

31<sup>st</sup> October 2012 Planning Committee – Late List

Page	Site Address	Application No.	Update
13	Units 7b & 7c Victoria Road Trading Estate	BH2012/02225	<p>Email from agent dated 24<sup>th</sup> October outlining that they would prefer a legal agreement restricting the applicants from opening a climbing wall centre at Newton Road as whatever happens at Newtown Road is out of the applicant's control.</p> <p><b>Officer's recommendation:</b> A legal agreement as recommended in the report to committee is considered appropriate and would enable the Local Planning Authority to maintain control over the implementation of the climbing wall permissions and thereby the temporary loss of floorspace protected by EM1.</p> <p>Letter from the <b>applicant</b> dated 24<sup>th</sup> October outlining the business case for a 10 year permission. They have stated that the costs of a climbing wall are heavily front loaded and require 10 years for a return on their investment in line with their business plan. They have outlined that the climbing wall structures and safety matting are custom-built and fitted into the exact contours of the building and relocating after 5 years would require new equipment and the additional costs involved would be prohibitive. The finance repayments over a five year period would double and be prohibitive. The customer growth projections would be adversely affected. Also their agreement for lease would fail.</p> <p><b>Officer's recommendation:</b> Given the unique circumstances outlined by the applicant, including the high costs of their custom made facilities and their financing, a 10 year permission is considered appropriate in this case.</p> <p>Letter from <b>freeholder of application premises</b> outlining that they will be involved in 'considerable expense' in splitting the proposed climbing wall units from the remaining unit and it would not be viable for either party to incur those costs without the security of a 10 year letting. The Agreement for Lease would fail.</p> <p>Letter from the <b>applicant's bank</b> outlining that the loan for the facilities have been agreed on the basis of a 10 year business plan 'which we believe gives a solid base for the company and, therefore, the bank to see a good return on its investment in a managed and proper way'. The climbing wall would have high initial costs and any reduction in planning consent below 10 years would seriously jeopardise their ability to obtain loan funds.</p> <p>Letter from the <b>applicant</b> dated 18<sup>th</sup> October expressing concern about a temporary</p>

			<p>permission of 5 years and proposed legal agreement. Most of the initial costs would be site specific and their bank funding and lease agreements are based on a 10 year business plan. They would provide 15 full time equivalent staff. They consider that the legal agreement would be unworkable as they have no control over the Newtown Road site and have no intention of implementing that permission.</p> <p>Letter from the <b>applicant's agent</b> dated 18<sup>th</sup> October expressing concern about a five year temporary consent and a Section 106 agreement on the following grounds: (i) the property has been vacant for over 3.5 years with no market interest despite the building being refurbished and permission being granted to subdivide it into three smaller units, (ii) a shorter term consent would invalidate the applicant's lease agreement and funding agreement and so would stop the permission from being implemented, (iii) a 10 year temporary consent was considered acceptable for the Newton Road site, (iv) the applicants no longer have an interest in Newton Road and no control over the future use of the property and no interest in implementing that consent. Therefore, in their opinion the legal agreement is not necessary to make the development acceptable in planning terms or directly related to the proposed development.</p> <p>Eight representations of <u>support</u> have been received from: <b>180 Tivoli Crescent North, 78a Mackie Avenue, Flat 2, 26 First Avenue, 24 St. Pauls Street, 21 Hungerford Avenue, 17 The Mews, 7 Gloucester Passage and 1 Warren Court, 3 Meads Street.</b></p>
59	37 Lewes Road	BH2012/02367	<p>A supplementary letter has been received from no. <b>18 Newport Street</b> regarding activities which are taking place on the application site. A photograph has been submitted which indicates that vehicle maintenance / repairs may be taking place. The letter raises concerns regarding vehicle repairs taking place on the site in proximity to residential properties.</p> <p><b>Officer response:</b> The Planning Investigations Team is investigating the portacabin which has been sited on the property and the activities which are taking place at present. The current application seeks consent for car sales only and a condition is recommended to ensure that no other activities take place.</p> <p><b>Correction:</b> An error has been noted in the report for the application. Paragraph 8.5 on page 65 includes the sentence:  <i>'The Sustainable Transport Officer has raised no objection to the proposal. It is considered of importance that a 'one way' route through the site is enforced (as was the case in relation to the previous use of the site), with vehicles entering the site from Lewes Road and <b>existing</b> on to Newport Street.'</i></p>

			This sentence should read: <i>'The Sustainable Transport Officer has raised no objection to the proposal. It is considered of importance that a 'one way' route through the site is enforced (as was the case in relation to the previous use of the site), with vehicles entering the site from Lewes Road and <b>exiting</b> on to Newport Street.'</i>
83	9 Hillbrow Road	BH2012/02370	<u>Objection</u> letter from <b>26 Valley Drive</b> - 'The proposed dwelling at the bottom of 9 Hillbrow Road's garden will be unsightly from the rear garden of 26 Valley Drive'.

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

