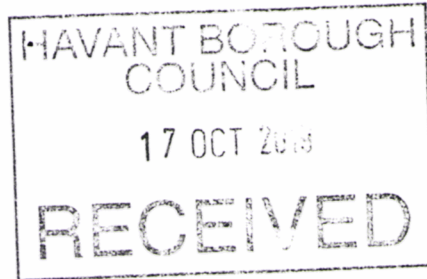


Wednesday 16th October 2019

Planning Development
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hants
PO9 2AX



Dear Sirs

OBJECTION to APP/19/00976 25 Heather Close, Waterloooville PO7 8EE

We should like to raise an OBJECTION regarding the planning application detailed above, under the Town & Country Planning Act 1990.

We speak as residents of Heather & Mallow Close for over 20 years. There are a number of areas which we object to, which are:

Covenant^A

When we purchased our property, our solicitors made us aware of a deed of Covenant between Bovis Homes Limited (the developer), Havant Borough Council and the original purchasers of the 37 properties on the estate comprising Heather & Mallow Close (PO7 8EE & PO7 8EF). This states, under section 3a) & b) that:

For the benefit and protection of the remainder of the land comprised within the title above mentioned or any part or parts thereof and so as to bind the land hereby transferred into whosoever hands the same may come the purchaser hereby covenants with the Company that the purchaser and those deriving title under him will at all times hereafter observe and perform the restrictions and stipulations following:-

- (a) Not to erect construct or plant any fence wall or hedge (whether in the form of a boundary fence wall or hedge or not) upon the land hereby transferred except along the lines marked with a "T" inwards on the said plan and to maintain any fence wall or hedge erected constructed or planted along the said lines in a good and sufficient state of repair*
- (b) Not to erect or permit to be erected any building hut or other constructions on any open area of the land hereby transferred or any fence wall hedge or other physical division and for the purpose of this transfer the expression "open area" shall be any part of a plot which lies between the road to which a plot has a frontage and the front of any dwellinghouse erected on a plot extending to the whole width of a plot And in the case of plots which also abut (either at the side or rear or both) on another road or roads the open area shall include that part of a plot which lies between such other road or roads and the fence line approved by or agreed with the local planning authority or highway authority prior to the date hereof and in this clause the word "road or roads" shall include public highways estate roads and footpaths (and private driveways) Provided that this restriction shall not apply to any hedges walls or*

fences planted retained or erected on any open area by the Company before completion of the Company's development

The planning application is in direct opposition to the Covenants on the land.

Character of estate

If the development goes ahead, and the planning application is approved, this would have a direct impact on the character of the Estate, and would set a precedent that would allow others to remove the "open land". Since the Estate was built in 1982, ALL the open spaces have been maintained. If this planning application was approved, it would inherently change the nature of the estate, and set a precedent that could be used by all other properties on the estate

Sight lines, Parking issues/ Highway safety

We believe that the planning authority should be reminded of the need to maintain highway safety and of the need to consider the relevant design standards. In this respect, we have considered the detail provided in the Department for Transport Manual for Street (2007)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

Specifically, Paras 7.8 and 7.9 on P94/95 are highly relevant, and we cannot stress more strongly the extent to which the fence would obstruct the view a driver emerging from the property would have of pedestrians on the footway.^B

We understand that in addition to the aesthetic of the estate, the open areas were additionally to be conserved as sight lines/visibility splays for vehicles accessing and or leaving the estate. This is particularly relevant to houses numbered 1,9,22,33 and 37 (highlighted in yellow on the attached plan), which correspond to 1 Heather Close, 9 Heather Close, 1 Mallow Close, 23 Heather Close and 27 Heather Close. Again, setting a precedent would give potential for all of these sight lines to be obstructed if other residents also moved their fences to the boundary of the property^C.

Since we have lived on the Heather & Mallow Close estate (herein after called HMC), we have been members of the Heather & Mallow Close Neighbourhood Watch Association and residents Committee (herein after called HMCNW). This committee was formed shortly after the estate was built in 1982. We are aware that the previous chair of the HMCNW committee was in long standing correspondence with Havant Borough Council/Hampshire County Council regarding the highways. This stems from the fact that since Springwood Schools were built, HMC have been used as parking for parents when dropping children off/picking them up from the schools.

Approximately 7 years ago, the Chair of the HMCNW [REDACTED] achieved some success in getting HBC to extend double yellow lines and parking restrictions at the top of Heather Close (Outside 1 HC & 27HC). [REDACTED] 5 years ago, and the new HMCNW committee did not think the double yellow lines extended far enough, and have been in regular correspondence with the parking team at HBC, and have regular meetings with the school, about incidents of poor parking and the driving of school visitors.

Minutes from the HMCNW regular meetings always raise issues concerning parking and driving, and they are of prime concern at the top of HC, and also on the corner outside 25 Heather Close and 9 Heather Close. This section of the road has an adverse camber, and vehicles (we believe belonging to 25HC) park outside 25HC, half on/half off the pavement. This has the effect of forcing vehicles leaving HC to drive on the wrong side of the road on that corner. The sight lines are already poor, and moving the fence to the edge of the pathway/highway would make this situation worse. The HMCNW committee are fearful of accidents involving young children at this corner and there have been numerous near misses. Images attached^D

In addition, where vehicles do park half on/half off the pavement, this means that pedestrians, especially those with children's buggies or wheelchair users, are forced into the road.

The proposed plans would significantly reduce visibility splays, hence WE OBJECT to them.

The proposed plans would remove some "open area" in the Close, which at the moment, just about allows people using the pavement to walk along the path, single file, if vehicles are parked there. The proposed change would have the effect of making the pavement unusable in the event of cars being parked there; hence, we would like to register our objection to the plans.

If the application is agreed, and visibility splays are reduced, we would expect that HBC would be held partially responsible in respect of any accident in this area of Heather Close.

Additionally, the proposed fence would obstruct the sight line of the occupants of 26HC when exiting their drive, as they would be unable to see vehicles and/or pedestrians approaching from the corner outside 25HC. Whilst the estate is a cul-de-sac to vehicles, a pedestrian route exists through to Stirling Avenue and the estate is well used by pedestrians, particularly parents taking their children to and from the local school.

We attach copies of HMCNW minutes, 5 dates over the last 6 years (This is just a sample; every meeting has documented driving and parking problems, some specifically relating to the corner at 25HC)^E

Additional Comments

The residents of 25HC are already breaking other sections of the restrictive Covenant detailed above, by parking on pavements (section3(f)), allowing commercial vehicles to be parked on the roads (section3(g)), and if the Planning Application is approved, they would be breaching a third section of the Covenant. We believe this would set an unacceptable precedent for the future of the HMC estate.

The residents of 25HC have let the "open area" fall into some disrepair, and as such, the bushes are currently higher than they have been in the past. If anything, these plants should be cut down to a sensible height, rather than any changes to the boundary fence.

Consultation

We are concerned that residents at the far end of Heather Close and Mallow Close have not been consulted on these plans, as everyone from 9HC to 25HC and all 11 houses in Mallow Close will be affected by this planning application, and as of 11am 16th October 2019, no notice of planning application has been publically posted, reducing the time these residents will have available for comment.

We welcome confirmation of receipt of this objection, and results of the application in due course.

Yours faithfully



Encs: 26 pages