Dated 18 May 2021

Report on Title

The Mayor and Burgesses of The London Borough of Harrow

relating to

Land at Tintagel Drive, Harrow HA7 4SR

HB Public Law
working in collaboration with you

Harrow Council
PO Box 2
Civic Centre
Station Road
Harrow
HA1 2UH
DX 30450 HARROW 3
Ref: ZXA/HRWC-AHHSd-058825

TABLE OF CONTENTS

1. Interpretation 1
2. Scope of the review and limitation of liability 1
3. Executive summary 2
4. The Property 3
5. Matters benefiting the Property 4
6. Matters burdening the Property 4
7. Search results 8
8. Planning and building regulations 11
9. Conclusion 12
APPENDIX A - Plan of the Property 13

APPENDIX B-F (attached)

1. INTERPRETATION

The following terms are used in this report:

"**Benefits**" means any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest that benefits the Property.

"**Incumbrances**" means any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest to which the Property is subject.

"**Property**" means the property described in paragraph 4 of this report.

2. SCOPE OF THE REVIEW AND LIMITATION OF LIABILITY

2.1 This report has been prepared for the sole benefit of you, The Mayor and Burgesses of The London Borough of Harrow ("the Council"), in considering the proposed disposal of the Property, and for no other purpose.

2.2 The contents of this report are private and confidential. It must not be relied on by or made available to any other party without our written consent.

2.3 The report is based on our review of the title documents, search results and any planning documents.

2.4 We have not inspected the Property and are unable to advise on the physical condition of the Property. We would advise you to arrange for a survey of the Property to be carried out, if this has not already been arranged. A survey should identify any physical defects in the Property and may warn of potential defects.

2.5 We have made no enquiries as to whether there are any actual occupiers of the Property

2.6 We express no opinion on the commerciality of the transaction. We are unable to advise on the value of the Property. We recommend that you have the Property professionally valued. You should ensure that the valuer is aware of the matters mentioned in this report, as they may affect the value.

3. EXECUTIVE SUMMARY

This is a summary of the major issues that we think should be brought to your attention:

3.1 Further investigation into the restrictive covenants referred to paragraph 6.2 could be made to ascertain whether the covenants are enforceable and if so, may be covered by indemnity insurance.

3.2 Services (drainage, water, electricity and gas) may run underneath the Property and could affect a development. A site survey and examination of the Property as well as enquiries with utility providers should be carried out to investigate the full extent of services that are applicable.

3.3 If the Property is to be disposed of with vacant possession, consideration should be given as to when notice should be served on the licensees to terminate the existing garage tenancy agreements (paragraph 6.3 below). This is to ensure that no third party occupational rights will impact a potential development.

3.4 It is possible that the Property is used by members of the public or by neighbouring property owners. Further investigation regarding any informal use of the Property and any parking arrangements should be carried out to ascertain whether any rights have been acquired.

3.5 12 and 14 Tintagel Drive, 49, 51 and 53 Morecambe Gardens ("the Adjoining Properties") are in close proximity to the Property. 14 Tintagel Drive is unregistered, and may be occupied by a secured council tenant, so we have not been able to ascertain whether this property has any rights granted or reserved.

An investigation of any services, rights of access and easements that have been granted in respect of these properties and any implied rights acquired under the Housing Acts as well as a physical inspection of the properties would be sensible prior to development.

3.6 Further investigation regarding the water tap and the gate and their use should be carried out to ascertain whether any rights have been acquired (paragraph 6.7).

4. THE PROPERTY

4.1 The Property is freehold land at Tintagel Drive, Harrow HA7 4SR.

4.2 The title to the Property is freehold, which means that you own the Property outright, in perpetuity.

4.3 A plan showing the Property edged in red is attached as Appendix A. Please check the plan carefully to ensure that it accurately reflects the extent of the land that you believe you are buying. The plan may not show the exact location of the boundaries of the Property. You should inspect the Property and let us know if there are any discrepancies between the plan and the site inspection.

4.4 The Property is registered at the Land Registry as part of a larger parcel of land – this being land lying between Morecambe Gardens, Tintagel Drive and Pangbourne Drive, Stanmore under title number MX254889.

The class of title is absolute freehold title. Absolute title is the best class of title available.

4.5 The registered owner of the freehold land within title number MX254889 (which includes the Property) is the Council.

5. MATTERS BENEFITING THE PROPERTY

The Property enjoys the following Benefits:

5.1 The Adjoining Properties are houses which are all former council owned properties and have been purchased under the Council's right to buy scheme. The transfer documents which transferred the Adjoining Properties ("the Adjoining Properties Transfers"), reserved the following easements in favour of the Council:

(a) the right to use, maintain and renew all sewers drains and cables and other apparatus or things in on or under the property which belong to the Council or successors in title;

(b) the right to enter the property for the purpose of exercising the rights reserved or maintaining the Property making good any damage.

5.2 the rights of drainage and rights in respect of watercourses, pipes, wires, cables and other services, the access roads included in the title are subject to rights of ways, the footpaths included in the title are subject to the rights of way on foot only.

6. MATTERS BURDENING THE PROPERTY

The Property is subject to the following Incumbrances:

6.1 The access roads included in the freehold title are subject to rights of way but there are no details of such rights on the title register.

6.2 A transfer of land tinted pink on the title plan to freehold title MX254889 (which includes the Property) dated 20 October

1922 made between (1) Canons Park Estate Company Limited and (2) The Pard Estate Limited contains the following restrictive covenants ("the Covenants"):

- Not to erect at any time after the expiration or determination of the lease dated 26 May 1922 any building other than detached or semi-detached private dwellinghouses of a gross value of not less than £800 each if detached, or semi-detached without the consent in writing of the Canons Park Estate Company Limited or their successors in title first being obtained.

- Such houses are to be used as private dwelling-houses or professional residences only. ***[Note: the lease dated 26 May 1922 has determined]***

  The Covenants were modified by an order of the Official Arbitrator dated 3 December 1937 under Section 84 of the Law of Property Act 1925 ("the 1937 Order"), as follows:

  - permitting on the land with the houses built, the erection of any private garage and surgery intended for use with the houses,, such prime cost to be calculated by allowing one shilling for every cubic foot of space occupied by that part of the building which lies between a horizontal plane situate half-way up the roof thereof and another horizontal plane situate two feet below the mean level of the soil immediately surrounding such building when completed.

- This is on condition that no part of any building to be erected on any part of the land shall at any time be used otherwise than for the purpose of a private dwelling-house or professional residence or a doctor's or dentist's surgery provided:

  (i) that not more than one house or building or part thereof on the land may at any one time be used for the purpose of a nursing home or for a private school; and

  (ii) that a nursing home shall not include a mental home or institution of any kind for the care of persons of unsound mind.

- Any houses erected under the 1937 Order are to be used as a private dwelling-houses only and not as flats subject to the provision of the 1937 Order as to professional residences.

The Covenants (as modified by the 1937 Order) were further modified by an order of the Official Arbitrator dated 2 July 1948 under Section 84 of the Law of Property Act 1925 ("the 1948 Order"), as follows:

- the Covenants be the same but are further modified to permit the use as a private school of not more than one building at any one time on the said two pieces of land collectively (this being part of the freehold land under title number MX254889), provided that no such building shall be used if it, or any part of the curtilage of it is nearer than 120 feet to the curtilage of any house existing at the date of the 1948 Order. The property of any persons other than the applicants to the 1948 Order being legally entitled to the benefit of the Covenants.

6.3 There are garages situated on the Property owned by the Council. Garages numbered 5, 6, 7 and 8 are currently occupied and used by

licensees, paying a weekly rent to the Council under the Council's standard garage tenancy agreement which is subject to set conditions.

Each garage tenancy agreement may be terminated by seven days' written notice given by either party to expire on a Sunday. The licensee will remain responsible for paying the rent until the keys are returned or the Council carries out a lock change to terminate the licence.

6.4 The Adjoining Properties Transfers grant to the owners of the Adjoining Properties rights to use the pipes sewers, drains and other services serving the property which pass through or under the adjoining land owned by the Council, as well as rights to enter the Council's adjoining property in order to carry out repairs or maintenance to the property or any building, wall, fence or other structure.

6.5 The transfer for 12 Tintagel Drive was made pursuant to Chapter 1 of Part 1 of the Housing Act 1980 and took effect with the benefit of and subject to the easements and other rights prescribed by paragraph 2 of Schedule 2 of that Act.

6.6 The transfer of 51 Morecambe Gardens was made pursuant to Part V of the Housing Act 1985 and took effect with the benefit of and subject to the easements and other rights prescribed by paragraph 2 of Schedule 6 of that Act.

6.7 A physical inspection of the Property reveals a water tap on the Property. It is not known who is responsible for this tap and it may be for use by local residents on an informal basis. There is also a gate at the bottom right rear of site leading to a rear garden of a property behind the site.

7. SEARCH RESULTS

7.1 Index map search dated 20 May 2020 (Appendix B)

The result of our index map search confirmed that the Property is registered under the title number stated in paragraph 4.4 of this report.

7.2 Local Authority and Land Charges search dated 21 May 2020 (Appendix C)

The results of the local authority search provided by Harrow Council revealed the following information:

- The Property is located within a smoke control area which was declared as such from 1 July 1972 pursuant to a smoke control order No 24 made under section 11 of the Clean Air Act 1956.

- The Council's Local Plan, Environment Agency flood data and the Council's Strategic Flood Risk Assessment reveal that the Property currently falls within an area of "medium probability of flood risk". This means it is an area at risk of flooding but at a probability of less than once in 100 years.

- You must consult with the Ministry of Defence, should you wish to use the Property for any of the following:

  (a) any applications involving a refuse tip, a reservoir, a sewage disposal works, a nature reserve or a bird sanctuary.

  (b) any building, structure or works exceeding 91.4m in height above ground level.

  (c) any developments that involve flying activities including gliding, micro-light aircraft and hang-gliding.

- Tintagel Drive is a highway maintainable at public expense.

- No part of the Property is registered as common land or as a town or village green. The possibility of land being common land or a town or village green is significant, as the land may be subject to third party rights and the owner's ability to use or develop the land may be restricted. Even if land is not registered as common land or a town or village green at the date of the search, it is possible for common land or new town or village greens to be registered in some circumstances. You should let us know if you are aware of anyone using the Property for any purpose.

- There are no traffic, road or railway schemes affecting the Property, nor is the Property within a Conservation Area.

- There are no notices, orders, directions and proceedings under the Planning Acts affecting the Property, nor are there any outstanding notices or contravention of building regulations.

- The Property is not located in a “radon gas affected area”. The London Borough of Harrow is in an area where less than 1% of homes are estimated to be at or above the action level identified by Public Health England.

- The Property has not been nominated as an asset of community value.

7.3 Drainage and Water search dated 19 May 2020 (Appendix D)

There are sewers within the vicinity of the Property, the location of which are shown on the plan within the Drainage and Water Search report. The Drainage and Water Search report is available for viewing on the GLA Small Sites Portal.

7.4 Environmental search dated 19 May 2020 (Appendix E)

The environmental data search provided by Landmark Information revealed:

- The level of risk associated with the information assessed in this report: 1) is unlikely to have an adverse effect on the value of the property, and 2) is not such that the property would be designated "contaminated land" within the meaning of Part 2A of the Environmental Protection Act 1990. No further action is required.
- An elevated flood risk at the Property has not been identified. A full flood risk report is not considered necessary.
- Landmark Information have not identified any Energy & Infrastructure projects at or near to the Property. No further action is required.
- The Property is not considered to be within a radon affected area. No further action is considered necessary.
- No environmental constraints have been identified within 250m of the Property.

7.5 Utilities search dated 20 July 2020 (Appendix F)

The utilities search report is available for viewing on the GLA Small Sites Portal.

8 PLANNING AND BUILDING REGULATIONS

8.1 No planning or building control applications relating to the Property are revealed by the Local Authority Search results.

8.2 The Property is in an area where a Community Infrastructure Levy (CIL) charging schedule has been adopted.

Whereas, CIL is a charge on new buildings, above a certain size, that local planning authorities (LPA) may choose to set and which is designed to help fund local and sub-regional infrastructure identified in their development plans, CIL will be paid primarily by owners or developers of land that is developed.

However, if a charging schedule is in place when planning permission is granted, a liability to pay CIL may arise when the development commences. CIL is not currently relevant to the Property as no planning applications have been submitted and no entries have been revealed by the Local Authority Search, but it may relevant for future development.

9. CONCLUSION

Subject to the matters referred to in this report, we are of the opinion that the Council has a good and marketable title to the Property.

HB Public Law

Signed: HB Public Law, as solicitors for The Mayor and Burgesses of The London Borough of Harrow

Dated: 18 May 2021

APPENDIX A: Location Plan of the Property

