

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 5 JULY 2011

Title:

**TEMPORARY LICENCE FOR ACCESS AND COMPOUND
HIGH STREET CAR PARK, HASLEMERE**

**[Portfolio Holder: Cllr Mike Band]
[Ward Affected: Haslemere East and Grayswood]**

Note pursuant to Section 100B(5) of the Local Government Act 1972

An annexe to this report contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, viz:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Summary and purpose:

Authority is sought to grant the developer of 14-18 Lower Street, Haslemere temporary access over the Council's car park and for a small compound area on the car park in connection with his development.

How this report relates to the Council's Corporate Priorities:

Granting access to the development site over the Council's car park would permit the redevelopment of derelict buildings that are having a detrimental effect on the surrounding area. The proposed new development should have a positive economic benefit to Haslemere in bringing in more customers and businesses.

Equality and Diversity Implications:

There are no equality and diversity implications.

Resource/Value for Money implications:

The Council would receive a sum for the grant of the licence. This sum should more than offset the cost of the loss of income from spaces that will be removed from use during the development period.

Legal Implications:

The applicant would be expected to meet the Council's legal fees.

Background

1. 14-18 Lower Street consists of buildings that have been allowed to deteriorate over a long period. The derelict appearance of these buildings is considered to have such a detrimental effect on the surrounding area that Waverley has served a Section 215 Notice under the Planning Act 1990 to improve them. The owner has planning permission (WA/2010/0535) to redevelop the site.
2. Under the terms of the planning permission (condition 15), the developers of the site are not permitted to use the public highway in connection with the construction site. It would be difficult for the developers to build on the site without the use of Waverley's adjoining car park. This decision was taken on highway safety grounds, without consideration of the commercial impact.
3. The developers have requested a licence for access for construction vehicles and a small area for materials on Haslemere High Street Car Park in order to build out the scheme. They have considered both accessing the site from the West Street exit and from the High Street access, the latter of which has meant coming to an arrangement with the Gibbs Trust, who own the land. Their preferred access (and Waverley's) is via the High Street.
4. As use of the car park would make the development of the scheme easier, quicker and cheaper for the developer, the fee for the licence has been valued on a commercial basis as a ransom. This is in line with the principles behind Section 123 of the Local Government Act 1972. The proposed licence fee is set out in (Exempt) Annexe 2, though it should be made clear that this has yet to be agreed with the developer. The licence will require the developer to follow risk assessments and method statements designed to reduce any risk for the general public using the remainder of the car park. It is expected that the licence will be required for between 50 and 60 weeks.
5. As part of the development it is proposed to dig away the bank between the site and the car park, which would result in a small extra sliver of land available for the car park. This extra land is sufficient to allow for the reorganisation of spaces at that point to provide between 4 and 6 extra spaces, half of which the developer would take on an annual basis. The developer wants the value of this land set against the cost of the licence fee. The value of these spaces as assessed by Waverley is set out in (Exempt) Annexe 2.
6. As well as the licence fee, which covers the loss of income to Waverley, the developers would be expected to provide a deposit against damage caused by their vehicles to the car park surface and pay for a survey to assess the present condition of the car park over which their vehicles will pass. The latter cost is set out in the (Exempt) Annexe and the former cost will depend upon what the survey discovers.

Conclusion

7. In order to permit the redevelopment of 14-18 Lower Street, Haslemere, Waverley will need to grant a licence to the developer over the High Street, Haslemere Car Park. However, Waverley should assess the fee for the licence on a commercial basis.

Recommendation

It is recommended that Waverley grant the developer of 14-18 Lower Street, Haslemere, a temporary licence to access the development site and to store materials within a designated area on High Street Car Park, Haslemere with terms and conditions as set out in the (Exempt) Annex and the details to be agreed by the Deputy Chief Executive.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Ailsa Woodruff **Telephone:** 01483 523459
E-mail: ailsa.woodruff@waverley.gov.uk

G:\Bureau\Comms\Executive\2011-12\02 5 July 2011\014 Haslemere Car Park.Doc