

DATE

23 October 2024

REPORT ON TITLE
RELATING TO
SITE AT DRAKEFELL ROAD, LEWISHAM
FOR
LEWISHAM COUNCIL

SHARPE PRITCHARD

SS/JP/2383.36

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1. INTERPRETATION

The following terms are used in this report:

Benefits	any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest that benefits the Property.
Incumbrances	any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest to which the Property is subject.
Property	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 Lewisham ("**the Council**"), in connection with your proposed development 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 We understand that the Council are considering redeveloping the Property. We have not at this stage been provided with any plans showing the proposed redevelopment.
- 2.4 The report is based on our review of the title documents and local land charge search results only. We have not been provided with any other documents to review by the Council.
- 2.5 The Council should be aware that this report only addresses rights which are revealed in the official copy titles for the Property. Rights over the Property may have been acquired by other means, for instance, they might be implied (for example, by necessity), by prescription (for example, long use of over 20 years), or by way of unregistered leases, tenancies and licences. The Council should conduct a thorough site investigation and review internal deeds packets / property files to see whether any such rights may exist, as part of viability / pre-development due diligence.
- 2.6 It should be noted that the title register considered in this report was downloaded from the Land Registry on 30 August 2024. As such, it shows a snap-shot of title issues as of that date. Accordingly, if there are further disposals or other land transactions affecting the title falling within the Property which have taken place after the download date of the title registers, the title will change. Copies of the title register, title plan and documents referred to in this report can be found at Annex A.
- 2.7 Where the Property forms part of a large geographical area, where a Benefit or Burden revealed on the title is unlikely to affect the Property, we have not recorded it within this report or we have made clear that the interest is not likely to affect the Property.

- 2.8 Where the provisions of documents are summarised, the wording of the provisions has been shortened. This report should not be used as a substitute for reading the actual title documents and search results.
- 2.9 We have not inspected the Property and are unable to advise on the physical condition of the Property.
- 2.10 We express no opinion on the commerciality of any proposed development and we are unable to advise on the value of the Property.

3. EXECUTIVE SUMMARY

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

- 3.1 **The current registered proprietor of the Property is the London County Council;**
- 3.2 **The Property is subject to rights as a result of sales of adjoining properties under the right to buy;**
- 3.3 **The Property is in a conservation area and there are restrictions on permitted development rights;**
- 3.4 **There are recent planning applications which may affect the Property.**

4. THE PROPERTY

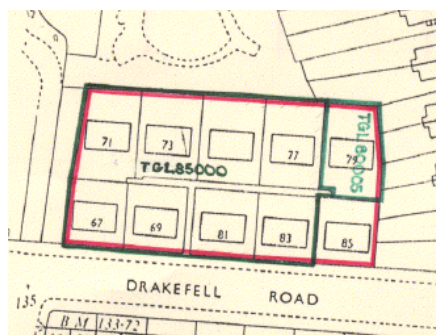
- 4.1 The Property is known as 85 Drakefell Road, Lewisham. A plan showing the Property edged with a red line is attached at Annex A. Please check the plan carefully to ensure that it accurately reflects the extent of the land that you understand may be developed. The plan may not show the exact location 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.

4.2 Index Map Search

- 4.3 We commissioned an index map search with the Land Registry. An index map search (SIM) confirms whether a property is registered at the Land Registry (and, if so, the title number(s) under which it is registered). If a property is not registered, a SIM will show whether a property is subject to any pending applications for registration or any cautions against first registration.

- 4.4 **The result of our SIM dated 23 August 2024 carried out on the Property plan confirmed that the Property is comprised of one freehold title as follows:-**

- 4.4.1 LN87458 – known as “67 to 87 (odd) Drakefell Road”. Note, properties 67-85 (odd) have been transferred out of this title – see land edged green with title numbers TGL85000 and TGL80005 on the title plan extract of which is below:-



- 4.5 **The registered proprietor of the Property is the London County Council and**

therefore the Council are not the registered proprietor. The London County Council was abolished in 1965 and we assume that the Property may have passed to the Council as a result of this and the provisions of the Local Government Act 1963. The Council will however need to confirm this prior to any development taking place. Should you require us to provide any assistance in this regard, please let us know.

- 4.6 The class of title for the Property is absolute freehold title. Absolute title is the best class of title available.

5. MATTERS BENEFITING THE PROPERTY

The Property falling within this title enjoys the following benefits:

- 5.1 By conveyances and transfers of adjacent or neighbouring land which were made pursuant to Part V of the Housing Act 1985 the Property is described as having the benefit of easements and other rights prescribed in paragraph 2 of Schedule 6 of the Housing Act 1985 as follows:-
- 5.1.1 rights of support for a building or part of a building;
 - 5.1.2 rights to the access of light and air to a building or part of a building;
 - 5.1.3 rights to the passage of water or of gas or other piped fuel, or to the drainage or disposal of water, sewage, smoke or fumes, or to the use or maintenance of pipes or other installations for such passage, drainage or disposal;
 - 5.1.4 rights to the use or maintenance of cables or other installations for the supply of electricity, for the telephone or for the receipt directly or by landline of visual or other wireless transmissions.

(together the “**Right to Buy Rights**”).

6. MATTERS BURDENING THE PROPERTY

The Property falling within this title is subject to the following Incumbrances:

- 6.1 The Right to Buy Rights – see details set out at paragraph 5.1 above. **We cannot confirm whether any such rights are being exercised over the Property and the Council should carry out their own site investigations in relation to this. We do note however the adjoining land which is transferred via the right to buy out abuts the Property.**
- 6.2 The Property is subject to:-
- 6.2.1 rights of drainage and rights in respect of water, gas and electricity supply services;
 - 6.2.2 rights of support and light (which benefit the land shown edged green on the title plan)
 - 6.2.3 the common pathways are subject to rights of way

The Council should carry out a physical inspection of the Property and assess how adjoining properties may be (if at all) exercising any of the aforementioned rights over the Property. Such rights will need to be taken into account as part of the design process to ensure the rights can continue to be exercised. Where rights may be impeded / interfered with, the Council will need to consider

associated risks / possible mitigations. Should the Council require any further advice in this regard, please let us know.

7. SEARCHES

We have not been asked to carry out any searches on the Property at this stage however the Council have provided us with a copy of a local land charges search which we have reported on below.

7.1 Local land charges search

A search of the local land charges register shows matters such as compulsory purchase orders, tree preservation orders, planning enforcement notices and financial charges registered against a property. You should note that the search result provides a snapshot of the register on the date of the search. Local land charges registered after the date of the search will still bind a property. The local land charge result is dated 6 September 2024 and reveals the following:-

- **Restrictions on permitted development rights** under:-
 - o Direction made under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995 dated 19 January 2024;
 - o Direction made under Article 4 (2) of the Town and Country Planning (General Permitted Development) Order 1995 dated 1 October 2008;

Should the Council require further information on these Articles please let us know.

- **Recent planning permissions relating to the erection of houses both dated 6 September 2024 - we do not know who the planning permission has been submitted by (or indeed whether it is the Council's application). Please let us know if you require us to carry out any further investigations in this regard.**
- **The premises are situated within the Telegraph Hill Conservation Area designated 3 April 1990. The search result notes that planning consent would be required to demolish the premises.**
- **Order under Section 18 of the Clean Air Act, 1993. The Council has confirmed the proposal for a consolidate smoke control area affecting this Property and the operative date of the order is the 19/1/2011.**

Sharpe Pritchard LLP

ANNEX A: PLAN OF THE PROPERTY, TITLE DOCUMENTS AND SEARCH RESULTS

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number LN87458

Edition date 15.12.1994

- This official copy shows the entries on the register of title on 30 AUG 2024 at 10:19:35.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 30 Aug 2024.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title.

LEWISHAM

- 1 (23.04.1951) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being site of 67 to 87 (odd numbers) Drakefell Road.
- 2 The land comprised in this title formerly numbered on the General Map is now shown and edged with red on the plan of this title filed at the Registry.
- 3 The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 4 The transfers of those parts edged and numbered in green on the filed plan which were made pursuant to Part V of the Housing Act 1985 took effect with the benefit of and subject to the easements and other rights prescribed by paragraph 2 of Schedule 6 of that Act.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (23.04.1951) Proprietor: LONDON COUNTY COUNCIL of The County Hall, Westminster Bridge, London SE1.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to rights of drainage and rights in respect of water, gas and electricity supply services.
- 2 The parts of the land respectively affected thereby which adjoin the parts edged and numbered in green on the filed plan are subject to rights of support and light enjoyed by the said parts so edged and

Title number LN87458

C: Charges Register continued

numbered.

3 The common pathways are subject to rights of way.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

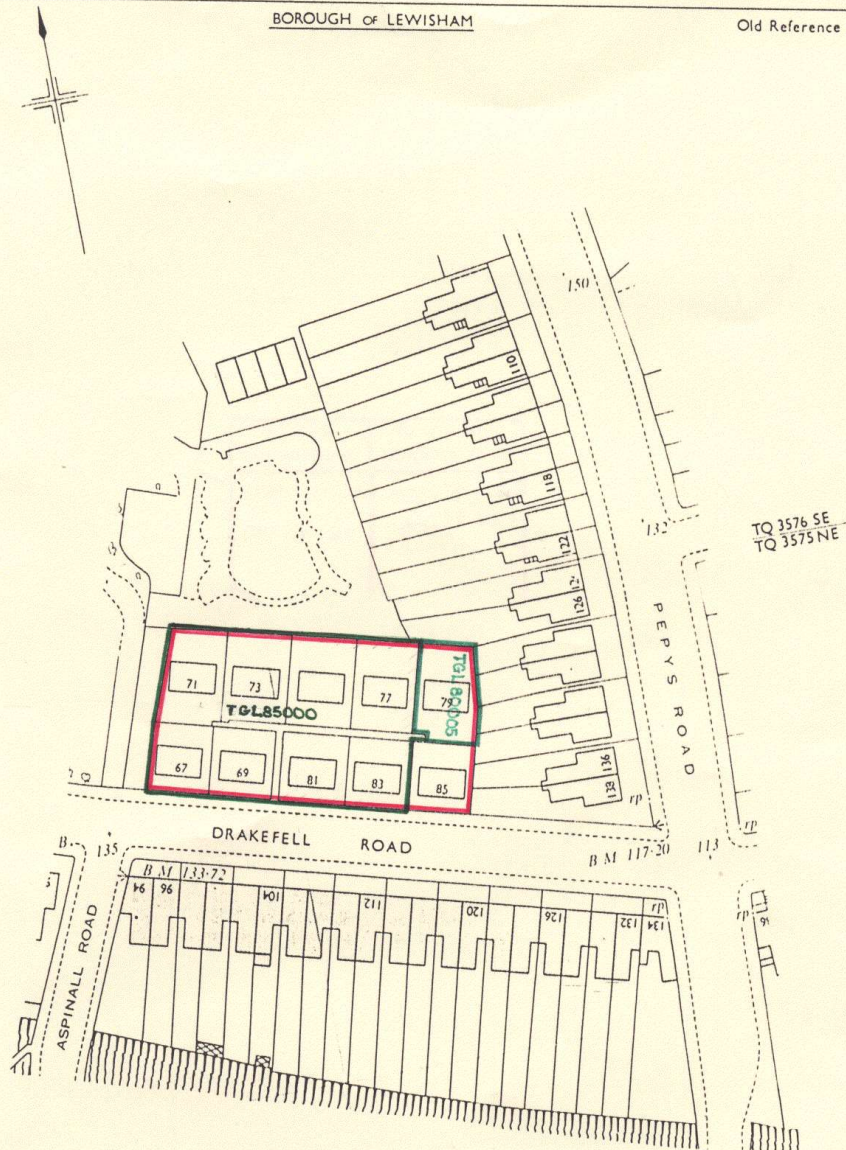
This official copy is issued on 30 August 2024 shows the state of this title plan on 30 August 2024 at 10:19:36. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Telford Office .

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H.M. LAND REGISTRY		TITLE NUMBER	
		LN 87458	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	GREATER LONDON		TQ 3575
Scale: 1/1250			SECTION E
			© Crown copyright 1975

BOROUGH OF LEWISHAM

Old Reference LN XI 49 D





85 Drakefell Road
Scale 1:500 @A4

Lewisham London Borough Council
Planning Services
5th Floor Laurence House,
1 Catford Road
Catford
London SE6 4SW

Register of local land charges

Requisition for search and official certificate of search

Requisition for search

(A separate requisition must be made in respect of each parcel of land except as explained overleaf)

An official search is required in Part(s) _____ of 1 the register of local land charges kept by the above-named registering authority for subsisting registrations against the land [defined in the attached plan and] 2 described below.

Description of land sufficient to enable it to be identified

85 DRAKEFELL ROAD, LONDON, SE14 5SH

Name and address to which certificate is to be sent

Legal Services
4th Floor
Laurence House

Signature of applicant (or his solicitor)

Date
06/09/2024

Telephone number

Reference

Enclosure

Cheque / Money Order / Postal Order

Official certificate of search

It is hereby certified that the search requested above reveals the 6 registrations described in the Schedule hereto up to and including the date of this certificate.

Signed by



Nick Fenwick
Director of Planning

Date

06/09/2024

1 Delete if inappropriate. Otherwise insert Part(s) in which search is required.

2 Delete if inappropriate. (A plan should be furnished in duplicate if it is desired that a copy should be returned.)

3 Delete inapplicable words. (The Parts of the Schedule should be securely attached to the certificate and the number or registrations disclosed should be inserted in the space provided. Only Parts which disclose subsisting registrations should be sent.)

on behalf of the London Borough of Lewisham

The electronic official certificate of result in respect of your search of the index map follows this message.

Please note that this electronic version is the only certificate of result we will issue. No postal certificate of result will be sent.

Certificate Date: 23 Aug 2024
Certificate Time: 00:00:01
Certificate Ref: 99/S22MLNB

Property	Land edged in red on the plan attached to the application and described in form SIM as LAND OFF DRAKEFELL ROAD, DRAKEFELL ROAD, LEWISHAM.
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The index map does not define the extent of the land in any registered title. This reflects the fact that the boundary of a registered estate as shown for the purposes of the register is a general boundary, unless shown as determined under section 60 of the Land Registration Act 2002. You might also wish to refer to the individual register and title plan of any adjoining titles for details of the surrounding registered estates and their general boundaries and/or determined boundaries.

Result

The index map has been searched in respect of the Property with the following result:

Plan reference	Title No.	Registered Estate or Caution	Notes
Not Applicable	LN87458	Freehold	

The plan lodged with your application for a search of the index map has been accepted for this application. Any statement of disclaimer has been disregarded as it is assumed that it was not intended to apply for the purposes of the application.

Please note that the acceptance of the plan for this particular application does not necessarily mean that the same plan would be accepted if subsequently used for another application. All plans lodged with a Land Registry application should comply with the guidelines in Land Registry's Practice Guide 40, Supplement 2. Lodging a plan which does not comply with the guidelines may result in requisitions being raised, (such as a request to delete a statement of disclaimer) or the application being cancelled.

Continued on Page 2

Your Reference: JP/VO/Q1512	Key Number: 7191095	For any enquiries concerning this certificate, please contact:
SHARPE PRITCHARD LLP ELM YARD 10-16 ELM STREET LONDON WC1X 0BJ		Customer Support: email customersupport@mail.landregistry.gov.uk telephone 0300 006 0411 (lines open Monday to Friday 8am until 5pm) A £4.00 fee will be debited to the account quoted.

Certificate Date:	23 Aug 2024
Certificate Time:	00:00:01
Certificate Ref:	99/S22MLNB

No other registered estate, caution against first registration, application for first registration or application for a caution against first registration is shown on the index map in relation to the Property.

For further information about:

SIMs - see Practice Guide 10 - Official searches of the Index Map.

How to obtain official copies - see Practice Guide 11 - Inspection and applications for official copies.

Plan requirements for registration - see Practice Guide 40 - HM Land Registry plans - (www.gov.uk/land-registry).

Ordnance Survey map products - (www.ordnancesurvey.co.uk).

END OF RESULT