

APPENDIX N

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 2 MARCH 2010

Title:

**EASEMENT OF ACCESS TO PROPOSED DWELLING
REAR OF POPLARS, PORTSMOUTH ROAD, MILFORD**

[Portfolio Holder: Cllr Mike Band]

[Wards Affected: Milford Ward]

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 the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely:-

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

Summary and purpose:

The Executive is asked to authorise the grant of an easement to the site of a new dwelling to be erected rear of Poplars, Portsmouth Road, Milford, on terms and conditions set out in the (Exempt) Annexe 1. The land to benefit from the easement is shown outlined on the attached plan at Annexe 2 and the easement is shown cross-hatched.

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

The grant of this easement will provide a capital sum towards the Corporate Priorities.

Equality and Diversity Implications:

There are no Equality and Diversity implications.

Resource/Value for Money implications:

The grant of the easement will provide Waverley with a capital sum.

The applicant will pay Waverley's legal costs.

Legal Implications:

There is an existing easement of access to the Post Office for all purposes connected to the use and enjoyment of that land via this route. However, this easement does not extend to the land rear of Poplars.

1. In 1969, Waverley's predecessor in title granted an easement of access over Elmside to the rear of the Post Office, Portsmouth Road, Milford. This easement was for all purposes.
2. In 2003, planning permission was granted for a pair of semi-detached houses on part of the rear gardens of the Post Office and of Poplars with access over the parking area behind Elmside. A further, substantially similar application was granted in 2009. While the new property in the garden of the Post Office will benefit from the existing right of access, that within the garden of Poplars will require an easement.
3. Terms and conditions for the proposed easement are set out in the (Exempt) Annexe.

Recommendation

It is recommended that an easement of access be granted to benefit the land rear of Poplars on terms and conditions as set out in the (Exempt) Annexe, other terms and conditions to be agreed by the Estates and Valuation Manager.

Background Papers

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

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