

Q/0531/14

WARSASH

MR M D PAVELEY

AGENT: MR M D PAVELEY

REQUEST FOR DEED OF RELEASE

69 SOLENT BREEZES CHILLING LANE WARSASH SOUTHAMPTON SO31 9HG

Report By

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Introduction

Solent Breezes is a holiday home park comprising holiday chalets and mobile homes and associated facilities. The mobile homes are predominantly owned and managed by a holiday company. The chalets are in private freehold ownership.

The early planning history of Solent Breezes predates Fareham Borough Council succeeding Hampshire County Council as the local planning authority on 1 April 1974. On 3rd October 1966 the County Council entered into a planning agreement with the then owner of Solent Breezes which contained a covenant restricting the occupancy of the chalets and caravans on, or to be on, the site.

In 2005 the Council refused planning applications from the owners of five chalets for the complete removal of the occupancy restriction conditions that were attached to the relevant planning permissions. All five refusals were appealed and all five appeals were allowed to the extent that the inspector granted new planning permissions but subject to a different occupancy condition as follows:-

" The chalet shall not be occupied at any time outside the period between 0900 hours on 1 March in any year and 1800hours on 7 January in the succeeding year".

Relevant planning history

In 2006 the owner of chalet 69 made an application for the variation of the occupancy condition attached to their chalet (attached to planning permission FBC.7456) so that it coincided with the condition imposed by the inspector as set out above.

Planning permission for that variation of condition was granted on 31 May 2006 under reference P/06/0525/VC. An information note attached to that permission said:-

'You are advised that you will need to complete a deed of release for the restrictive covenant contained in the planning agreement of 3rd October 1966.'

No request for the release of the covenant was made prior to the one which is the subject of this report.

Planning Considerations - Key Issues

As the Council has granted a planning permission containing an occupancy condition that is at variance with the terms of the restrictive covenant contained in the 1966 planning agreement, it would be appropriate to take steps to correct the anomaly.

Although the informative note attached to the 2006 spoke in terms of just releasing the

chalet from the 1966 restrictive covenant, it is felt that it would be more appropriate to release that covenant and replace it with a new one that reflects the occupancy restriction attached to planning permission P/06/0525/VC.

Recommendation

That, provided the applicant agrees to pay the Councils legal costs, the Committee authorises the Solicitor to the Council to complete a deed of release and new Section 106 planning obligation on behalf of the Council with the owners of the Chalet 69 Solent Breezes on the terms as set out above.

Background Papers

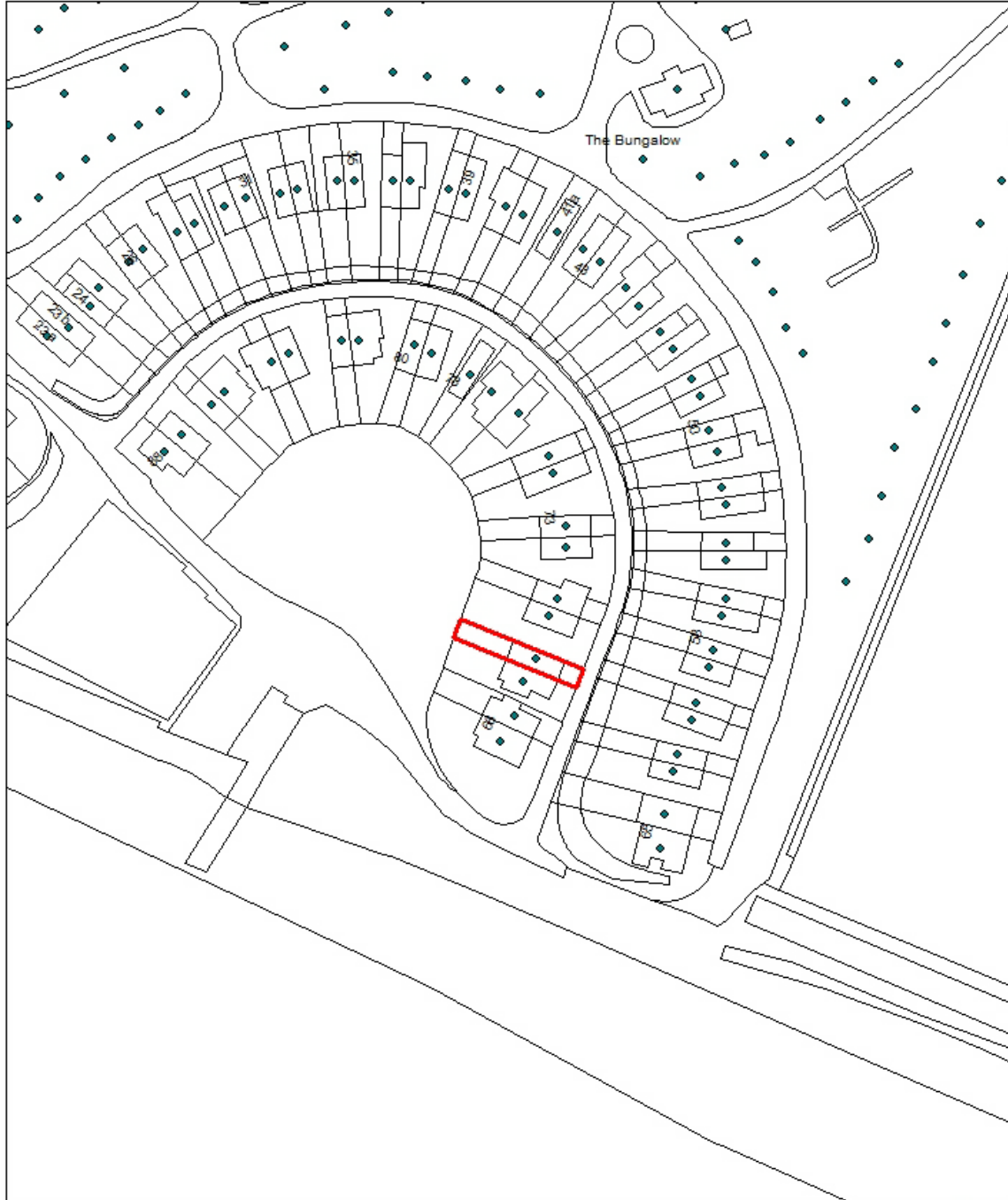
Planning agreement of 3rd October 1966

Appeal decision letter of 3rd November 2005

Planning permission P/06/0525/VC of 31st May 2006

FAREHAM

BOROUGH COUNCIL



69 SOLENT BREEZES
SCALE: 1:1,250

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