

Planning Committee: 1 February 2006

Item Number: 01

Application No: W 05 / 0262

Registration Date: 15/02/2005

Town/Parish Council: Kenilworth

Expiry Date: 12/04/2005

Case Officer: Martin Haslett

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Dalehouse Lane/Common Lane/Cotton Drive, Kenilworth, CV8 2ED

Outline application: Residential Development including improvements to Dalehouse Lane/Common Lane junction. FOR JG Land & Estates

Members of the Committee resolved to refuse planning permission on this site on 23rd June last year in accordance with officer recommendations. It was subsequently reported to members that the applicant's agents had expressed concern (supported by a counsel's opinion) that the officer's written report was deficient and misleading in that it made no reference to the amendment to PPG3 published on 24th January 2005. The agent indicated that if the Council issued the decision, it would mount a legal challenge.

Following this, the decision to refuse the application was not issued. This was reported to members on 12th July in a new report on the application which still retained a recommendation for refusal. Following publication of these committee papers, and prior to the Committee date, the applicant submitted further counsel's opinion that the report was still deficient. On the basis of this opinion, this report was withdrawn by officers on the night and not considered by members.

Since that time, no report has been brought before this Committee on this application, however work has been underway to progress the application to a point at which I hope shortly to be able to bring a new report to you. This work has had two elements:-

1. The Council has taken its own legal advice on the counsel's opinions received from the applicant;
2. The Council has been in discussion with the applicant over the assessment it made in the first (and second) Committee reports regarding the viability of the site for continued employment use. As a consequence of this, the Council has appointed King Sturge, an independent firm of chartered surveyors and property consultants, to assess the report prepared by Wareing and Company on behalf of the applicant that accompanied the original application. This work is still underway and the applicant is seeking to respond to issues that have been raised by King Sturge in a report they prepared for the Council in October 2005.

It is anticipated that this work will be completed soon, and at the first available opportunity I will bring a fresh report back to members. This report will respond to the outcome of all the above work and deliberations and make an appropriate recommendation.

RECOMMENDATION:

That the report be NOTED.
