

 EXECUTIVE 13 November 2019		Agenda Item No. 9
Title	Further technical work relating to Land East of Kenilworth Development Brief	
For further information about this report please contact	Andrew Cornfoot Andrew.cornfoot@warwickdc.gov.uk	
Wards of the District directly affected	Kenilworth Park Hill Kenilworth St. John's	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Executive, 6th March 2019, Item 4	
Background Papers	Warwick District Local Plan 2011-2029 Land East of Kenilworth Development Brief 2019	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes - 1,042
Equality & Sustainability Impact Assessment Undertaken	Yes
The Local Plan and the policies within it has been subject to equalities impact assessment.	

Officer/Councillor Approval	Date	Name
Chief Executive	09/10/2019	Chris Elliott
CMT	09/10/2019	Chris Elliott, Bill Hunt, Andrew Jones
Section 151 Officer	09/10/2019	Mike Snow
Monitoring Officer	09/10/2019	Andrew Jones
Head of Service	09/10/2019	Dave Barber
Portfolio Holder(s)	16/10/2019	Councillor John Cooke
Consultation & Community Engagement		
The adopted Development Brief underwent a public consultation carried out between 19 th November 2018 and 14 th January 2019		
Final Decision?	No - If following the completion of the further technical study and public consultation officers recommend amendments to the Development Brief a report will be brought to Executive.	

1 SUMMARY

- 1.1 Following a public consultation, The Land East of Kenilworth Development Brief SPD was adopted by Executive on 6th March 2019.
- 1.2 Following further public comment, additional technical study work is proposed to ensure the robustness of the SPD.

2 RECOMMENDATIONS

- 2.1 That Executive notes the work already undertaken on the Land East of Kenilworth Development Brief and that the document was formally adopted as a Supplementary Planning Document in March 2019.
- 2.2 That Executive authorises expenditure of up to £15,000 to enable the commissioning of an additional detailed highways study specifically relating to impacts arising from any new potential residential development accessed off Thickthorn Close and delegate to the Head of Development Services in consultation with the Portfolio Holder for Development Services to:
 - a) determine the scope of the study; and
 - b) consider the conclusions of the technical study and determine whether it would be desirable to undertake a further public consultation on amendments to the Development Brief relating to this specific matter.
- 2.3 If a further public consultation is deemed to be desirable by the Head of Development Services in consultation with the Portfolio Holder for Development Services, that Executive approves the undertaking of a further public consultation specifically on the matter identified in 2.2.
- 2.4 That Executive notes that if a further public consultation is carried out, a further report will be brought to Executive to update Members on representations received to the consultation and the report shall include a recommendation for whether the Development Brief should be amended.

3 REASONS FOR THE RECOMMENDATIONS

- 3.1 During the consultation for the Land East of Kenilworth Development Brief concern was raised regarding reference to the potential for a limited number of dwellings to be accessed off Thickthorn Close.
- 3.2 The provision of this access was considered to be appropriate, with controls to ensure that there was no through-route to the proposed spine road.
- 3.3 A report went before Executive in March 2019 seeking approval to adopt the Development Brief in line with responses to representations and proposed changes, where deemed appropriate, were identified within an appendix. The representations raised by residents of Thickthorn Close were specifically set out within the Executive report of March 2019 as a key matter arising from the public consultation. However, aside from changes to clarify matters relating to Thickthorn Close, there were no changes proposed that would remove reference to the potential use of Thickthorn Close as an access to serve a small number of dwellings. Executive approved the recommendation to adopt an amended version of the Development Brief, with amendments in accordance with the report and appendix.

- 3.4 However, dialogue has continued between Council officers, Councillors and residents and it is considered prudent to commission appropriately detailed technical work that will establish whether there is capacity on Thicket Close and the surrounding network to support a limited number of dwellings, either now or at a point in the future.
- 3.5 Should the outcomes of this study demonstrate that an amendment should be made to the SPD then this would need to be subject to public consultation. A further report will then be brought to Executive to update Members on representations received to the consultation and with a recommendation for whether the Development Brief should be amended.

4 POLICY FRAMEWORK

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. Amongst other things, the FFF Strategy contains Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The Council's SAP's are the programme of work fundamental to the delivery of the strands described in the table below.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and leisure activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant towns Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
The SPD will help ensure that the developments bring forward the allocated housing	The SPD will help ensure the provision of green corridors through the site	The DPD will ensure that appropriate improvements and enhancements are required alongside development with the appropriate contributions made by developers
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u>	<u>Intended outcomes:</u>	<u>Intended outcomes:</u>

All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	Better return/use of our assets Full cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The SPD will help officers in pre-application discussions and in determining relevant applications	Not applicable	Not applicable

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies. The Local Plan is one of the key strategies, cutting across many of the FFF strands.

4.3 **Changes to Existing Policies**

The Development Brief supports the policies adopted within the Local Plan and adheres to national and local policies rather than changing them.

4.4 **Impact Assessments**

The public consultation for the Development Brief was undertaken in line with the Council's Statement of Community Involvement (SCI) 2016 approved by Executive in January 2016. The SCI specifically seeks to ensure that all relevant sectors of the community are consulted. The Local Plan has been subject to an equalities impact assessment which considered the implications of consultations on equalities.

5 BUDGETARY FRAMEWORK

- 5.1 The costs of conducting the additional work is estimated to be no greater than £15,000 for which extra budget is requested, as per recommendation 2.2. It is proposed that this is funded from the Planning Reserve (current project unallocated balance £250k).

6 RISKS

- 6.1 Although any amendments to the Development Brief that may arise from the technical study will be supported by evidence, there is a risk that by amending an already adopted document it may encourage others including residents, politicians and promoters or developers to push for further detailed consideration of other matters in adopted Supplementary Planning Documents in the District and more specifically on other matters relating to this Development Brief. For this reason, the scope of the proposed amendment is narrow and specific and has been justified purely as a result of ongoing public concern about this element of the Brief.

7 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Executive could decide that the Development Brief has already gone through public consultation, with this issue considered, and has already been adopted and published and therefore not pursue the undertaking of any additional technical work. However, given the public concern regarding this specific issue this alternative would not give additional, detailed evidence in order to provide the most robust Development Brief possible.
- 7.2 The Executive could decide not to pursue a change to the Development Brief without the further technical study. However, as there would therefore be no evidence-based reason for the change, any such change would be unlikely to withstand legal scrutiny.

8 BACKGROUND

- 8.1 The Warwick District Local Plan 2011 – 2029, adopted in September 2017, includes significant housing, education and employment allocations to the east of Kenilworth. Local Plan Policy DS15 'Comprehensive Development of Strategic Sites' applies to housing allocations H06 and H40 to the east of Kenilworth and requires proposals to represent a comprehensive development scheme for the entire site to be demonstrated by the submission of either a Development Brief or a Layout and Design Statement as appropriate.
- 8.2 In October 2018 Executive approved the public consultation on the Draft Land East of Kenilworth Development Brief and agreed to a recommendation that the Development Brief will be brought back before them to formally approve as a Supplementary Planning Document.
- 8.3 The draft version of the Land East of Kenilworth Development Brief was subject to an 8-week period of consultation between 19th November 2018 and 14th January 2019.
- 8.4 During the consultation the issue of the potential use of Thickthorn Close as an access to serve a small number of dwellings raised concern with residents of that road. The Development Brief does not state that Thickthorn Close must be used as an access for a small number of dwellings. It does however suggest this as an option. The Brief would require the impact of any such development upon existing residents to be fully considered at the planning application stage and an assessment on the impact upon the local highway network.
- 8.5 In preparing the Brief officers had liaised with the Local Highway Authority (LHA) (Warwickshire County Council) on this matter and the Local Highway Authority raised no issues in principle, subject to more detailed assessment as would be required through the planning application process for all access arrangements identified in the Development Brief. Warwick District of Council officers and the Local Highway Authority agreed that should Thickthorn Close be used to serve a small number of properties there should be no road connection through to the spine road to avoid rat running although there should be a connection through for pedestrians and cyclists. Officers, whilst understanding the concerns of residents, considered that what was proposed in the Development Brief was entirely appropriate.
- 8.6 In March 2019 Executive approved a report on the outcome of the consultation and agreed to adopt an amended version of the Development Brief.

- 8.7 Since March ongoing dialogue has taken place between officers, elected Members and a member of public relating to a specific issue arising from the Development Brief. This relates to the potential for Thickthorn Close to be used as an access serving a small number of dwellings within housing allocation H06 'East of Kenilworth (Thickthorn)'.
- 8.8 Officers have spoken with the promoters of the allocated housing site adjacent to Thickthorn Close and understand that at this point in time access off Thickthorn Close is not being considered at all, or technically explored.