

Planning and Development Board - Supplementary Report

5 August 2024

PAP/2021/0372

Flexdart, Marsh Lane, Water Orton, B46 1NS

Development of five industrial units and extension to unit D for Class E(g) (i) (ii) and (iii) (offices, research and development and light industrial processes). Class B2 (General Industrial) and Class B8 uses (storage and distribution). Application for replacement metals reclamation and recycling processing works dealt with by WCC (reference NWB/23CM002) for

Flexdart Ltd

1. Introduction

- 1.1 This application is included on the Agenda for the Board's 5 August Meeting.
- 1.2 It indicates that the final consultation response from the Warwickshire County Council as Highway Authority was still awaited at the time of publication of the report. The recommendation reflects this position.
- 1.3 That response has now been received and with the agreement of the Chairman, this Supplementary Report has been prepared for circulation, rather than have the matter tabled on the evening of the Meeting.

2. The Highway Authority Response - Conditions

- 2.1 As anticipated in the main report, the Warwickshire County Council as Highway Authority has formally responded with no objection.
- 2.2 It has requested that conditions be placed on any planning permission that might be granted.
- 2.3 The first is that the vehicular access and egress points into the site should be completed with the appropriate bell-mouths prior to occupation and that gates as shown should not open towards the highway.
- 2.4 The second requires permanent closure of all existing points not included in the proposals.
- 2.5 The third requires the provision of advance warning signs of the new access arrangements and of the weight restrictions on traffic travelling west into Water Orton, prior to occupation.
- 2.6 The fourth requires delivery of the appropriate visibility as specified in the wording of the condition.

- 2.7 Other conditions include the need for a Construction Management Plan and a Green Travel Plan. These are already included in the recommendation in the main report – conditions 3 and 16.
- 2.8 These conditions if agreed by the Board, can be added to the recommended schedule of conditions contained in the main report as prior to occupation conditions.

3. The Highway Authority Response – Section 106

- 3.1 The main report within its Highways and Section 106 Sections refers to several requests for contributions. The updated response has reviewed these and amended them from the original requests.
- 3.2 The first of the original requests was for £2k towards the re-calibration of existing traffic signals at the junction of Marsh Lane with the A446. This remains.
- 3.3 The second was a contribution of £200k towards footpath connections into Water Orton. This has been reviewed. The Highway Authority and applicant have agreed that this connection would be now provided through the Section 278 works under the Highways Act 1980, rather than through Section 106 procedures. In order to protect the delivery of these works from a planning perspective, a planning condition has been recommended. This would say that no more than 50% of the new floor area provided under any planning approval should be occupied until these highways works – including improvements to the existing bus stops - has commenced, and no more than 75% of the development shall be occupied until satisfactory final completion.
- 3.4 The third of the original requests for £8k towards a Traffic Regulation Order to prevent on-street parking on Marsh Lane remains.
- 3.5 The fourth was a request to make a Traffic Regulation Order to reduce the speed limit fronting the site from 60mph to 50mph. Clarification has been sought on this as there is only reference therein to “fronting the site”. The County Council has confirmed that this reduction would apply from the Marsh Lane junction with the A446 all the way to the present 30mph signage on the outskirts of Water Orton. This has now been valued at £8k and remains.

- 3.6 In terms of compliance with the Statutory Section 106 tests, then the first and third of these were found to be compliant in the main report, and that conclusion still stands in respect of the revised response. The removal of the second and including a planning condition in its place is proportionate and appropriate. The fourth one – speed reductions - was not found to be compliant as it was considered that it addresses an existing problem and was thus not necessarily a direct consequence of mitigating any adverse impacts of the proposal. The applicant has however agreed to its inclusion in a Section 106 Agreement and in such a circumstance, it is considered on balance that it could be included.
- 3.7 The other matter referred to in the main report in respect of the Section 106 Agreement, that of ensuring the phasing of the development, still remains as in that report.

Recommendation

That planning permission be granted subject to the conditions as set out in the main report together with those reported in Section 2 above and as set out in para 3.3 of this report, and the completion of a Section 106 Agreement between the applicant, the Borough Council and the Warwickshire County Council in the terms set out in this supplementary report in respect of highway matters and the main report in respect of the phasing of the development.