

Rolfe Judd Planning
Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Application Ref: **2016/4333/P**
Please ask for: **Kristina Smith**
Telephone: 020 7974 **4986**

30 January 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
48 Neal Street
London
WC2H 9PA

Proposal:

Conversion from existing maisonette (Class C3) to 2x1 bed and 1x2 bed self-contained units (Class C3); erection of rear extension at second floor level to replace existing conservatory; and other external alterations

Drawing Nos: 23109 - OS1; 23109 - 2E1 RevA; 23109 - 2E2 RevA; 23109 - 2P1 RevD; 23109 - 2P2 RevD; Design and Access Statement

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).



- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 23109 - OS1; 23109 - 2E1 RevA; 23109 - 2E2 RevA; 23109 - 2P1 RevD; 23109 - 2P2 RevD; Design and Access Statement

Reason:

For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Reasons for granting permission.

The conversion of a 3-bed maisonette into three self-contained units (2x1 bed and 1x2 bed) is considered acceptable and in accordance with policy DP2 which seeks to maximise the supply of homes. The provision of the additional dwellings would include 2 x 1-bed units a 2 bed unit, identified by policy DP5 as being of low and very high priority respectively. Given the very high priority of 2 bedroom units in the Borough and the addition of 2 residential units on the site, the proposed loss of the 3-bedroom unit is considered acceptable.

At first and second floor levels the 1 bedroom flats would have approximately 54.4sqm and 50.8 sqm of habitable floor space. At third and fourth floor level the 2 bed duplex flat would provide 77.7 sqm of floorspace. All dwellings therefore meet the national space standards as well as providing a good layout, adequate light and internal headroom of minimum 2.3m.

The replacement of the existing conservatory at second floor level with a brick extension is considered to be an improvement given the incongruous appearance of the conservatory which can be clearly seen from within the streetscene on Short's Garden. The detailed design including use of materials would be sympathetic to the host property and is considered acceptable. At fourth floor and roof level the existing balustrade would be upgraded to both improve safety and reduce bulk at high level. To improve access to the roof terrace a shallower staircase would be installed which would have less height as viewed from the streetscene. The new balustrade behind the staircase may appear slightly more solid by reason of the vertical rather than horizontal railings however it would be lower than existing, have a more elegant and formal appearance, and be much safer. By reason of the height of the building and narrow street, the changes at roof

level would have low visibility.

The site has an excellent PTAL rating of 6a and a car free development therefore needs to be secured as a Section 106 planning obligation for the additional dwellings. Due to the nature and constraints of the site, accessible and secure cycle storage for three cycles cannot be comprehensively provided on site to meet criteria in DP18 and therefore it is not appropriate to require cycle storage in this specific instance.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Given the nature and location of the proposal, it is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers. The new window opening would be installed to an elevation that was previously glazed so would not lead to new overlooking.

One comment has been received prior to making this decision which has been duly addressed. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce
Executive Director Supporting Communities

DATED

30 January

2017

(1) SHAFTESBURY COVENT GARDEN LIMITED

and

**(2) THE MAYOR AND BURGESSES OF
THE LONDON BOROUGH OF CAMDEN**

A G R E E M E N T
relating to land known as
48 NEAL STREET LONDON WC2H 9PA
pursuant to Section 106 of the Town and Country Planning
Act 1990 (as amended)

Andrew Maughan
Head of Legal Services
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 1918
Fax: 020 7974 1920

1798.8



THIS AGREEMENT is made the 30th day of January 2017

BETWEEN:

1. **SHAFTESBURY COVENT GARDEN LIMITED** (company registration number 03154145) whose registered office is at 22 Ganton Street, Carnaby, London W1F 7FD (hereinafter called "the Owner") of the first part; and
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part.

1. **WHEREAS**

- 1.1 The Owner is registered at the Land Registry as the freehold proprietor with Title Absolute of the Property under Title Number 380687.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 A Planning Application for the development of the Property was submitted to the Council and validated on 29 September 2016 and the Council resolved to grant permission conditionally under reference number 2016/4333/P subject to the conclusion of this legal Agreement.
- 1.4 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.5 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

2. **DEFINITIONS**

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

- 2.1 "the Act" the Town and Country Planning Act 1990 (as amended);
- 2.2 "the Agreement" this Planning Obligation made pursuant to Section 106 of the Act;
- 2.3 "the Development" conversion from existing maisonette (Class C3) to 2 x 1-bed and 1 x 2-bed self-contained units

(Class C3); erection of second floor level rear extension to replace existing conservatory; and other external alterations as shown on drawing numbers: 23109 - OS1, 23109 - 2E1 Rev A, 23109 - 2E2 Rev A, 23109 - 2P1 Rev D, 23109 - 2P2 Rev D and the Design and Access Statement;

- 2.4 "the Implementation Date" the date of implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly;
- 2.5 "the Nominated Units" the two residential units located on the first and second floors of the Property (to be known as Flat 1 and Flat 2) as shown on drawing number 23109-2P1 Rev C annexed hereto at Annexure 1;
- 2.6 "Occupation Date" the date when any part of the Development is first occupied but does not include occupation for the purposes of construction, fitting out, marketing and/or security and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly;
- 2.7 "the Parties" mean the Council and the Owner;
- 2.8 "the Planning Application" a planning application in respect of the development of the Property submitted to the Council and validated on 29 September 2016 for which a resolution to grant permission has been passed conditionally under reference number 2016/4333/P subject to conclusion of this Agreement;
- 2.9 "Planning Obligations Monitoring Officer" a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to Section 106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof;
- 2.10 "the Planning

- Permission" a planning permission granted for the Development in the draft form annexed hereto at Annexure 2;
- 2.11 "the Property" the land known as 48 Neal Street, London WC2H 9PA and registered at the Land Registry under Title Number 380687 the same as shown shaded green on the plan annexed hereto at Annexure 3;
- 2.12 "Resident's Parking Bay" a parking place designated by the Council by an order under the Road Traffic Regulation Act 1984 or other relevant legislation for use by residents of the locality in which the Development is situated; and
- 2.13 "Resident's Parking Permit" a parking permit issued by the Council under Section 45(2) of the Road Traffic Regulation Act 1984 allowing a vehicle to park in a Resident's Parking Bay.

NOW THIS DEED WITNESSETH as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.
- 3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies, corporations and other artificial persons.
- 3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.
- 3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation.
- 3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6 and 7 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.
- 3.6 The Council hereby agrees to grant the Planning Permission on the date hereof.

- 3.7 The Parties save where the context states otherwise shall include their successors in title.
- 3.8 The Parties acknowledge that the Nominated Units shall be treated as being permanently designated as "car free" housing in accordance with Clauses 4.1 and 4.2 for all relevant purposes.
- 3.9 Where any approval, agreement, consent, confirmation or expression of satisfaction is required the request for it shall be made in writing and such approval, agreement, consent, confirmation or expression of satisfaction shall be given in writing and shall not be unreasonably withheld or delayed.

4. **OBLIGATIONS OF THE OWNER**

- 4.1 To ensure that prior to occupying the Nominated Units each new occupier of any of the Nominated Units is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to:
- (i) be granted a Resident's Parking Permit to park a vehicle in a Resident's Parking Bay; and
 - (ii) buy a contract to park within any car park owned, controlled or licensed by the Council.
- 4.2 Not to Occupy or use (or permit the Occupation or use of) a relevant Nominated Unit at any time during which the occupier of that relevant Nominated Unit:
- (i) holds a Resident's Parking Permit to park a vehicle in a Resident's Parking Bay; or
 - (ii) has bought a contract to park a vehicle in any car park owned, controlled or licensed by the Council,
- unless in both cases the occupier is the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.
- 4.3 The Owner for itself and its successors in title to the Property hereby acknowledges that the provisions in Clauses 4.1 and 4.2 in this Agreement shall continue to have effect in perpetuity.
- 4.4 On or prior to the Occupation Date the Owner shall inform the Council's Planning Obligations Monitoring Officer of the official unit numbers of the Nominated Units forming part of the Development (as issued and agreed by the Council's Street Name and Numbering Department), identifying the Nominated Units that in the Owner's opinion are affected by the Owner's obligation in Clauses 4.1 and 4.2 of this Agreement.

5. **NOTICE TO THE COUNCIL/OTHER MATTERS**

- 5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.

- 5.2 Within seven days following completion of the Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at Clause 6.1 hereof quoting planning reference 2016/4333/P the date upon which the Development will be ready for Occupation.
- 5.3 Each Party shall act in good faith and shall co-operate with the other to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Nominated Units (arranged by prior appointment with the Owner or the Owner's managing agents) or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.
- 5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions, restrictions and other matters mentioned herein and shall not make any claim for compensation in respect of any condition, restriction or provision imposed by this Agreement and further shall jointly and severally indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission of the Council its employees or agents has caused or contributed to such expenses or liability.

6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-

- 6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Planning and Regeneration, Supporting Communities, Town Hall, Judd Street, London WC1H 9LP quoting the planning reference number 2016/4333/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.
- 6.2 This Agreement shall be registered as a Local Land Charge by the Council.
- 6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.
- 6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.
- 6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation, term or condition nor shall anything

contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

- 6.6 Neither the Owner nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.7 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.8 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of Development this Agreement shall forthwith determine and cease to have effect and the Council upon written request from the Owner shall remove reference to this Agreement from the register of Local Land Charges.

7. **RIGHTS OF THIRD PARTIES**

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

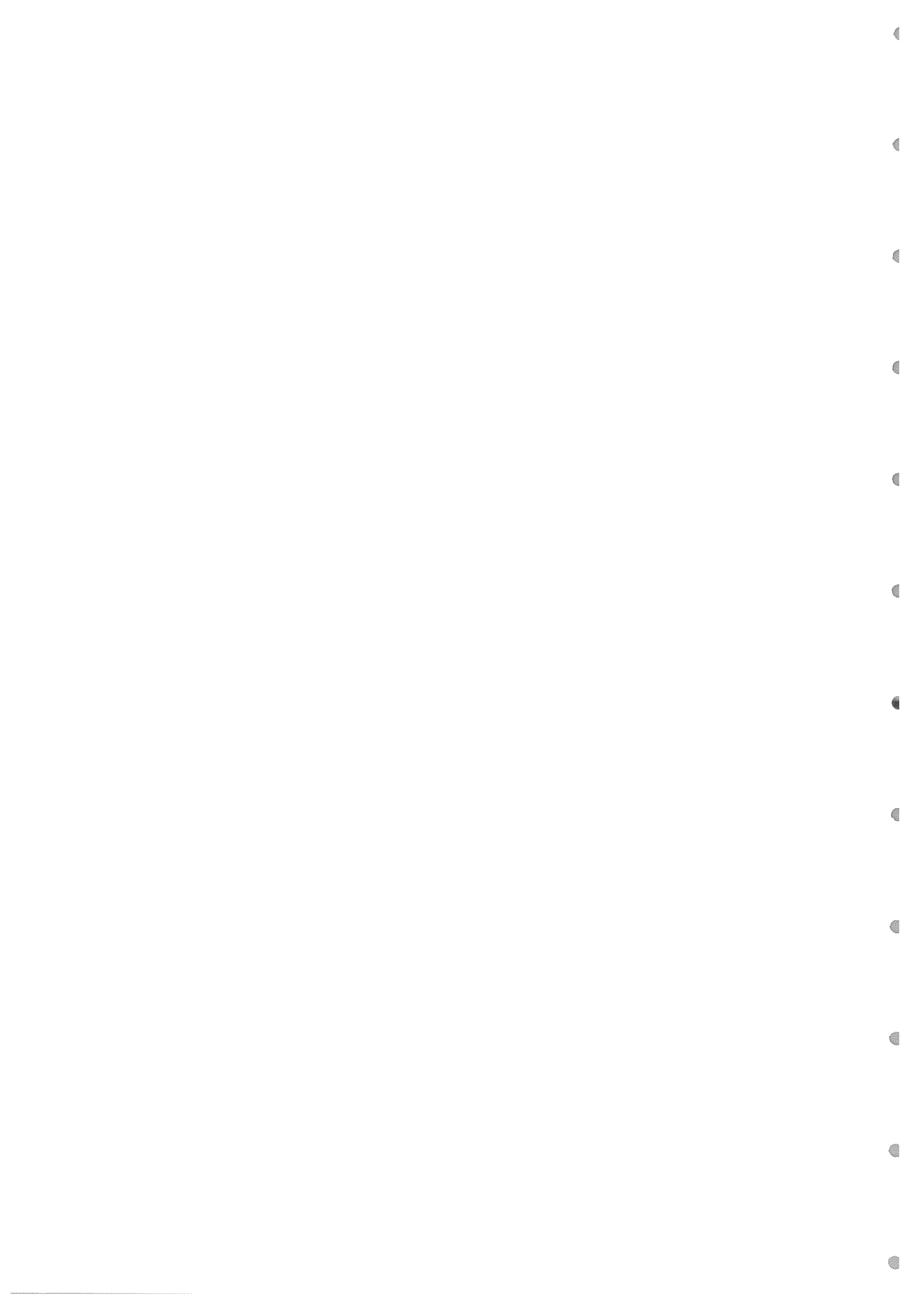
IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner have executed this instrument as their Deed the day and year first before written

Annexure 1
Drawing 23109-2P1 Rev C





Annexure 2
The Planning Permission



Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Application Ref: **2016/4333/P**

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
48 Neal Street
London
WC2H 9PA

PROPOSAL
Proposal:

Conversion from existing maisonette (Class C3) to 2x1 bed and 1x2 bed self-contained units (Class C3); erection of rear extension at second floor level to replace existing conservatory; and other external alterations

Drawing Nos: 23109 - OS1; 23109 - 2E1 RevA; 23109 - 2E2 RevA; 23109 - 2P1 RevD; 23109 - 2P2 RevD; Design and Access Statement

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

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Reason:

For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Reasons for granting permission.

The conversion of a 3-bed maisonette into three self-contained units (2x1 bed and 1x2 bed) is considered acceptable and in accordance with policy DP2 which seeks to maximise the supply of homes. The provision of the additional dwellings would include 2 x 1-bed units a 2 bed unit, identified by policy DP5 as being of low and very high priority respectively. Given the very high priority of 2 bedroom units in the Borough and the addition of 2 residential units on the site, the proposed loss of the 3-bedroom unit is considered acceptable.

At first and second floor levels the 1 bedroom flats would have approximately 54.4sqm and 50.8 sqm of habitable floor space. At third and fourth floor level the 2 bed duplex flat would provide 77.7 sqm of floorspace. All dwellings therefore meet the national space standards as well as providing a good layout, adequate light and internal headroom of minimum 2.3m.

The replacement of the existing conservatory at second floor level with a brick extension is considered to be an improvement given the incongruous appearance of the conservatory which can be clearly seen from within the streetscene on Short's Garden. The detailed design including use of materials would be sympathetic to the host property and is considered acceptable. At fourth floor and roof level the existing balustrade would be upgraded to both improve safety and reduce bulk at high level. To improve access to the roof terrace a shallower

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In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

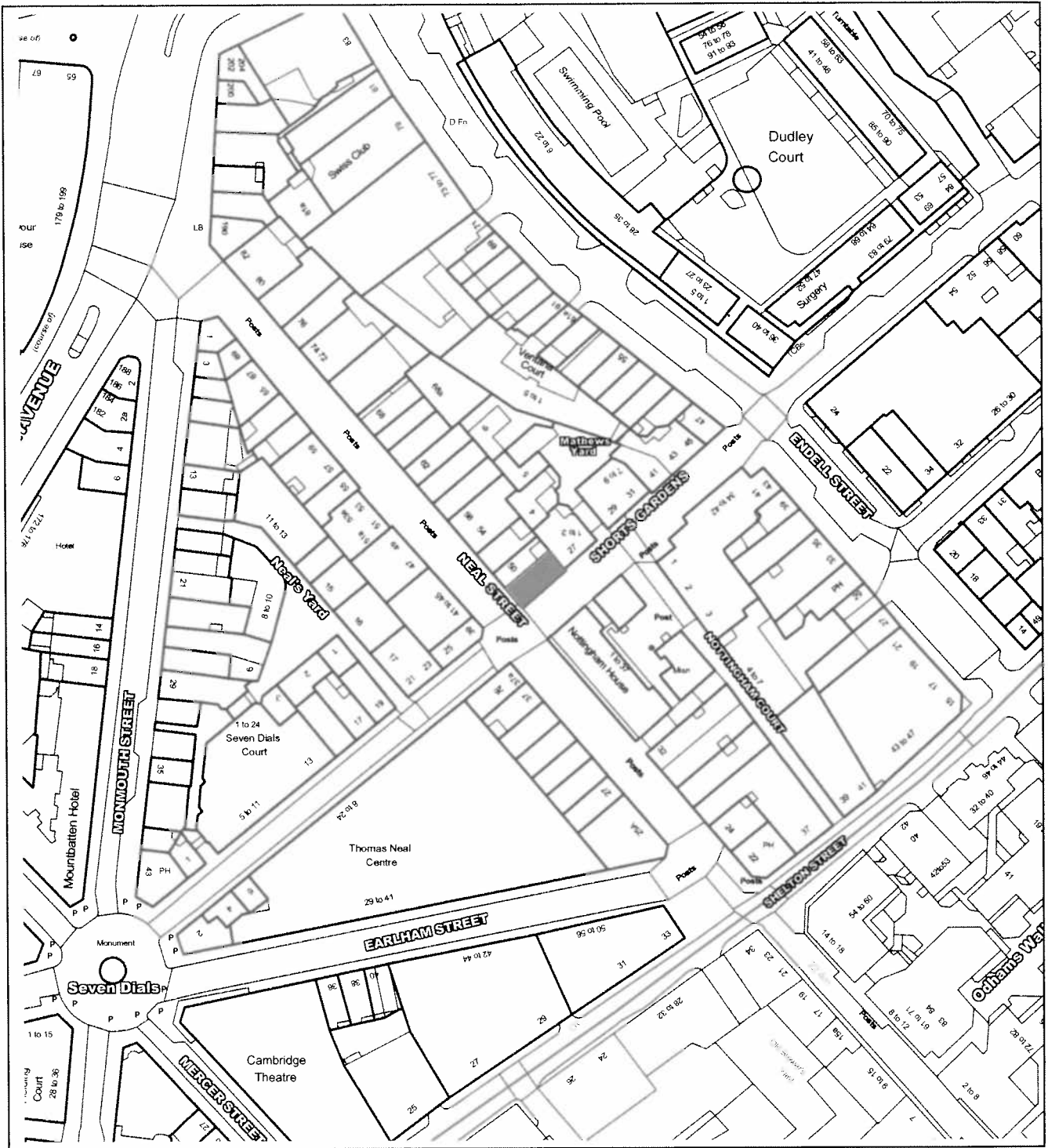
Supporting Communities Directorate

Executive Director Supporting Communities

Annexure 3
The Property



48 Neal Street London WC2H 9PA



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CPB
[Signature]
JK



EXECUTED AS A DEED BY)
SHAFTESBURY COVENT GARDEN)
LIMITED ~~was hereunto affixed~~)
acting by a Director and its Secretary)
or by two Directors)

.....
Director

.....
Director/Secretary

THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF CAMDEN was hereunto)
Affixed by Order:-)

.....
Authorised Signatory





