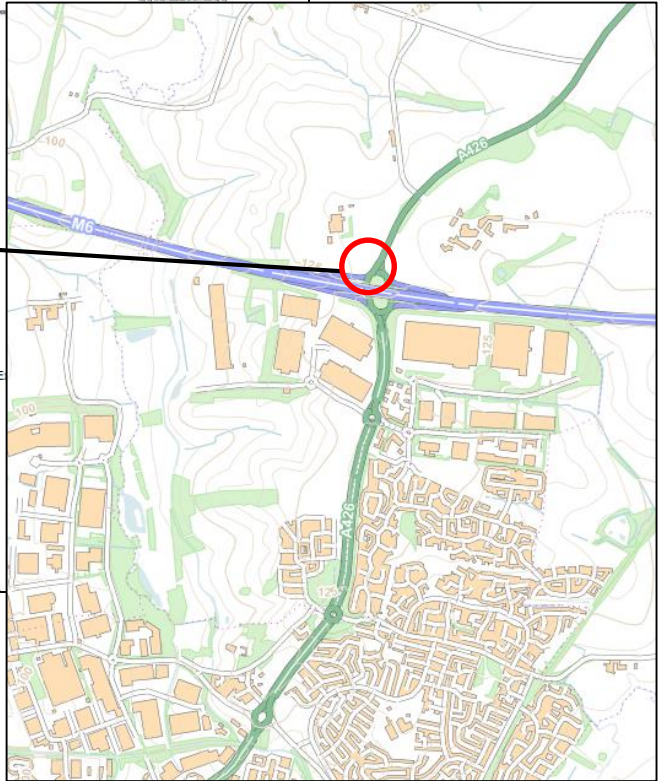
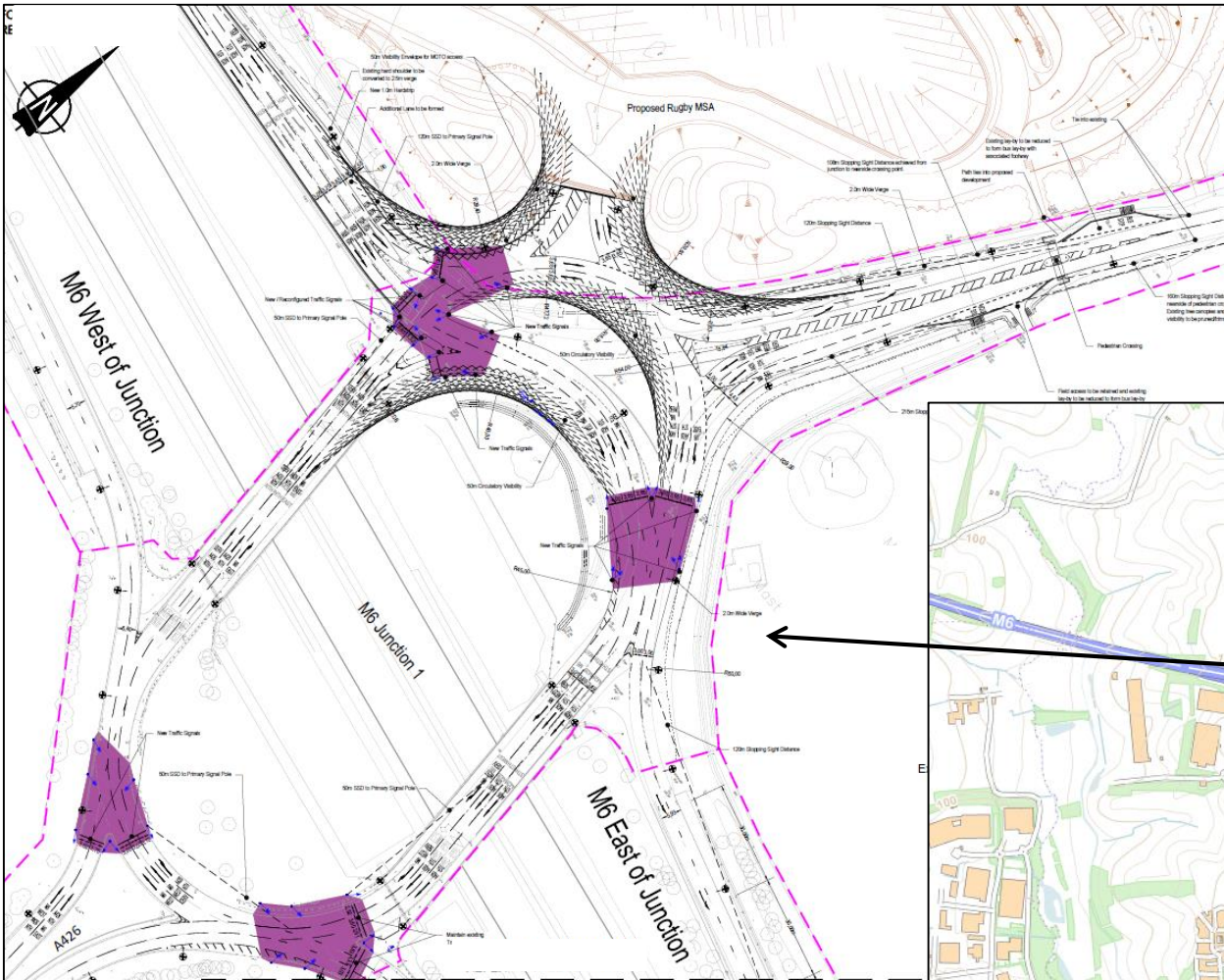


# Appendix E



S278 scheme:  
D6216 Upper Henley  
Street, Stratford-  
upon-Avon

# Appendix F



S278 scheme:  
M6 J1 / A26 Leicester Road, Rugby