HAVANT BOROUGH COUNCIL
30 OCT 2019
RECEIVED

[redacted]

29th October 2019

Reference: APP/19/00976

Site address: 25 Heather Close, PO7 8EE

Proposal: Erection of New 1.8m high timber fence on Southern and Eastern boundary

Dear Sir / Madam,

I am writing to raise an OBJECTION to the planning application detailed above under the 'Town and County Planning Act 1990'.

I am objecting for the following reasons:-

1. This breaches the 'Deed of Covenant' between 'Bovis Homes Ltd' and 'Havant Borough Council'. Copies attached.
2. This will have a significant effect on the design, appearance and layout of the estate and set a precedent to others to enclose open space areas as deemed in the 'Covenant'.
3. Highway Safety, sight lines and parking issues. The occupants of 25 Heather Close already obstruct the pavement by parking half on and half off the pavement. The erection of the proposed fence would cause further obstruction, deeming it impossible for pedestrians with children's prams, buggies or wheelchair users to pass. In addition this would significantly affect the sight lines for neighbours reversing from driveways.
4. The 'Deed of Covenant' clearly states that house owners must observe the restrictions and stipulations which include not to errect or construct any fence, wall or hedge on land marked with a 'T' on the site plans nor to form a division of a designated 'open area'. I believe the erection of this fence would fundemenatally change the design and character of the estate which was designed to be open, green and spacious. If all houses were to enclose their property with 1.8m high fences this would be lost. Allowing this application would set this precendent and all houses could be affected. The proposed fence is on a 'T' line.
5. In addition to the design and appearance of the estate the open spaces were

designed to ensure sight lines and visibility for access and egress to the estate. If all relevant properties move their fence to the boundary of the applicable property this would cause significant safety issues. This is of particalur concern as the close is used as general parking for parents when dropping children to the adjacent Springwood Schools. The Neighbourhood Watch committee are in regualr correspondence with the schools and Havant Borough Counci' regarding safety and parking concerns. I believe the errection of this proposed fence will further add to the current safety concerns.

I trust my objection and concerns will be taken into account when considering this application on the above grounds.

Yours Sincerely

[redacted]

HAMPSHIRE

BOROUGH OF HAVANT

TOWN AND COUNTRY PLANNING ACT, 1971

Havant Borough Council,
Civic Offices,
Civic Centre Road,
Havant.
Hants.

Reference No.: 20367/23

HAVANT BOROUGH COUNCIL
30 OCT 2019
RECEIVED

In pursuance of their powers under the above-mentioned Act the Council, as the local planning authority, reby grant OUTLINE PERMISSION for residential - Land adjacent to Stirling Avenue and Frendstaple Road, (Phase C) Stakes Hill Lodge Estate, Waterlooville .

accordance with your application received on 19.10.79. and the plans
id particulars submitted in connection therewith and subject also to due compliance with the conditions specified hereunder:—

1. The development hereby permitted must be begun either before the expiration of five years from the date of the grant of this outline permission, or the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved whichever is the later date.
2. In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of the grant of this outline planning permission.
3. Plans and particulars showing the detailed proposals for all the following aspects of the development must be submitted to the District Planning Authority and development shall not be commenced before these details have been approved.

a) The layout including the positions and widths of roads and footpaths.

b) The density:

c) Landscaping including
(i) an accurate plan showing the position, type and spread of all trees on the site and a schedule detailing the size and physical condition of each tree and where appropriate, the steps

continued...

The reasons for the conditions above are:—

1. & 2. To comply with Section 42 of the Town and Country Planning Act, 1971.
3. To ensure that the external appearance of the buildings is satisfactoy to the District Planning Authority.
4. In order to secure safe traffic conditions.
5&6To maintain as far as possible the appearance of the area.
7. To ensure that the appearance of the development is satisfactory.
8. In order to provide satisfactory footpath network. 9 & 10 see attached sheet.

N.B.—See notes overleaf.

Civic Offices,
Civic Centre Road,
Havant, PO9 2AX.
Telephone: Havant (0705) 474174.

[redacted]

Date 15th November 1979.

All enquiries relating to this permission should be made of the Planning Officer, Civic Offices, Civic Centre Road, Havant, PO9 2AX. Tel.: Havant 474174.

O C

BOROUGH OF HAVANT

TOWN AND COUNTRY PLANNING ACT, 1971

Reference No: 20367/28

The following conditions are also imposed on the grant of the permission/outline permission to which this schedule is attached:—

3.c/continued ... to be taken to bring the tree to a satisfactory condition; and also details of any proposals for the filling, lopping, and topping of any trees.

(ii) a landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;

(iii) the arrangements to be made for the permanent maintenance of landscaped and other open areas.

d) The siting of all buildings and the means of access thereto from an existing or proposed highway.

e) The design of all buildings including the colour and texture of facing and roofing materials.

f) The layout of foul sewers and surface water drains.

g) The provision to be made for the parking, loading and unloading of vehicles.

h) The alignment, height and materials of all walls and fences and other means of enclosure.

i) The provision to be made for street lighting.

j) The provision to be made for the storage and disposal of refuse.

4. There shall be no vehicular access to Frendstaple Road and Stirling Avenue as extended.

5. A survey of the site shall be made by the developers and a plan prepared to a scale of not less than 1:500 showing the exact location, species and spread of all trees on the site and those proposed to be felled during building operations and all natural features such as hedgerows, ponds, streams and large shrubs shall be submitted to and approved by the /continued

The reasons for imposing these conditions are set out on the permission/outline permission to which this schedule is attached.

Civic Offices,
Civic Centre Road,
Havant, PO9 2AX.
Telephone: Havant (0705) 474174.

[redacted]

JBPUEY *Director of Technical Services*

Date 15th November 1972

HAMPSHIRE

BOROUGH OF HAVANT

TOWN AND COUNTRY PLANNING ACT, 1971

Reference No.: 20367/28

The following conditions are also imposed on the grant of the permission/outline permission to which this schedule is attached:—

5... District Planning Authority before any felling or other alteration of the existing condition of the site takes place.

6. The trees on the site which are to be retained shall be protected during building operations by strict compliance with the requirements of the District Planning Authority relating to the protection of trees.

7. A scheme for landscaping, and planting in connection with the proposed development shall be agreed with the District Planning Authority before development on the site commences and the agreed scheme shall be implemented within 12 months or as may otherwise be agreed with the District Planning Authority and the areas concerned. shall be subsequently maintained to the satisfaction of the District Planning Authority.

8. Provision shall be made for a direct footpath link between Stirling Avenue and the school site (connecting to points marked X - Y on the plan) and such footpath shall be laid out and surfaced before the first dwelling on the site is occupied.

9. The area hatched on the plan shall be used only for open space purposes and detailed proposals for the development of the site shall include the measures to be taken to bring the area into use and the arrangements for its future maintenance. These arrangements should be agreed by the District Planning Authority before development commences.

10. The area north of the line A - A on the plan shall not be developed at more than 8 dwellings per acre.

The reasons for imposing these conditions are set out on the permission/outline permission to which this schedule is attached.

vic Offices,
vic Centre Road,
ivant, PO9 2AX.
lephone: Havant (0705) 474174.

M

[redacted]
Director of Technical Services

Date 15th November 1976.

NOTIFICATION

(1) If the applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act, 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment, Pelligate House, Horton Road, Bristol, BS2 9DJ. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him. (The statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act, 1971, namely Sections 29(1), 30(1), 67 and 74 of the Act).

(2) In cases where a Government Department has expressed views on the proposals which are incorporated in the reasons for the imposition of conditions and the applicant wishes to lodge an appeal against such decision then a representative from that Government Department will attend any Planning Inquiry and be available to give evidence if the appellant asks for the presence of such a witness at the Inquiry. In such cases the appellant should notify the Council at the address given on the front of this form without delay. The representative would not be liable to cross-examination on questions of Ministeral policy but only on matters of fact and expert opinion.

(3) If permission to develop the land is granted subject to conditions whether by the local Planning Authority or by the Secretary of the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act, 1971.

(5) The applicant is recommended to retain this form with the title deeds of the property.

IMPORTANT

Any failure to adhere to the details of the plans hereby approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act, 1971, in respect of which enforcement action may be taken.

If it is desired to depart in any way from the approved proposals, you should consult the Council at the address overleaf before carrying out the development.

NOTES: (1) This permission does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1971, otherwise than under Section 29—34 and where by virtue of Section 55 the permission operates as a "listed building consent", or which may be required under any other Acts, including any Byelaws, Orders or Regulations made under such other Acts.

(2) Developers are reminded that the grant of planning permission does not entitle them to obstruct a right of way and that, if it is necessary to stop up or divert a right of way in order to enable the development to be carried out, they should apply without delay:—

(a) in the case of a footpath or bridleway, for an Authority under Section 210 of the Town and Country Planning Act, 1971;

(b) in any other case to the Secretary of State for the Environment for an Order under Section 247 of the Town and Country Planning Act, 1971;

(3) Attention is drawn to the provisions of Section 43 of the Hampshire County Council Act, 1972, relating to access for the Fire Brigade. A copy of the Section can be obtained at the local planning office.

HAMPSHIRE

BOROUGH OF HAVANT

TOWN AND COUNTRY PLANNING ACT, 1971

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1973

Reference No.: 20367/43

RECEIVED

To:— Bovis Homes Ltd.,
The Manor House,
New Ash Green,
KENT
DA3 8JE

In pursuance of their powers under the above mentioned Act and Order, the Council, as the local planning authority, approve the detailed plans and particulars relating to approval of reserved matters erection of 7 detached houses and garages, as amended by site plan received 12.9.80. - Phase 6 Lakes Hill Lodge, Corner of Frendstaple Road and Springwood Avenue, WATERLOOVILLE received on 8th August 1980 in accordance with the condition numbers 3.a.b.d.e.g.j.... subject to which outline planning permission was granted under Article 5(2) of the Town and Country Planning General Development Order, 1973, under Plan No. 20367/28....., in respect of

This approval is granted subject to compliance with the conditions imposed on the grant of the aforementioned outline planning permission and to the following additional conditions;

1. Plans and particulars showing the detailed proposals for all the following aspects of the development must be submitted to the District Planning Authority and development shall not be commenced before these details have been approved:
   a. The layout of foul sewers and surface water drains.
   b. The alignment, height and materials of all walls and fences and other means of enclosure.
2. A survey of the site shall be made by the developers and a plan prepared to a scale of not less than 1:500 showing the exact location, species and spread of all trees on the site and those proposed to be felled during building operations and all natural features such as hedgerows, ponds, streams and large shrubs shall be submitted to and approved by the District Planning Authority before any felling or other alteration of the existing condition of the site takes place.
3. The trees on the site which are to be retained shall be protected during building operations by strict compliance with the requirements of the District Planning Authority relating to the protection of trees. (copy attached).

continued...

The reasons for the foregoing conditions are:—

1. To ensure that the external appearance of the buildings is satisfactory to the District Planning Authority.
2. 3. To maintain as far as possible the appearance of the area.
4. To ensure that the appearance of the development is satisfactory.

continued...

NOTES: (1) It is essential that this approval is read in conjunction with the outline planning permission originally granted for the development in question and with any conditions then imposed. Particular attention is drawn to the time limit for the commencement of development.

(2) Notwithstanding the terms of the condition attached to the outline planning permission, requiring the detailed plans to be submitted before development commences, the approval hereby granted authorises the commencement of so much of the development as is specified above. Attention is, however, drawn to the need to submit such further detailed plans, if any, as are required by the outline planning permission before any development other than that specified above is commenced.

[redacted]

DEPUTY

Date 18 SEP 1980

Elmleigh Road,
Havant, PO9 2AT.
Telephone: Havant 2431.

FD.

Form 15.

HAMPSHIRE

BOROUGH OF HAVANT

TOWN AND COUNTRY PLANNING ACT, 1971

Reference No.: 20367/43

The following conditions are also imposed on the grant of the APPROVAL to which this schedule is attached:—

4. A scheme for landscaping and planting in connection with the proposed development shall be agreed with the District Planning Authority before development on the site commences and the agreed scheme shall be implemented within 12 months or as may otherwise be agreed with the District Planning Authority and the areas concerned shall be subsequently maintained to the satisfaction of the District Planning Authority.

5. No development hereby permitted shall be commenced until the District Planning Authority shall have approved:
(i) a specification* of the type of construction proposed for the roads and/or footpaths including all relevant horizontal cross-sections showing existing and proposed levels together with details of street lighting and the method of disposing of surface water.
(ii) A programme for the making up of the roads and /or footpaths.

*This specification shall be such as to enable the Highway Authority in due course to take over the roads and/or footpaths as highways maintainable at thepublic expense and shall include street lighting to the standard required by the lighting authority in whose area the development is proposed.

6. The roads and footpaths shall be laid out and made up in accordance with the specification, programme and details and in any event shall be so constructed that, by not later than the time any building erected on the land is occupied, there shall be a direct connection from it to an existing highway. The final carriageway and footpath surfacing shall be commenced within three months and completed within six months from the date upon which erection is commenced of the penultimate dwelling for which permission is hereby granted.

7. There shall be no vehicular access to Frendstaple Road and Stirling Avenue as extended.

Reasons continued...

5.6. To ensure that the roads are constructed to a standard which will enable them to be taken over as publicly repairable highways.

7. In order to secure safe traffic conditions.

The reasons for imposing these conditions are set out on the permission/outline permission to which this schedule is attached.

Civic Offices,
Civic Centre Road,
Havant, PO9 2AX.
Telephone: Havant (0705) 474174.

[redacted]

DEPUTY *Director of Technical Services.*

Date 18 SEP 1980

FD.

NOTIFICATION

(1) If the applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and County Planning Act, 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment, Caxton House, Tothill Street, London, SW1H 9LZ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the Order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him. (The statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act, 1971, namely Sections 29(1), 30(1), 67 and 74 of the Act).

(2) In cases where a Government Department has expressed views on the proposals which are incorporated in the reasons for the imposition of conditions and the applicant wishes to lodge an appeal against such decision then a representative from that Government Department will attend any Planning Inquiry and be available to give evidence if the appellant asks for the presence of such a witness at the Inquiry. In such cases the appellant should notify the Council at the address given on the front of this form without delay. The representative would not be liable to cross-examination on questions of Ministerial policy but only on matters of fact and expert opinion.

(3) If permission to develop the land is granted subject to conditions whether by the local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act, 1971.

(5) The applicant is recommended to retain this form with the title deeds of the property.

IMPORTANT

Any failure to adhere to the details of the plans hereby approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act, 1971, in respect of which enforcement action may be taken.

If it is desired to depart in any way from the approved proposals, you should consult the Council at the address overleaf before carrying out the development.

HAMPSHIRE COUNTY COUNCIL ACT, 1972

43.—(1) Subject to the provisions of subsection (3) of this section, where plans for the erection of a building are in accordance with building regulations deposited with a local authority, the local authority, after consultation with the Council, shall reject the plans if they show:—

(a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or

(b) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render these means insufficient to enable a fire in the neighbouring building to be fought effectively.

(2) Subject as aforesaid, where plans for the extension of a building are in accordance with building regulations deposited with a local authority, the local authority after consultation with the Council, shall reject the plans if they show:—

(a) that the extension will be such as to effect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or

(b) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render these means insufficient to enable a fire in the neighbouring building to be fought effectively.

(3) This section shall not apply in relation to the erection or extension of a building in pursuance of a planning permission given under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission so given.

(4) In this section "access by the fire brigade" means access by members of one or more fire brigades and their appliances, and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, reference to the neighbouring building as erected, altered or extended in accordance with those plans.

(5) If a local authority reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of Section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(6) Any question arising under this section between a local authority and the person by whom or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans, may, on the application of that person, be determined by a magistrates' court.

B.C.22

Plan No. 20367/43

Borough of Havant

NOTICE OF PASSING OF PLANS

TO: Bovis Homes Limited,
The Manor House,
New Ash Green,
Kent.

WHEREAS in accordance with the Building Regulations 1976 you deposited plans on the 9th day of October, 1980, with this Council in respect of erection of 37 Houses and Garages together with all roads paths and sewers at Phase G, Stakes Hill Lodge, Frendstaple Road, Waterlooville, Hants.

THE COUNCIL HEREBY GIVE YOU NOTICE in accordance with the provisions of Section 64 of the Public Health Act 1936 that the plans have been passed.

AND TAKE NOTICE that the passing of the plans operates as an approval only for the purposes of the requirements of the Building Regulations 1976 and of Sections 25, 37, 43, 53, 54, 55, 59 and 137 of the Public Health Act 1936, but does not operate as an approval for the purposes of any other statutory provision whatsoever

DATED this 13th day of February, 1981.

[redacted]

Director of Technical Services

NOTE:

1. The accompanying Notices required to be given under the Building Regulations must be sent to the Office of the Director of Technical Services, Civic Offices, Civic Centre Road, Havant, as indicated in Regulation A.11.

2. This is a Building Regulation approval only. It is not (for instance) a Planning Consent or any other approval. Before committing yourself check that any other approval which you may need has been obtained.

Borough of Havant

Technical Services Department
Director: D E Ridley C Eng MICE MIMunE

Civic Offices
Civic Centre Road
Havant, Hants PO9 2AX

Telephone: Havant 4 74174

When telephoning please ask for
[redacted]

Our Ref: Please quote DC/BEA/MF/20367/28 Your Ref: JWD/MBC/LA

Bovis Homes Division,
Bovis Homes Technical Services,
The Manor House,
New Ash Green,
Dartford,
Kent.
DA3 8JE

4th November, 1980

Dear Sirs,

Phase G, Stakes Hill Lodge, Frendstaple Road, Waterlooville

Thank you for your letter of the 29th October 1980 and the enclosed schedule of materials to be used in the external elevations of the dwellings on the above site, and to acknowledge the safe receipt of the box containing the following brick samples: Ockley Multi-Stocks, Crowborough/Ashdown Multi-Stocks, and Leywood Light Multi-Stocks.

These materials are satisfactory to the Council and when implemented will comply with the conditions within the approval under this Council's reference 20367/28.

Yours faithfully,

[redacted]

Director of Technical Services

HAVANT BOROUGH COUNCIL
30 OCT 2019
RECEIVED

HAVANT BOROUGH COUNCIL
30 OCT 2019
RECEIVED

LAND REGISTRY

SERVITUDES ACT 1925 (as amended)

TRANSFER OF PART

(Freehold)

Administrative Area : Hampshire : Havant

HD99107

2. THE COMPANY hereby covenants with the Purchaser that the Company will construct the estate roadway and/or footpath abutting the land hereby transferred to the satisfaction of the Local Authority and will maintain the same in repair until adopted and will indemnify the Purchaser and his successors in title against all road charges costs and expenses in respect thereof PROVIDED ALWAYS that this covenant shall not relate to any private driveway shown as such on the said plan

3. 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 not to

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 on the side or the 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 Companys development

(c) not to erect or permit to be erected more than one dwelling upon the land hereby transferred or any part thereof or to use or permit the said land to be used except in connection with one dwelling and garage as aforesaid and for the purpose of this clause a garage shall include a double garage

(d) not to use the said dwelling for any purpose other than as a private dwelling or to carry on any trade business or manufacture whatsoever on the land hereby transferred or any part thereof

(e) not to keep on the land hereby transferred:-

(i) any livestock save the usual domestic pets

(ii) any boats commercial vehicles or vehicles adapted or intended for use as dwellings or sleeping accommodation (unless the same are stored in the said garage)

(f) not to do or permit to be done anything whereby the roads on the land comprised in the title above mentioned shall be damaged or made unfit for use by any person having a right to use the same and not to obstruct the said roads and footpaths or leave on any part thereof anything which would in any way interfere with the free and undisturbed user thereof AND to indemnifty the Company in respect of any damage so caused in breach of this covenant

(g) not to allow commercial vehicles to be parked on the said roads except for the delivery of goods and services to the land hereby transferred

(h) not to cause permit or suffer to be done in or upon the land hereby transferred any act or thing which may be or become a nuisance annoyance danger or detriment to the owners of occupiers for the time being of other parts of the Estate (which expression shall in this transfer mean the land now or formerly comprised within the title above mentioned)

PROVIDED ALWAYS that the Company and its successors in title shall be under no restriction as to the mode of development or user of the remainder of the Estate or any part or parts thereof and may at any time release or modify any of the foregoing restrictions and stipulations in relation to other parts of the Estate (whether imposed before or after the date

proof) and neither the Purchaser nor the persons deriving title under him shall become entitled whether by prescription or otherwise to any easement or right of light or air or other right or easement which could restrict or interfere with the free use by the Company or any person deriving title under it of the Estate or any other adjoining or adjacent land for building or other purposes

4. THE Purchaser further covenants with the Company as follows:-

(a) to pay and contribute with others using the same a fair proportion of the cost of maintaining repairing and renewing any common or party walls and other structures including fences enclosing commonly maintainable areas water pipes channels and gutters and the sewers and drains which the Company have laid in under and across the Estate and to which the drains of the said dwelling connect

(b) in the event of the Company planting any trees or shrubs or carrying out any other form of landscaping upon the land hereby transferred at any time prior to the expiration of seven years from the date hereof in compliance with any requirement of the Local Planning Authority the Purchaser shall forever after maintain to the satisfaction of the said authority any such trees shrubs or landscaping so planted or carried out

(c) for the purpose of affording the Company a good and sufficient indemnity but not further or otherwise to observe and perform the coventants contained or referred to in the Charges Register of the above mentioned title so far as the same affect the land hereby transferred and are capable of being enforced and to indemnify the Company and its successors in title against all actions costs claims demands and expenses arising out of any future breach or non-observance of the same so far as aforesaid

5. THE Company and the Purchaser hereby apply to the Registrar to enter in the Register such of the rights reservations exceptions covenants and conditions contained or referred to herein as are capable of registration.

6. IN the event of two or more persons constituting "the Purchaser" hereunder all covenants herein by the Purchaser shall be deemed to be entered into by such persons jointly and severally

THE FIRST SCHEDULE before referred to

1. The full right for the Purchaser and his successors in title in common with all others entitled thereto:-

(a) at all times and for all suitable normal purposes to pass and repass over the roads and footpaths forming part of the Estate PROVIDED ALWAYS that there is reserved nevertheless to the Company the right to deviate alter or stop up any projected road or footpath on any part of the Estate so far as the same shall not be co-extensive with the land hereby

transferred or in actual use as an access from the said land to the nearest public highway

(b) to the free passage and running of water soil gas electricity or other services from and to the land hereby transferred through and along the soil and surface water sewers and drains ditches watercourses gutters gas and electricity and other pipes wires cables and mains now or within 21 years hereafter in on under or over the adjoining and neighbouring premises forming part of the Estate TOGETHER with such ancillary rights of entry and otherwise as are necessary to the exercise of such rights as aforesaid the person or persons exercising the same making good all damage occasioned thereby

2. All necessary rights over the adjoining land forming part of the Estate in respect of eaves gutters rainwater pipes and other structures (if any) of the said dwelling and garage which overhang and the footings and ancillary structures (if any) of the said dwelling and garage which extend beyond the boundaries of the land hereby transferred TOGETHER with such rights as may be reasonably necessary to enter upon the said adjoining land for the purpose of repairing and maintaining the buildings erected on the land hereby transferred the person or persons exercising such rights making good all damage occasioned thereby

THE SECOND SCHEDULE before referred to

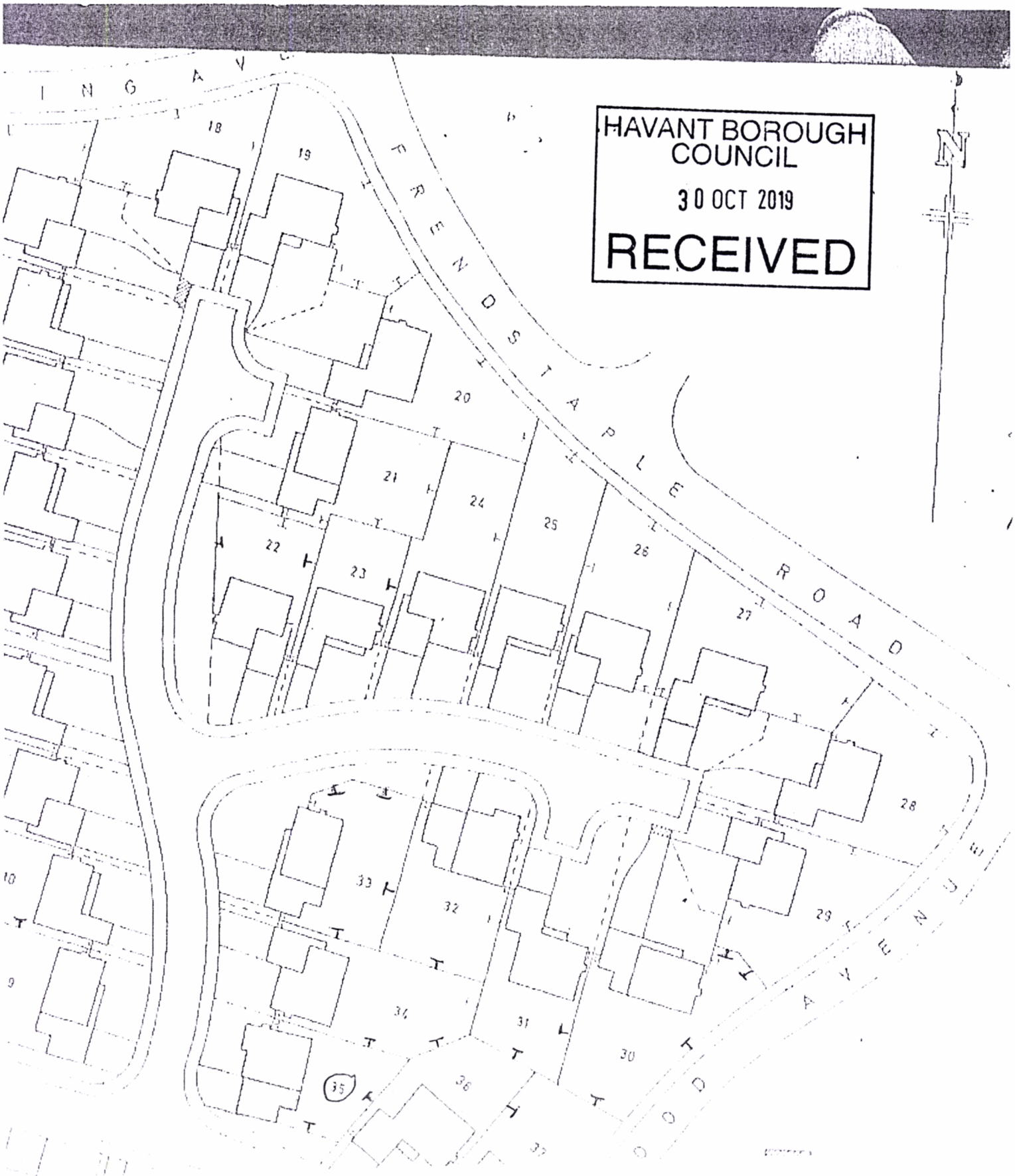
1. The full right for the Company its successors in title the owner and occupiers for the time being of the remainder of the Estate and all persons authorised by it or them including in particular the Local Authority and any other local or Statutory Authority or Body concerned therewith to the free passage and running of water soil gas and electricity or other services from and to the remainder of the Estate through and along the soil and surface water sewers and drains ditches watercourses gutters gas and electricity and other pipes wires cables and mains now or within 21 years hereafter in on under or over the land hereby transferred TOGETHER with the right to enter upon the land hereby transferred for the purpose of laying inspecting repairing maintaining and renewing the said soil and surface water sewers drains ditches watercourses gutters gas and electricity and other pipes wires cables and mains making connections thereto the person or persons exercising such rights making good all damage occasioned thereby

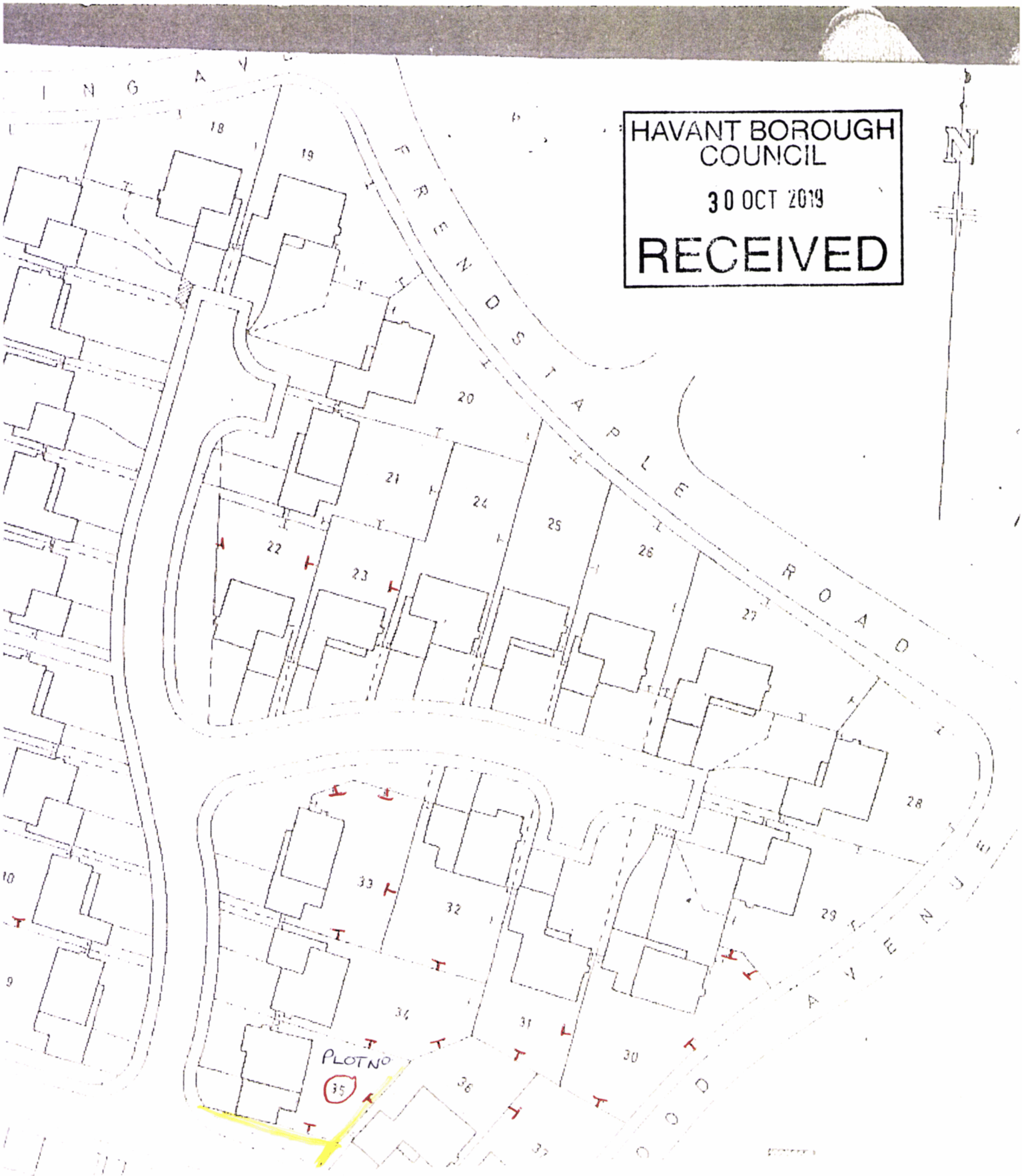
2. All necessary rights in respect of eaves gutters rainwater pipes and other structures (if any) of the buildings now or at any time within 21 years hereafter erected on the adjoining land forming part of the Estate which overhang and the footings and ancillary structures (if any) of such buildings which extend within the boundaries of the land hereby transferred TOGETHER with such rights as may be reasonably necessary for the owner

of the said adjoining land to enter upon the land hereby transferred for the purpose of repairing and maintaining the said buildings the person or persons exercising such rights making good all damage occasioned thereby

3. The right for the Company and its successors in title and those authorised by it or them to enter upon the land hereby transferred for the purpose of complying with any lawful requirement of the Local Planning Authority the person or persons exercising such right making good all damage occasioned thereby




HAVANT BOROUGH COUNCIL
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HAVANT BOROUGH COUNCIL
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