

DATED

6 JULY

2018

(1) PLUMBING PENSIONS (U.K.) LIMITED

and

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

OVERHANG LICENCE
relating to land known as

**44-46 Whitfield Street
London
W1T 2RJ**

pursuant to Section 177 of the Highways Act 1980

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall, Judd Street
London WC1H 9LP

Tel: 020 7974 2463
Fax: 020 7974 2963

CLS/PK/1641.40 (final)

THIS AGREEMENT is made the

6th day of

July

2018

BETWEEN:

1. PLUMBING PENSIONS (U.K.) LIMITED (registered under company number SC056632) whose registered office is at Bellevue House, 22 Hopetoun Street, Edinburgh, Midlothian, EH7 4GH (hereinafter called "the Licensee") of the first part
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 Council is the highway authority for the area in which the Highway is situated in the London Borough of Camden.
- 1.2 The Licensee is the owner of the freehold interest in the Building as registered with the Land Registry under title number NGL238711.
- 1.3 The Licensee has constructed the Structures so that the Structures overhang part of the Highway and is positioned over the Highway as shown on the Drawings and for this reason the Licensee has applied to the Council for an overhang licence under Section 177 of the Highways Act 1980 for the Structures.
- 1.4 The Council being satisfied that this Licence is necessary for the Works consents to the Works to the Building over the Highway subject to the terms, conditions and provisions contained herein.

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 1980 Act" the Highways Act 1980

2.2	"Annex 1"	the annex to this Licence as marked "Annex 1"
2.3	"Annex 2"	the annex to this Licence as marked "Annex 2"
2.4	"Annex 3"	the annex to this Licence as marked "Annex 3"
2.5	"the Building"	the building (including the Structures) shown on the Drawings constructed at the Property in accordance with the Planning Permission
2.6	"the Chief Engineer"	the officer holding that position within the Council's Environment and Transport Department from time to time whose address is the 4 th Floor, 5 Pancras Square, London N1C 4AG
2.7	"the Design and Check Certificate"	the design certificate at Annex 1 hereof
2.8	"the Drawings"	the drawings at Annex 2 hereof
2.9	"the Highway"	those parts of the highway (including the footway) known as Whitfield Street as shown on the Drawings
2.10	"this Licence"	this licence
2.11	"Necessary Consents"	all consents, licences, permissions, certificates, authorisations and approvals which are required for the construction, use, maintenance and/or repair of the Building
2.12	"the Parties"	the Council and the Licensee

2.13 "the Planning Permission"	the planning permission granted by the Council on 23 July 2014 having reference number 2014/3138/P
2.14 "the Property"	the property known as 44-46 Whitfield Street, London, W1T 2RJ shown edged red at Annex 3 hereto
2.15 "the Specification"	the specification and standards in the Design Certificate and the Design Check Certificate
2.16 "the Structures"	the structures together being the oxide coloured metal entrance canopy and glass bay windows at the first, second, third and fourth floors of the Building overhanging the Highway the same as shown the Drawings
2.17 "the Works"	the works carried out to the Building as approved under the Planning Permission for the provision of the Structures

3. NOW THEREFORE

- 3.1 In consideration of the performance and observance by the Licensee of the terms, conditions and provisions of this Licence the Council under Section 177 of the Highways Act 1980 hereby grants to the Licensee a Licence to construct and retain the Structures over the Highway[s].
- 3.2 The expression "the Council" shall include their respective successors in title and assignees and "the Licensee" shall include its successors in title and those deriving title from it and its or their tenants and licensees.
- 3.3 Words importing the singular person only shall include the plural and vice versa and words importing a particular gender shall include masculine feminine and neuter.

- 3.4 References in this Licence to any clause or sub-clause or annex or schedule without further designation shall be a reference to the clause or sub-clause or annex or schedule to this Licence so numbered.

4. THE LICENSEE'S OBLIGATIONS

The Licensee covenants with the Council as follows:-

- 4.1 To construct the Structures to the satisfaction of the Council in accordance with the Drawings and for the avoidance of doubt so that:
- 4.1.1 no part of the underside of the oxide coloured metal entrance canopy shall be less than 2.601 metres above any part of the footway (being part of the Highway) and the outermost edge of the canopy nearest the carriageway shall be not less than 2.15 metres (measured horizontally) from the edge of the nearest carriageway kerb of the Highway;
- 4.1.2 *no part of the underside of the glass bay windows at each of the second, third and fourth floors to be less than 6.43 metres above any part of the footway (being part of the Highway) and the outermost edge of the bay windows nearest the carriageway shall be not less than 1.79 metres from the edge of nearest carriageway kerb*
- and constructed in accordance with a method statement approved by the Chief Engineer.
- 4.2 To construct the Structures to ~~the~~ satisfaction of the Council in accordance with the Specification.
- 4.3 To maintain the Structures ~~thereafter~~ to the satisfaction of the Council (such maintenance to include ~~inspection~~ of the Structures by the Owner not less than once per calendar year by one or ~~more~~ appropriately qualified professional persons to ensure compliance with such ~~requirement~~) in such a manner and with such materials to ensure that the Structures:-

- (i) do not cause any detriment to the safety of users of the Highway or interference with the use of the Highway by members of the public or by statutory undertakers;
- (ii) can be inspected maintained and cleaned without undue interference with the safe and normal flow of pedestrian and vehicular traffic on the Highway; and
- (iii) are adequately drained to the reasonable satisfaction of the Chief Engineer.

- 4.4 Before commencing any works for the external maintenance (except external window and façade cleaning) or repair of the Structures or any adjoining part of the Building to give (except in the case of emergency) not less than 28 (twenty-eight) days' notice in writing to the Chief Engineer describing the said works and the method by which it is proposed to execute the said works and to comply with the requirements of the Chief Engineer in relation thereto and to the supervision thereof and to carry out such works in strict accordance with any such requirements of the Chief Engineer entirely at the expense of the Licensee.
- 4.5 While executing the Works and any maintenance or repair works to the Structures to cause the footway beneath such Works and any maintenance or repair works to be properly fenced and guarded together with a temporary roof if required and proper lighting during the hours of darkness.
- 4.6 To make good within 5 (five) days or such timescale as the Chief Engineer considers reasonable any damage to the Highway caused by or resulting from the Works or other works to or construction of or maintenance of the Structures to the satisfaction of the Chief Engineer at the Licensee's expense.

5. INDEMNITY

From the date the Structures first overhung the Highway the Licensee fully indemnifies and shall keep fully indemnified the Council against all liabilities, costs, expenses, damages, losses and claims (including but not limited to any direct, indirect or consequential losses and all interest, penalties and legal costs (calculated on a full indemnity basis) and all other professional costs and expenses) whatsoever for injuries and/or damages to any person or persons which may arise out of or in

consequence of any negligent act or omission or in consequence of the existence, transportation, construction, maintenance or dismantling of the Structures or anything in consequence out of the operation of this Licence.

6. INSURANCE

At all times while the Structures (or any part thereof) are in place at the Building (from the date of this Licence) the Licensee shall maintain (in the Owner's own name) fully comprehensive public liability insurance for a sum not less than £2,000,000 (two million pounds in respect of any single claim the number of claims being unlimited to cover claims for injury, to or death of any person or loss or damage to any real or personal property arising out of the use, maintenance or repair of the Structures and the relevant insurance policy shall be kept available by the Licensee at all times to allow the Council to inspect such policy forthwith on written request.

7. NECESSARY CONSENTS

Prior to the commencement of the Works the Licensee shall obtain all Necessary Consents and upon request to do so from the Chief Engineer deliver certified copies of such to the Chief Engineer (but acknowledging that this clause shall not apply to this Licence which has been entered into after the commencement of the Works).

8. ACCESS TO THE BUILDING

- 8.1 The Licensee shall on prior written notice give to the Chief Engineer (and any other person or persons authorised by the Chief Engineer) access to the Building and or Works for the purpose of inspecting the Works or Building to ensure compliance with this Licence and the safety and convenience of persons or traffic using the Highway.
- 8.2 Following any inspection pursuant to clause 8.1 hereof the Licensee shall give effect to any requirements of the Chief Engineer within a timeframe specified by the Chief Engineer.

9. MISCELLANEOUS

- 9.1 In the event of any breach by the Licensee of the terms of this Licence the Council may by notice require the breach to be remedied within 28 days of service of such notice by the Council and if the Licensee has not within such period remedy the breach then the Council may take such steps as the Chief Engineer shall consider necessary to remedy the breach and the cost thereof shall be a debt due from the Licensee to the Council and forthwith recoverable by action.
- 9.2 The Licensee shall pay the Council's reasonable costs in connection with the preparation and issue of this Licence and shall pay any reasonable and proper costs of the Chief Engineer of carrying out supervision responsibilities arising from this Licence.
- 9.3 Nothing in this Licence shall be construed as consent to oversail any other property other than those parts of the Highway shown on the Drawings.
- 9.4 This Licence shall enure for the benefit of the Licensee, its successors in title and any assignees from it, all tenants, sub-tenants or others deriving title from the Licensee and all those properly authorised by it and this Licensee and any person to whom this Licence is assigned may assign the benefit of this Licence to its successor in title without any requirement for the consent of the Council.

10. GOVERNING LAW

This Licence and any dispute or claim arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.

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

EXECUTED AS A DEED BY
PLUMBING PENSIONS (U.K.) LIMITED
acting by its attorney DTZ INVESTMENT
MANAGEMENT LIMITED

A. Brothwell
M. S.

))

Plumbing Pensions (UK) Limited
by its attorney DTZ Investment
Management Limited acting by its
attorney

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

.....)
J.A.
Authorised Signatory





ANNEX 1

Specification:
Design Certificate and Design Check Certificate



DESIGN AND CHECK CERTIFICATE
(Highway Structures/Road or Service Tunnels)

Name of Project
 Name of Structure/Tunnel
 Structure/Tunnel Ref No

Annex C1

**Model form of certificate
 for the design/assessment¹
 and/or check¹ of highway
 structures, including road
 and service tunnels**

Name of Project	44 - 46 Whitfield Street, London
Name of Structure	Projecting bays on front facade
Structure Ref No	02514

We certify that reasonable professional skill and care has been used in the preparation of the design/
~~assessment~~ and/or check¹ of the projecting bays with a view to securing that:

- i. It has been designed/assessed¹ and/or checked¹ in accordance with
 The following Standards:

The Approval in Principle dated (date) including the following:
 BS 6399-1-1996 - Dead and Imposed Loads
 BS6399-2-1997 - Wind Loads
 BS 5950-1-2000 - Steelwork

- ii. It has been checked for compliance with the relevant standards in i. above
 The assessed capacity of the structure is as follows:

- iii. It has been accurately translated into construction drawings and bar bending schedules
 (all of which have been checked)². The unique numbers of these drawings and schedules are:
 02514-D-012Z1 to 015Z1

Signed

Name

John Lucking

Design/Assessment/Check^{1,2} Team Leader

Engineering Qualifications

BSc PhD CEng MInstStructE

Signed

Name

Sven Griesemann

Position held

Partners

Name of Organisation

Lucking & Clark LLP

Date

7th December 2017

I declare that all the criteria given in paragraph 1 are agreed.

DESIGN AND CHECK CERTIFICATE
 (Highway Structures/Road or Service Tunnels)

Name of Project
 Name of Structure/Tunnel
 Structure/Tunnel Ref No

3. The certificate is accepted by the TAA

Signed

G NATKONAN

Name

Position held

Team Leader - Structures Sector

Engineering Qualifications

BSc(Hons) CEng MICE

TAA

London Borough of Croydon

Date

14-12-2017

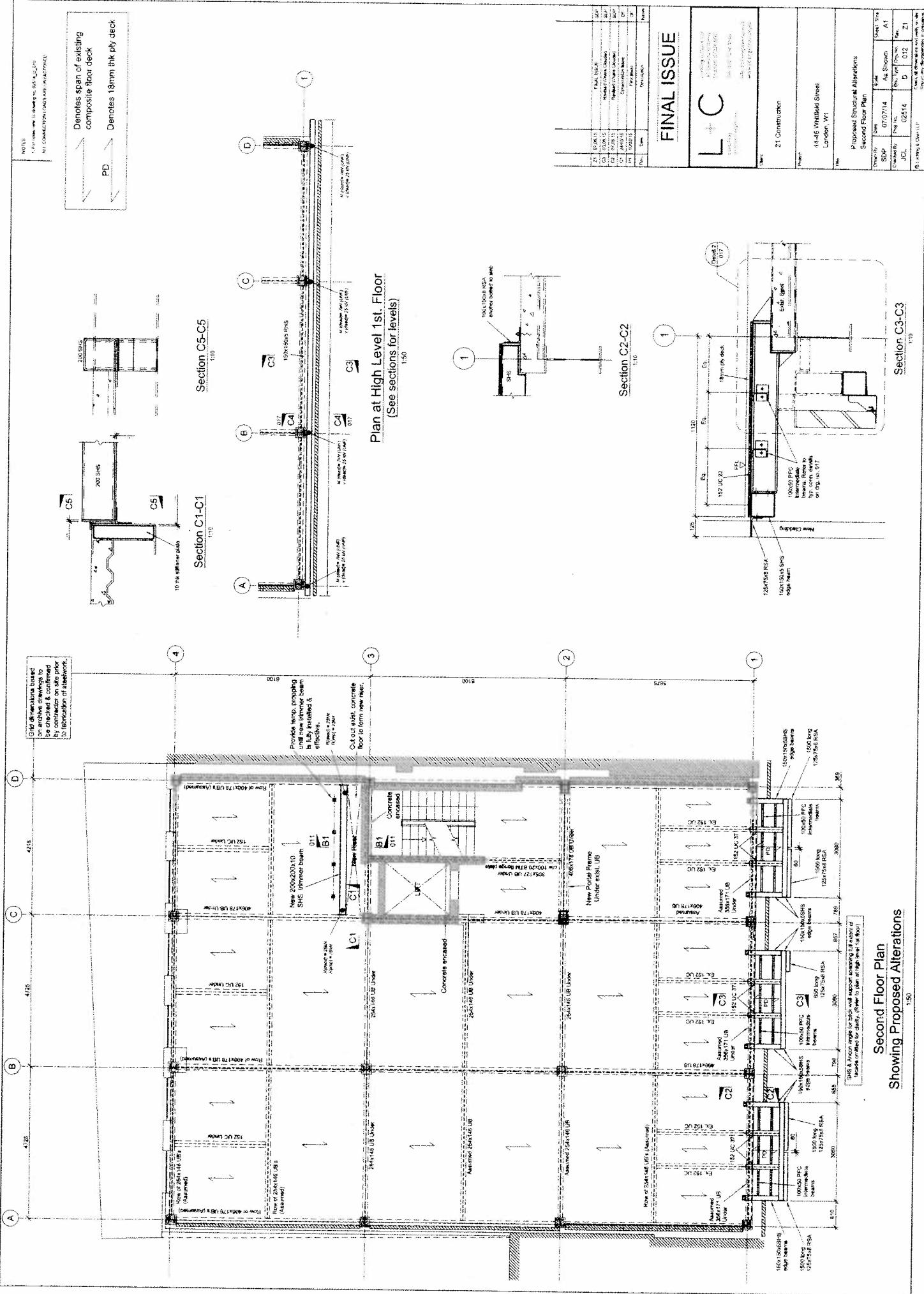
Notes

1. Delete as appropriate
2. Where several similar Category three 1 structures occur in a project, they may be listed on one certificate
3. Used for Category 1 only. Insert relevant current Standards including amendments to date. This certificate should be accompanied by a General Arrangement drawing.
4. Not required for Category 0. Insert date of agreement of the MP by the TAA including the dates of any addenda. Note the MP is valid for three years after the date of agreement by the TAA. If the construction has not yet commenced within this period, the MP should be re-submitted to the TAA for review.
5. List any Departures and additional methods, criteria or specification clauses.
6. For the certification of Major junctions for highway structures, include here the reference number and date of the relevant Safety Consultation Document.
7. Delete for Categories 2 and 3, which require a separate check certificate.
8. Used for assessments only. Approved capacity is to be recorded in the Overseeing Organisation's management system for structures. The statement - all of which have been checked - is not applicable to Categories 2 and 3 design certificates.
9. Delete as appropriate or repeat two columns if they are signed by both Design Assessment and Check Teams.
10. Delete as appropriate or repeat two columns if they are signed by both Design Assessment and Check Teams.
11. CEng, MICE, MIStructE or equivalent, but this qualification can be relaxed for Categories 0 and 1 with the agreement of TAA.
12. A Principal of the organisation responsible for the design or assessment.
13. Delete as appropriate. Note, not permitted for Categories 0 or 1 unless the TAA considers that the Departure has little or no structural implication.
14. Engineer with appropriate qualification and experience for Categories 0 and 1, and with CEng, MICE, MIStructE or equivalent for Categories 2 and 3.

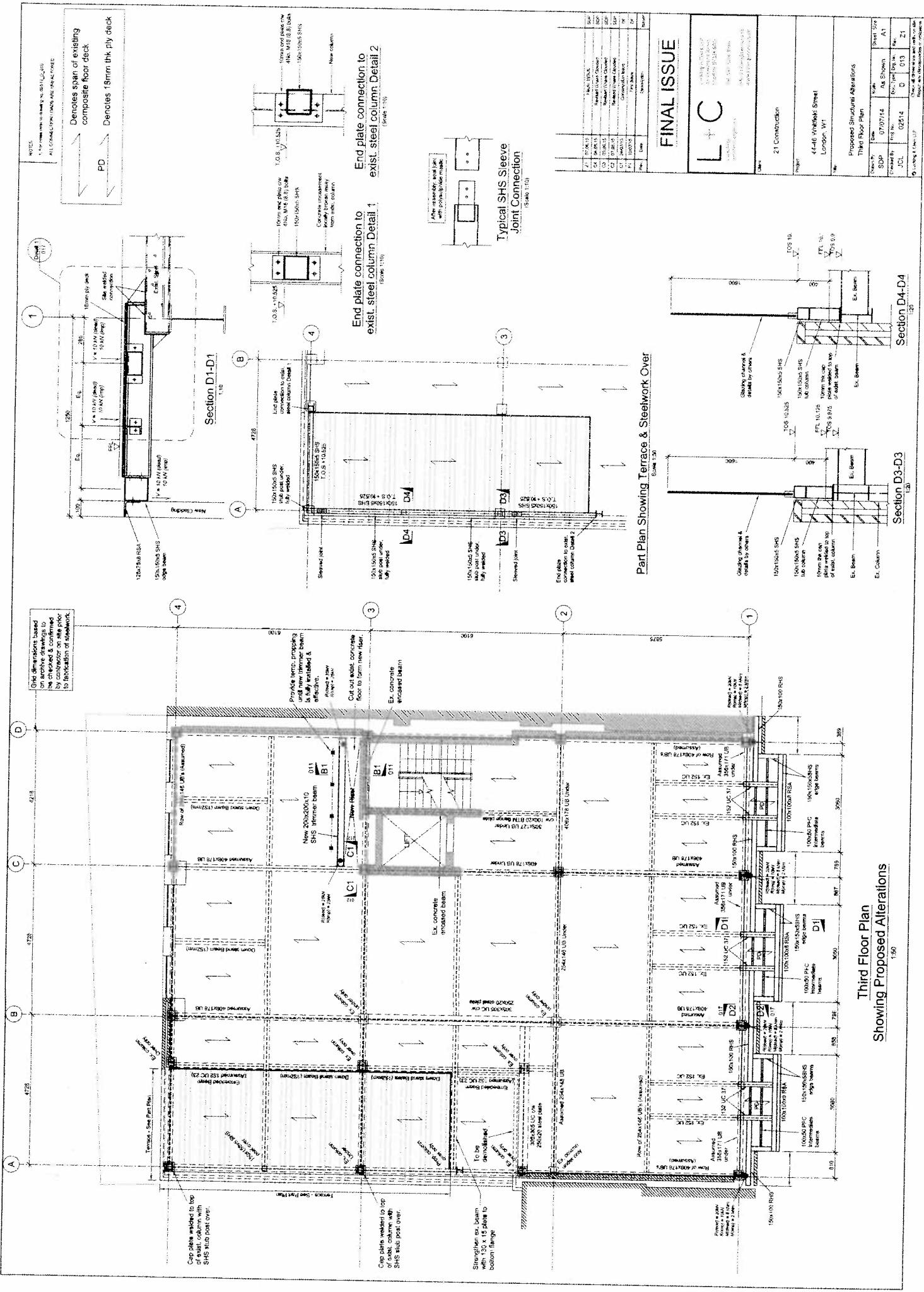
ANNEX 2

Drawings











卷之三

Denotes span of existing composite floor deck
FD Denotes 18mm thick ply deck

Ex-Bank Of America

Detail 'A'

Fourth Floor Plan Showing Proposed Alterations

FINAL ISSUE

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卷之三

the first time since 1990 that the U.S. has been forced to pay a fine for failing to meet its obligations under the Kyoto Protocol.

سیاست و اقتصاد

21 Construction

Pl. 146

44-48 Whifford Street

London, W.

Processual Structural Alterations

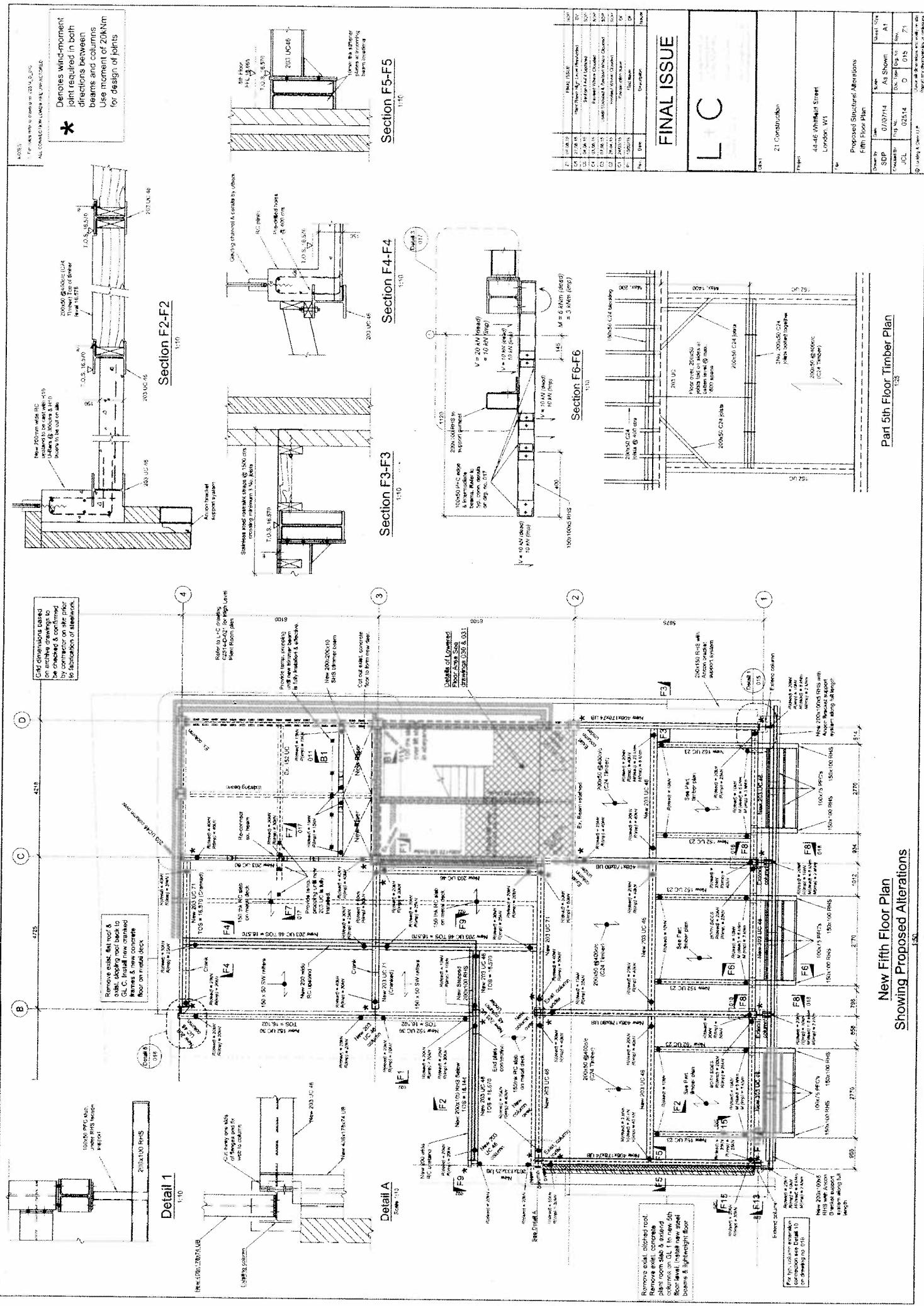
FOURTH FLOOR PLAN

Customer	Date	Region	Next Shipment	Next Size
SDP	07/07/14	Region	As Shown	A1

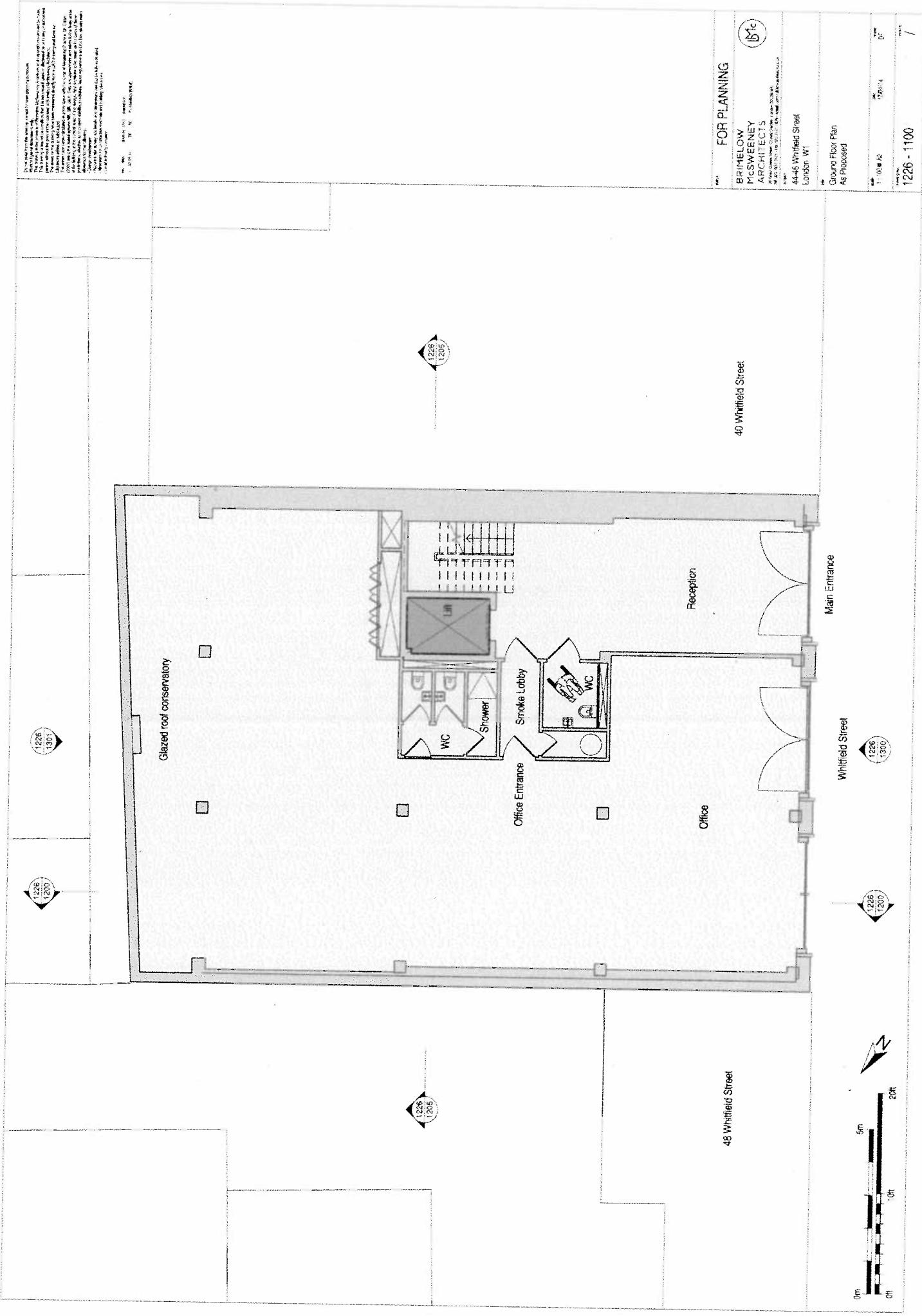
Chromaffin
JCL 02514

• **Learning & Transfer**:
- Only relevant parts are used to help
 learn new applications or contexts







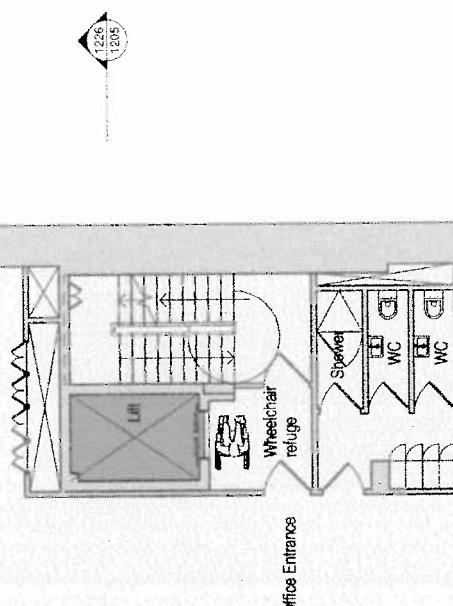


FOR PLANNING

BRIMFELow
McWEENEY
ARCHITECTS
44-46 Whitefield Street
London W1

40 Whitefield Street
Office

Whitefield Street



48 Whitefield Street

Office

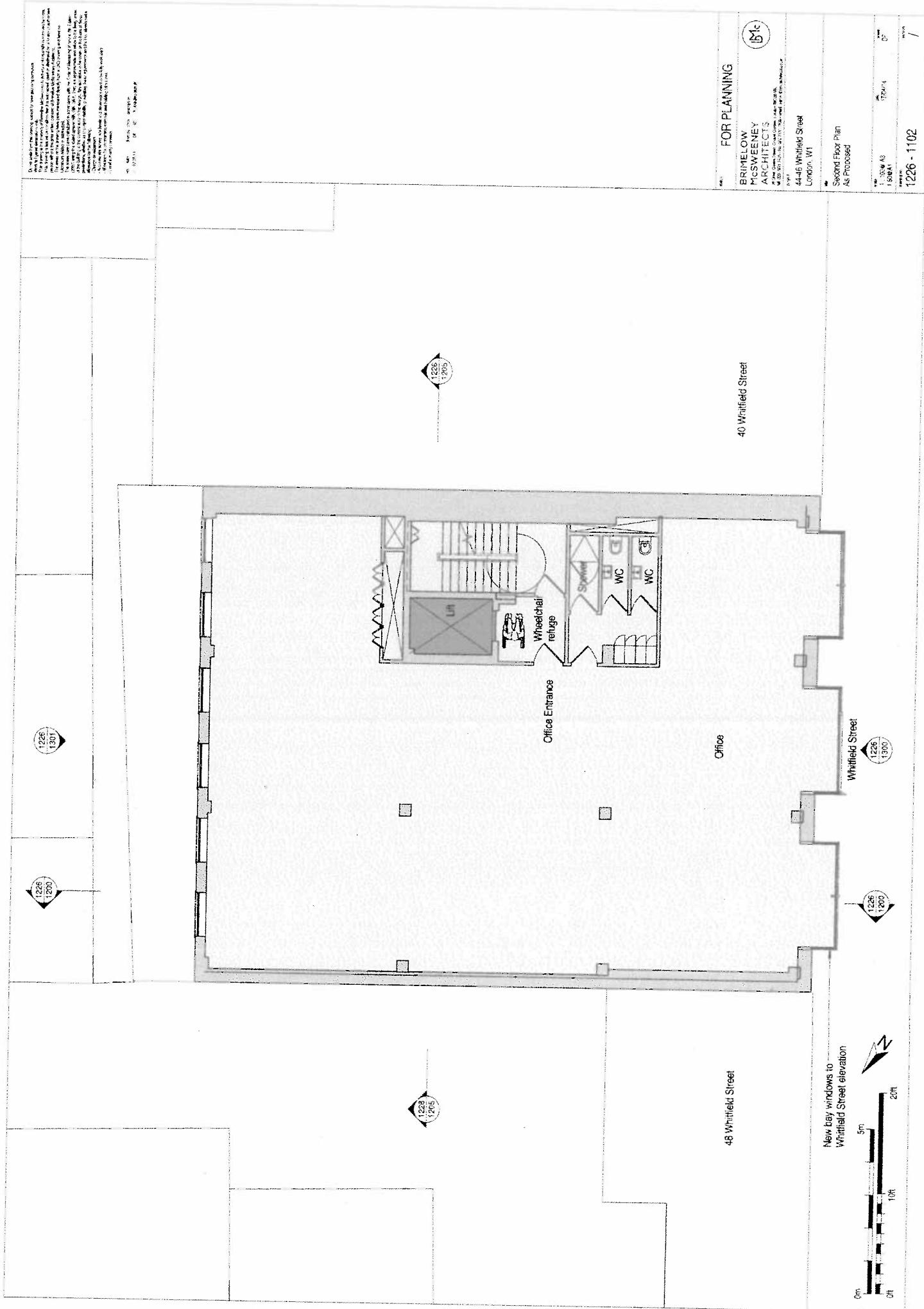


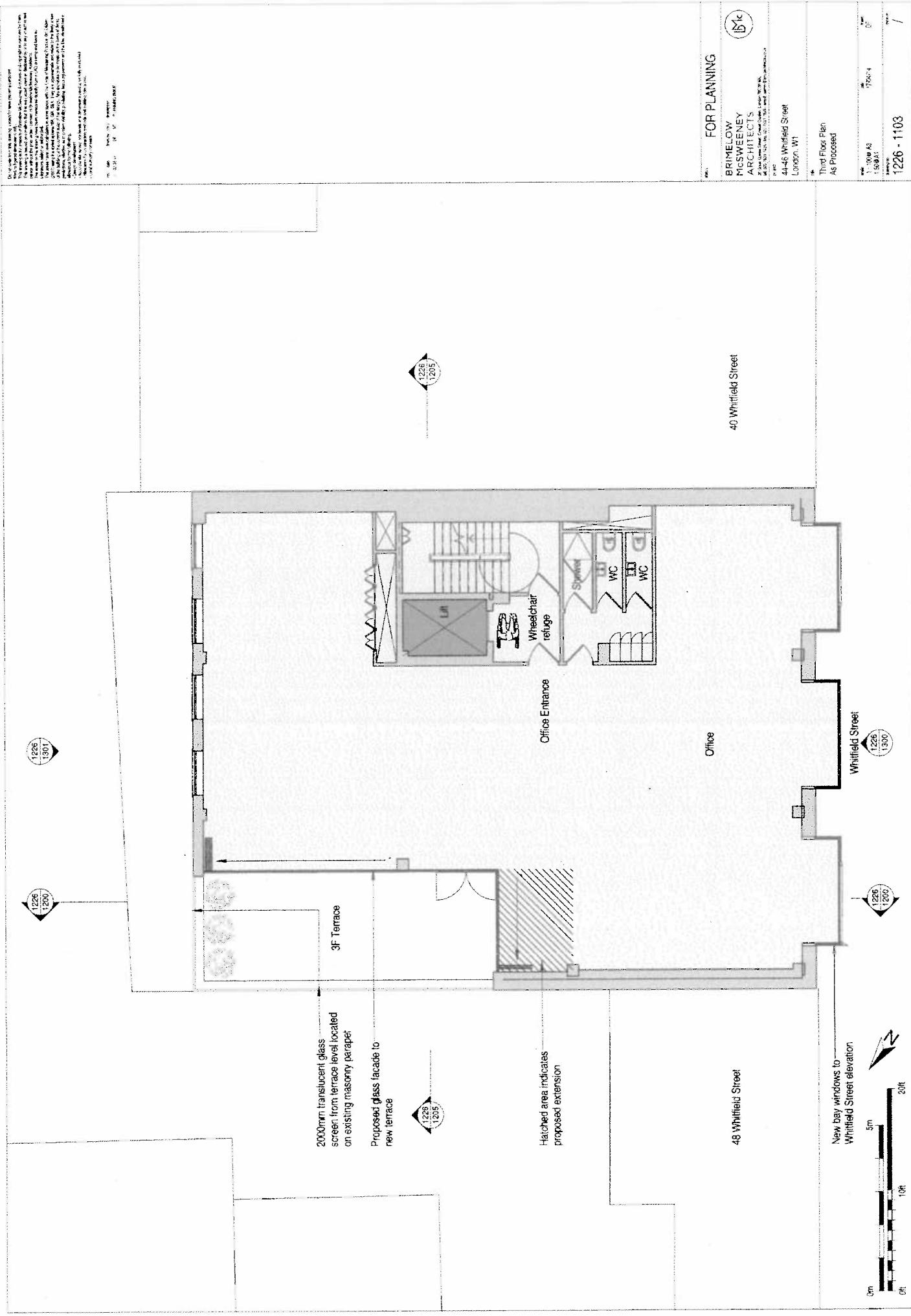
0m

5m

10m

20m





卷之三

ECONOMIC

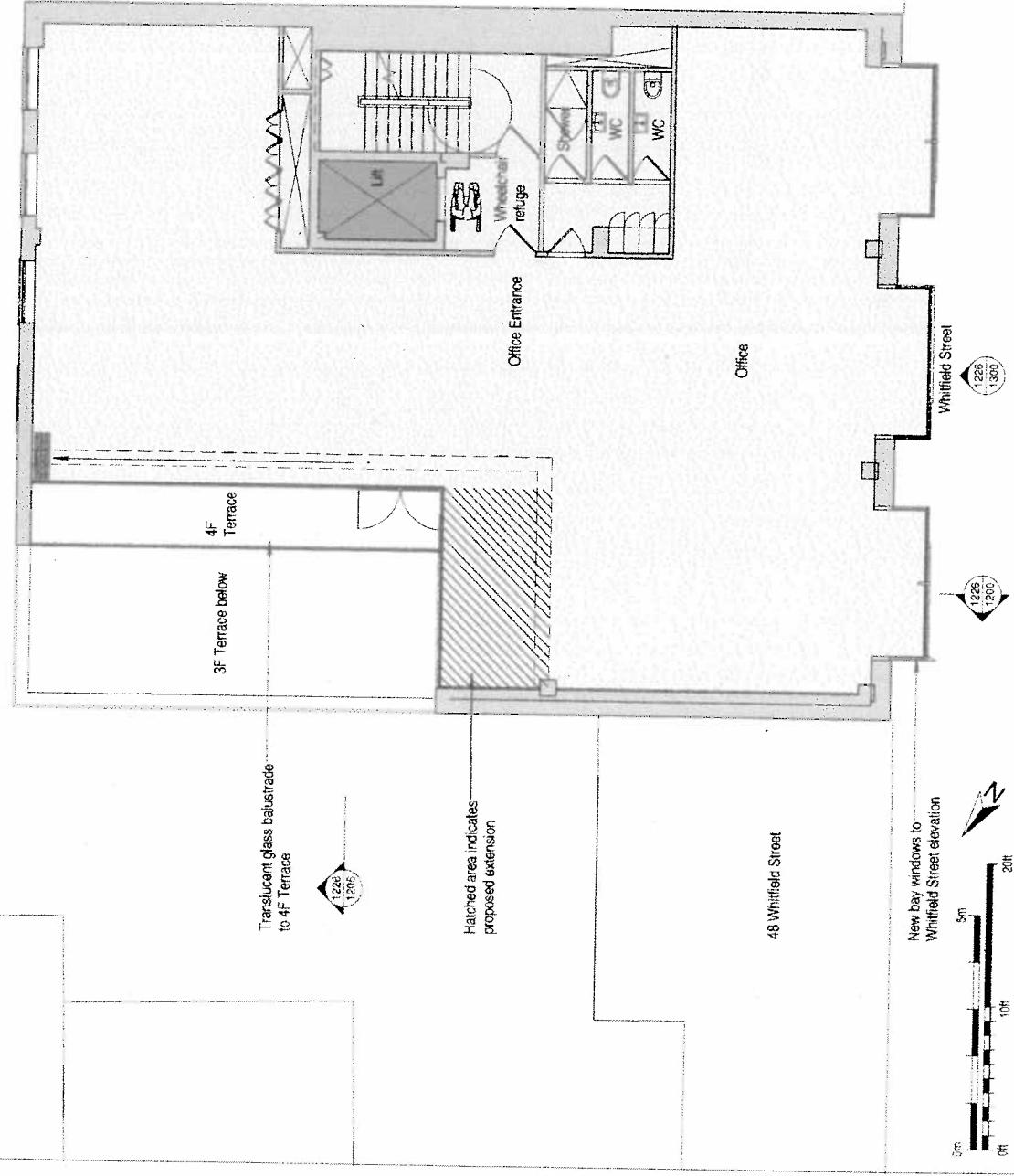


BRIMELow
MCSEWENEY
ARCHITECTS
Architects Engineers General Contractors
1000 Atlantic Avenue, New York, N.Y. 10037
Phone 212-625-1200

446 Whitfield Street
London, W1

As Proposed
Fourth Floor Plan

1226 - 1104



FOR PLANNING



BRIMLOW
MC SWEENEY
ARCHITECTS
44-46 Whitfield Street
London W1

Fifth Floor Plan
As Proposed

1226 - 1105



40 Whitfield Street

Office

5F Terrace

Smoke lobby

WC

5F Terrace

4F Terrace

Pitched roof
below

Plant Area

Louvered plant enclosure

Transparent glass
balustrade to 5F Terrace

1226
1205

new masonry wall to
match existing

1226
1305

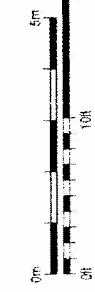
1226
1205

Whitfield Street

1226
1205

48 Whitfield Street

0m



1226 - 1105

For studies of the disease, computer models have been developed. These models can help to predict the spread of the disease and the effectiveness of different control measures. A recent study in the United States found that a 10% reduction in the number of people who travel by air could reduce the spread of the disease by up to 50%. The researchers also found that a 10% reduction in the number of people who travel by land could reduce the spread of the disease by up to 30%. The results of this study suggest that travel restrictions could be effective in controlling the spread of the disease.

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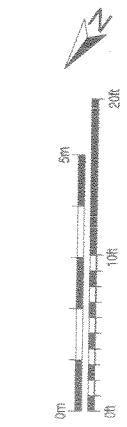
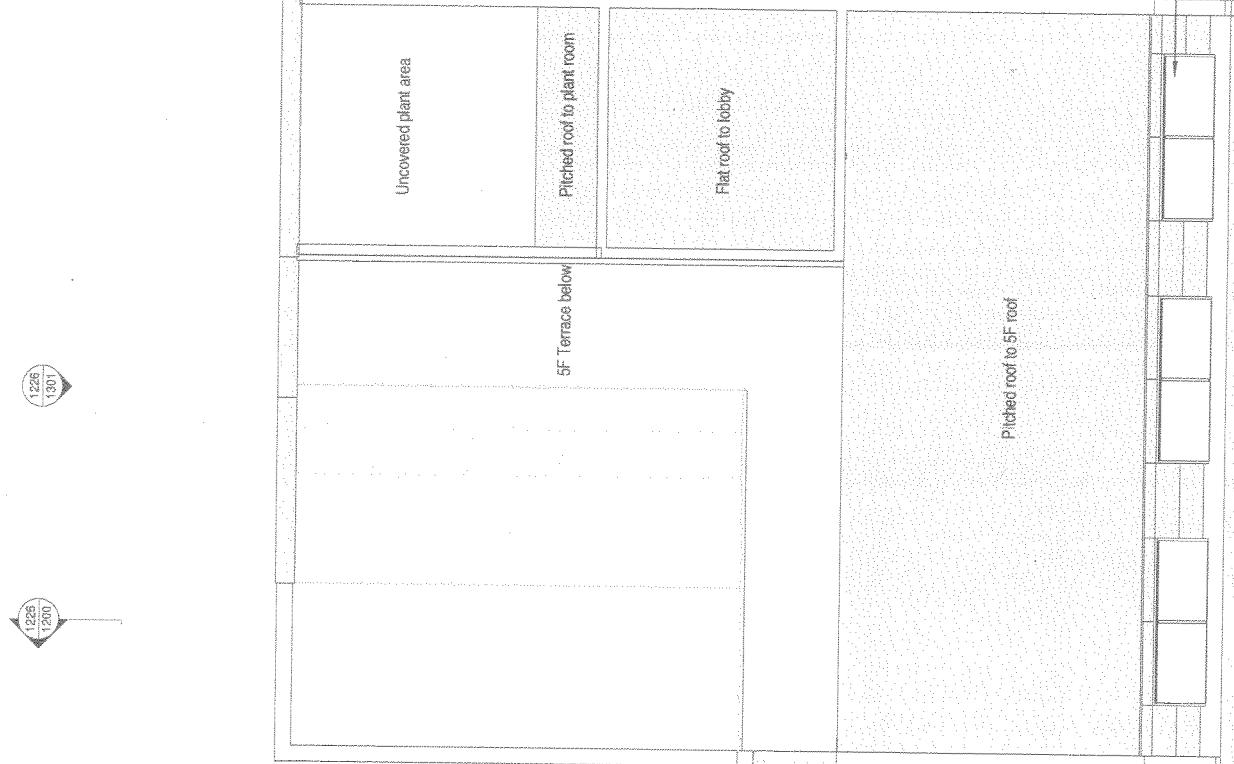
FOR PLANNING

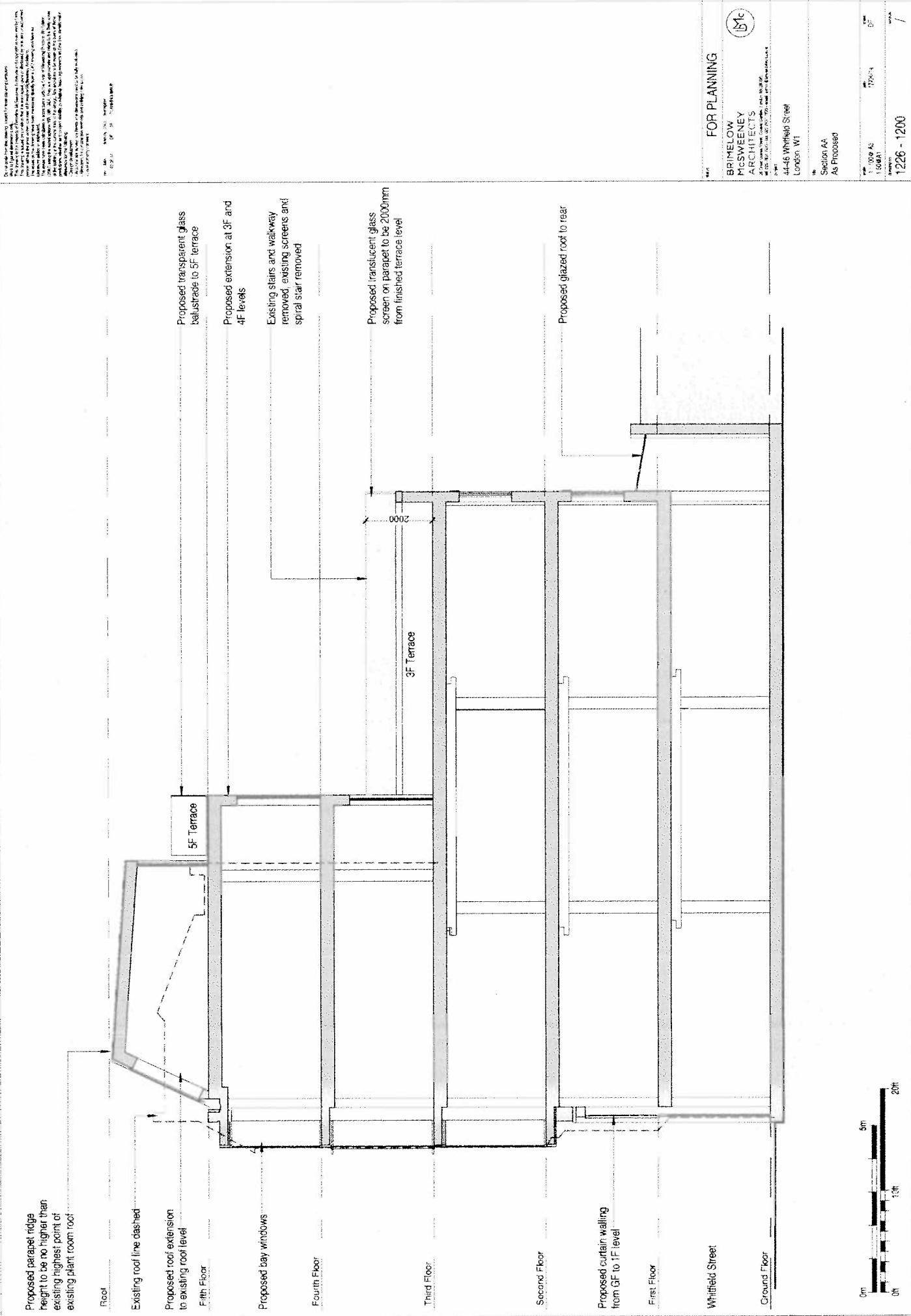
The logo consists of a circular emblem containing the letters "Mc" in a stylized font.

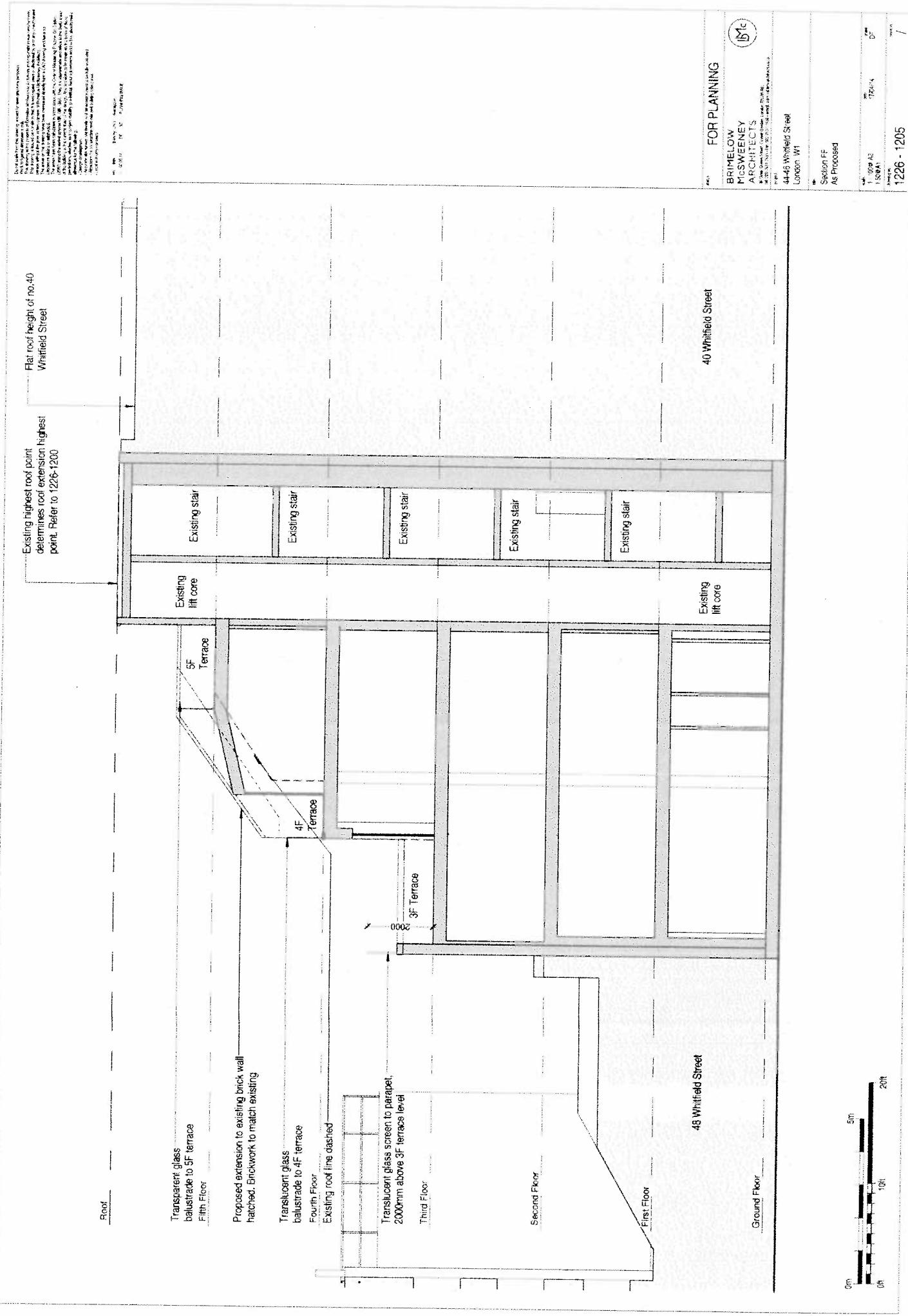
tel. 020 7603 1265 fax. 020 7603 1450 e-mail: info@whitfieldassociates.co.uk
www.whitfieldassociates.co.uk
44-46 Whitfield Street
London, W1

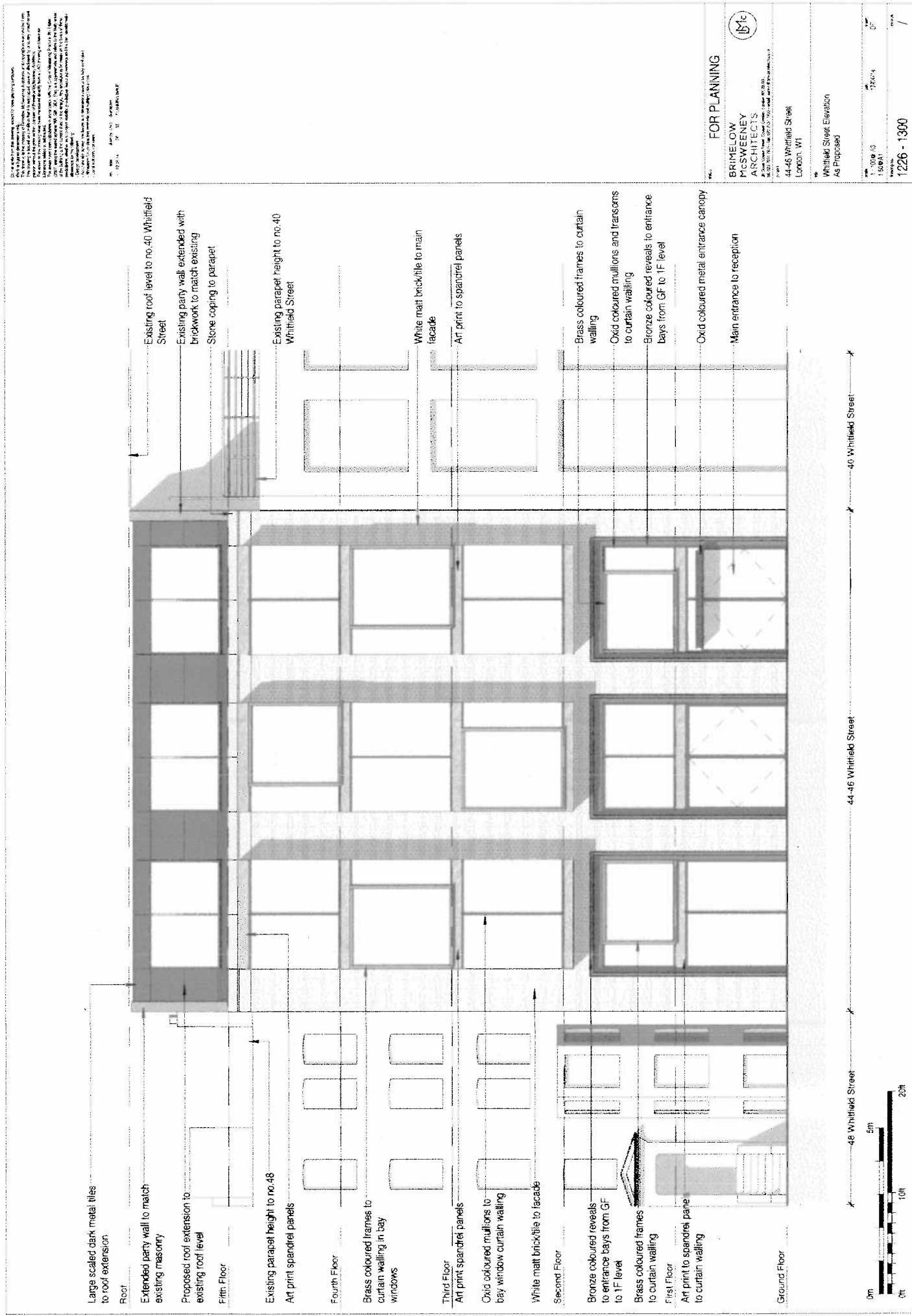
Roof Plan
As Proposed

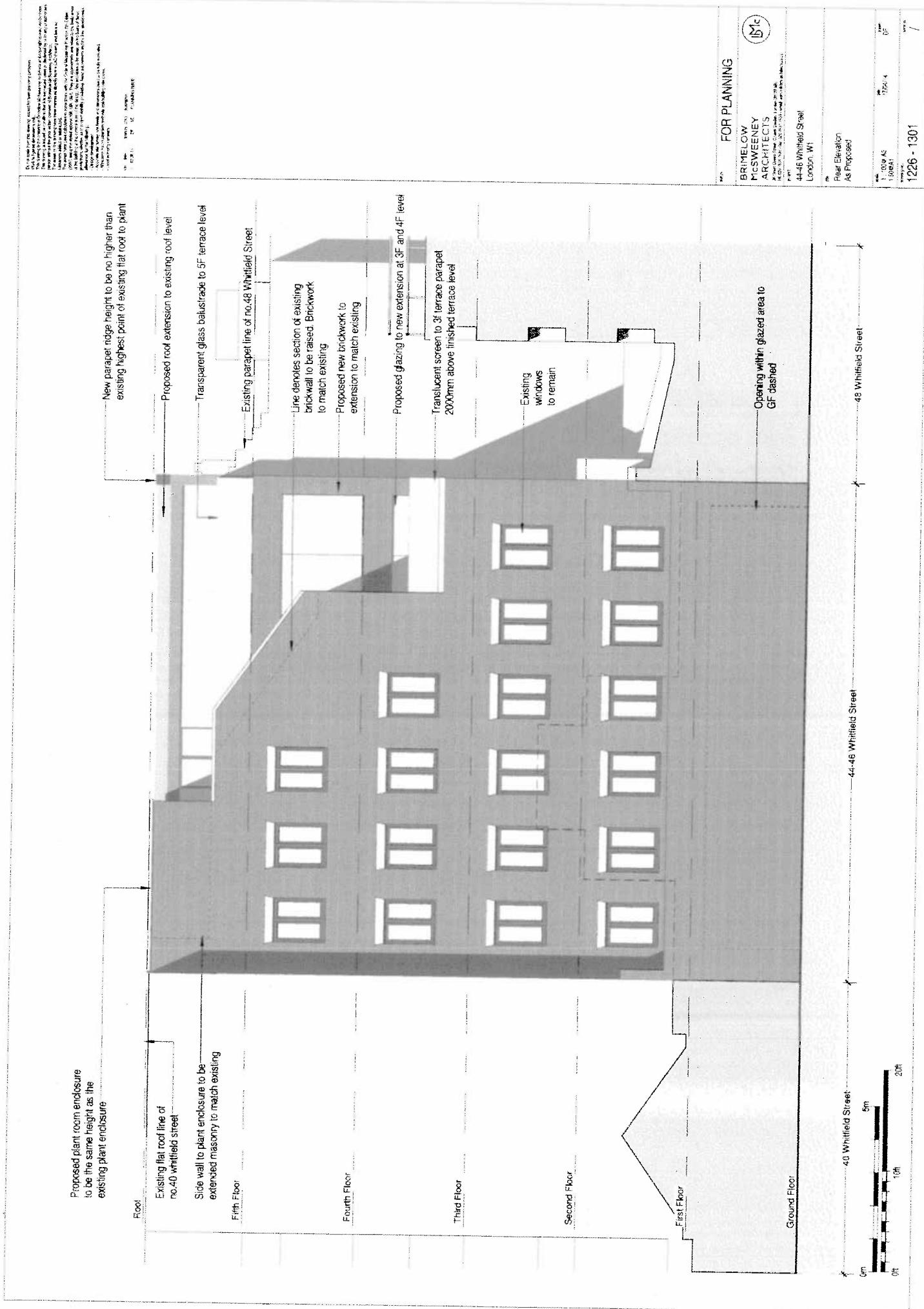
1226 ~ 1106
1106 ~ 1226

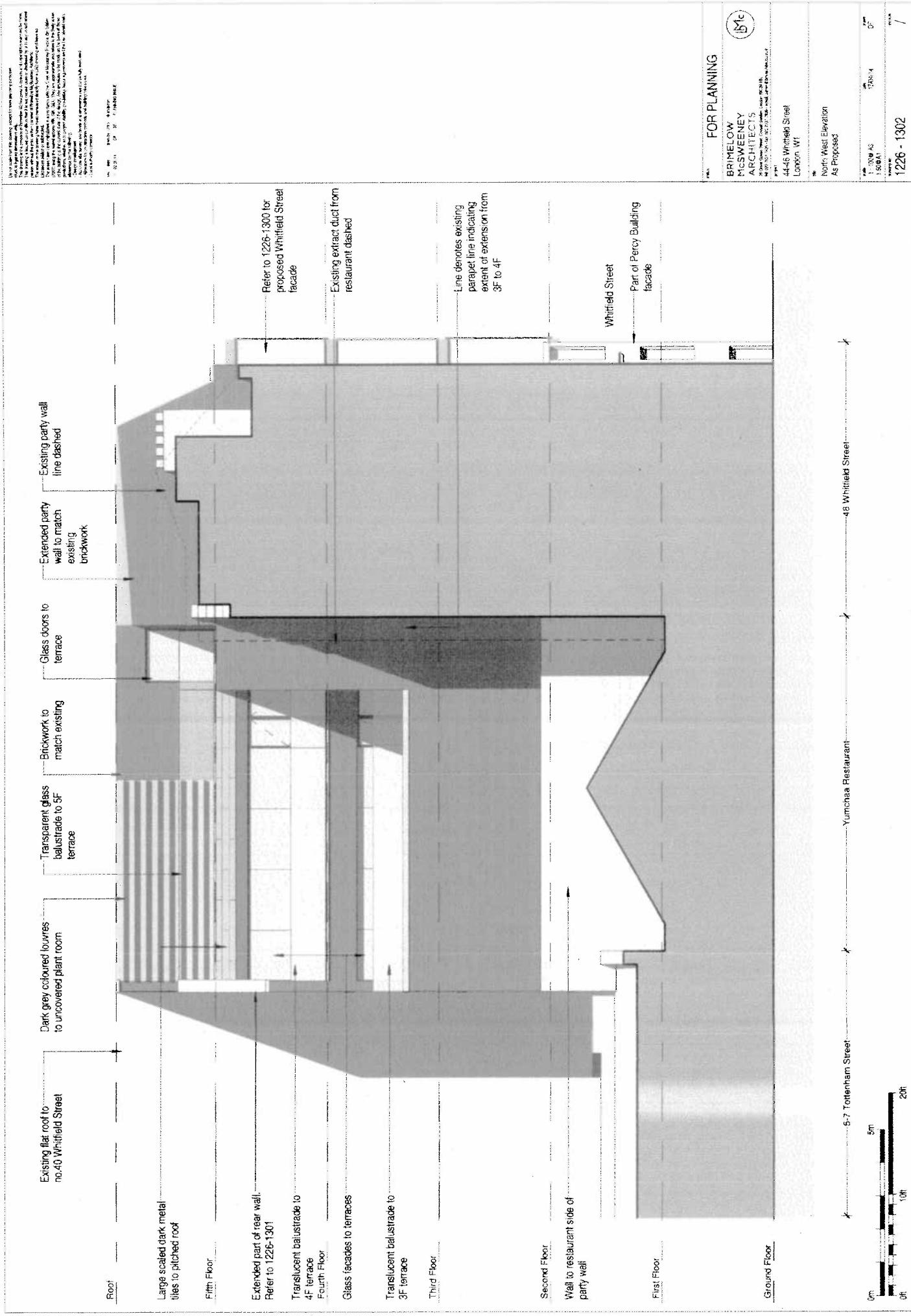






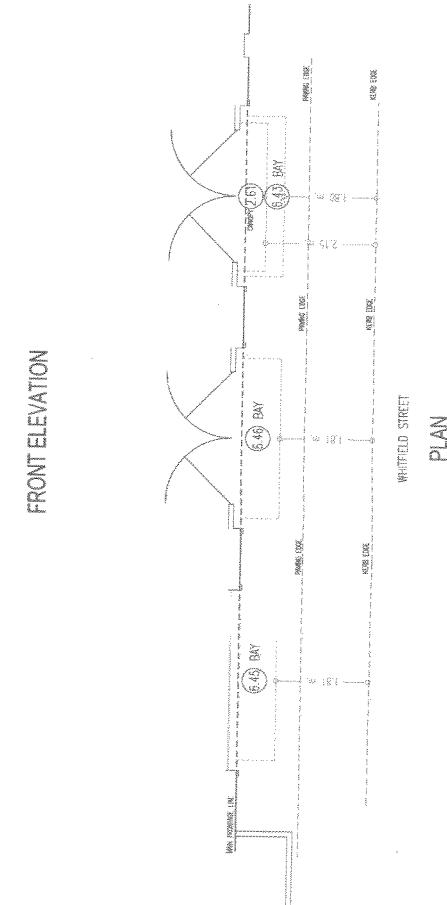






A3

FRONT ELEVATION



SCALE 1 / 100

IN THE PRINTING OF PLANS, ANDS INSURE THAT:
1. "PAGE SIZING" IS SET TO 100%, OR "ACU. SIZE".
2. "VARIOUS PAPER SOURCE IN PDF PAGE SIZE" IS SET.
3. PICTURES ARE EMBEDDED IN THE PREMIER DRAWER BOX.

SECTION (AT ENTRANCE)



ADDRESS 44-46 WHITFIELD STREET
LONDON PROJECT OVERHANG LICENCE

CUSHMAN &
WAKEFIELD

DATE 27/09/11
SOLE AS SHOWN @ A3
DRAWING NO. CAD NO.
1032



ANNEX 3

The Property



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DATED

6 JULY

2018

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and

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

OVERHANG LICENCE
relating to land known as

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W1T 2RJ**

pursuant to Section 177 of the Highways Act 1980

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Borough Solicitor
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