

UNILATERAL AGREEMENT UPDATE

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Mr Glanville AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR Retain the existing 'Fowley Cottage' dwelling and construction of 7No. detached dwellings, two on the Warblington Road frontage and five to the rear garden area. Access to Plot 5 to be taken off Warblington Road, access to Plots 1-4, 6 and 7 to be taken off Curlew Close. At Fowley Cottage, 46 Warblington.-

The Council raises concerns regarding the validity of the Unilateral Agreement as the red edged Location Plan submitted differs from that submitted with the planning application and is it is not to scale. Additionally, the title plan and register are from 2015 and are not “official copies” so cannot be relied upon.

Whilst the Solent Recreation Mitigation Strategy (SRMS) fee has been paid in respect to the current application (APP/19/00623) the fee has not been paid in respect to the Unilateral Agreement for the appeal proposal. The Unilateral Agreement is not valid until payment has been received. The SRMS fee is refunded (less the £23 admin fee) if a permission is not implemented).

As the Unilateral Agreement is already signed and completed it is not possible to insert a new plan with red edging. Therefore, the LPA is of the opinion that the information is **not** sufficient for the Borough Council to confirm that appropriate mitigation measures are secured in respect of the Solent Special Protection Areas. As such for Refusal Reason No.1 continues to apply to the appeal.

However, if the Inspector is minded to allow the appeal then it is requested that this should be subject to a suitably worded section 106 agreement being entered into so that the obligation is properly secured and that appropriate mitigation measures are secured in respect of the Solent Special Protection Areas.