

**To The Mayor and
Burgesses of the London
Borough of Tower Hamlets**

**Report on Title and
Searches**
relating to Lark Row

**Dated 15th October 2019
(revised)**

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1 Glossary

- 1.1 The clause below lists words used with a particular meaning in this report.

Benefits means any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest that benefits the Property (except for those reserved in any Letting Documents);

Council means the Mayor and Burgesses of the London Borough of Tower Hamlets

Incumbrances means any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest to which the Property is subject (except for those reserved in any Letting Documents);

Letting Documents: the lease(s) to which the Property is subject.

Plan: the site plan provided by You on which the Property is identified and shown edged in red; Please check the plan carefully to ensure that it accurately reflects the extent of the land in question. 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.

Property means the property described in Paragraph 4 of this report;

Us/we/our means Legal Services, London Borough of Tower Hamlets

You means Corporate Property and Capital Delivery, London Borough of Tower Hamlets

2 Scope of Report

- 2.1 This report has been prepared for the sole benefit of you, The Mayor and Burgesses of the London Borough of Tower Hamlets, in connection with the Property owned by you and which you wish to develop for residential use and for no other purpose.
- 2.2 The basis of this report is to ascertain any rights, covenants or other legal interests which may affect the Property.
- 2.3 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.
- 2.4 The report is based on our review of the title documents and search results.
- 2.5 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.
- 2.6 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.
- 2.7 At the date of this report, the matters listed in paragraph 10 are outstanding. We will keep you informed as and when these matters are resolved.

3 Executive Summary

- 3.1 This is a summary of the major issues that we think should be brought to your attention:
- (a) That part of the Property known as 46 Somerford Street, London E1 5EA is not within Council ownership. As a result this will either need to be removed from the

proposed infill/development scheme. See reference to Title Number NGL414487 set out in paragraph 4.2 below.

- (b) Note the appearance of a slight overlap between freehold registered titles EGL555503 and 385299, which will require You to carry out a site inspection to determine whether or not title 385299 affects the Land.

4 The Property

- 4.1 The Property is the freehold land and buildings known as Lark Row, London. The Property is comprised of land falling within the following title numbers which we shall report on separately below:

4.2	Title Number	Description
	EGL392140	<p>Freehold land known as 1 – 46 Lark Row, London E2 9JA as shown edged red on the registered title plan.</p> <p>Registered Proprietor: Peabody Trust (Community Benefit Society No: 7741) of 45 Westminster Bridge Road, London SE1 7JB</p> <p>The boundaries of the Land will require amendment to remove that part of the Land falling within this title, and so this title will not be considered any further. The part in question appears to be a slither to the South West border.</p>
	EGL555503	<p>Freehold land known as 1 to 23 Ponsonby House, Bishops Way, London E2 9HR, Maitland House, Bishops Way, London E2 9HT, Paget House, Bishops Way, London E2 9HJ, Halkett House, Waterloo Gardens, London E2 9HU and Colville House, Waterloo Gardens London E2 9HX as shown edged red on The registered title plan</p> <p>The Land forms part only of this title.</p> <p>Registered Proprietor: The Council.</p>
	385299	<p>Freehold land shown by a red line lettered A – B on the filed plan numbered as above, and being a strip of land and moiety of a wall adjoining the east side of 67 Vyner Street, London E2 9DQ.</p> <p>Registered Proprietor: Alexander Kelly of 6 Inverness Mews, W2 3JQ.</p> <p>This freehold title appears consists of a small strip of land which appears to overlap the Councils freehold land, the strip running along the western boundary of the Land. See attached snapshot of the Land Registry's mapping system.</p> <ul style="list-style-type: none">- On enquiry with the Land Registry, the Land Registry have confirmed simply, that the registered titles show only the 'general boundaries'. For this reason, they cannot be precise as to the position of the legal boundary and that the title has been revealed so that You may determine whether or not it affects the Land. The Land Registry also advise, that it is standard practice in HM Land Registry is to exaggerate the width of an Index Map parcel for a narrow strip of land so that it can be seen on the Index Map. It is for

this reason that MapSearch seems to suggest an overlap between the registered titles.

In light of the above and on further review of the registered title plan, it seems that the overlap (if any) is very small. However, it is advisable (using the title plans available) that You carry out a site inspection with a view to determining the likelihood of the strip of land, within in this title, affecting the Land. If any concerns arise, please let Us know and we will advise further.

5 Matters Benefitting the Property

5.1 There are no matters recorded in the registered Title Number that benefit the Property.

6 Matters Burdening the Property

6.1 EGL555503

1. There is a restriction against dispositions noted on the title, but this relates specifically to 16 Ponsonby House and does not appear relevant to the Land.
2. The land within this title is subject to:
 - a) The leases specified in the Schedule of Leases granted under the Right to Buy Scheme, and which took effect with the benefit of such easements and other rights specified in Paragraph 2 of Schedule 6 of the Housing Act 1985 (these consist of the usual rights of support/protection, drainage, running of water etc.). There are 69 Right to Buy leases noted against this title; and
 - b) Such easements as may effect the land within this title and granted out of the leases set out in the Schedule of Leases to the registered titles 316550, 318665 and In22979
3. With regard to paragraph 6.2(a) above, I have checked the Right to Buy leases for 8 Maitland House and 19 Colville House and I can advise that:
 - i) Both leases grant a specific right of way on foot over a small strip of the Land.
 - ii) Both leases grant a general right to use all such "Common Parts" for the purpose of access and egress to and from the demised premises subject to the Landlords ability to temporarily close or divert the same provided that, reasonable and sufficient means of access to and from the demised premises is left.

"Common Parts" are defined as including "all passages, landings....gardens, gates, yards, roads, footpaths....and other areas included within the title..."

Although, the leases do reserve a right to manage and deal with any part of the building, or its adjoining land etc. as it thinks fit, irrespective of any reduction to the light or air currently enjoyed by the premises. Rights to close or divert rights of way, are temporary and any development will need to take account of these rights, or if the development will prevent the exercise of the right the Council will (where appropriate) need to negotiate with the leaseholders with a view to buying out this right, by securing the respective leaseholders agreement to release the right.

4. With regard to paragraph 6.2(b) above, I have checked three leases, one each from those noted against each of the said registered titles (316550, 318665 and In22979) namely, 78 Ponsonby House, 89 Ponsonby House and 5 Dundas House.

These three leases do not grant any specific rights of way over the Land. Although they do contain the usual rights similarly referred to in 3(ii) above, it is reasonable to assume that these would not extend to the Land given that the flats are situated on what appears to be an estate bounded by roads, and also separated from the land by other land falling within title EGL392140 referred to in paragraph 2 above.

A copy of the leases referred to above are attached.

Please note that I have only checked three of the Right to Buy leases noted against the Councils freehold title EGL555503, and one each from the title numbers referred to in paragraph 6.2(b). However, as Right to Buy leases are in a standard format it is reasonable to assume that the other leases noted against all of the titles contain identical rights. Although, we can check each of the individual leases granted (and registered) against the registered title and which fall within close proximity to the Property, this would be time consuming. If required, you will appreciate that it would take some time to complete.

6.2 **Electricity Substation within close proximity**

There is an electricity substation situated within close proximity to the Land namely, adjacent to the western boundary. I attach a copy of both the registered title to this substation lease, and a copy of the lease itself.

The leasehold title to the substation is registered under title number EGL517711, and the registered proprietor is London Power Networks Plc.

The freehold of the substation site is registered under title number LN15527, registered proprietor: the Council.

Having checked the lease plan, the route of cables do not appear run over the Land. Although, general rights of access and egress to and from the substation over such of the Lessors (Councils) adjoining land as may be necessary in connection with the use of the substation, any works carried out to it and a right of air through the ventilation grills in the west wall.

Any potential development plans should include consideration of this substation, and whether or not any rights of access or egress might "reasonably" be necessary over the Land, along with ensuring (via site inspection) that there are no ventilation grills that may impact on any plans.

7 **Overriding Interests**

- 7.1 The Property may be bound by interests or rights which are not disclosed by the Land Registry title or other title deeds. These are known as Overriding Interests. They could include:

- (a) Occupiers' and tenants' rights;
- (b) Rights of Way across the Property;
- (c) Service Media crossing the Property and serving other premises;

- (d) Rights of light over the Property;
- (e) Rights of support enjoyed by neighbouring premises (for example by a party wall); and
- (f) a number of unusual (and often ancient) rights such as the right of others to take fuel, hay or timber from the Property, manorial rights, customary rights (animal grazing rights for example), crown rights etc.

7.2 Please either confirm that you are not aware of any such matters or let us know of any that you are aware of as soon as possible (except of course for any referred to in this report). You should therefore carefully inspect the Property to ascertain whether there are any signs of adverse rights.

8 Prescriptive Rights

8.1 It is certainly possible that the Property is subject to rights created either by long use by neighbouring owners; or by implication on the sale of the Property out of a larger parcel of land; or by express grant. There is no guarantee that all such matters would be revealed by the title documents. It is therefore essential that you carry out your own careful inspection of the Property to check specifically that there are no signs of any adverse third party rights (e.g. accesses or drains) crossing the Property.

9 Search Results

9.1 Index Map Search

- (a) An index map search 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, an index map search will show whether a property is subject to any pending applications for registration or any cautions against first registration.
- (b) The result of our index map search confirmed that the Property is registered under the title number(s) stated in paragraph 4 of this report.

9.2 Local Land Charges Search

- (a) 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.
- (b) Search results to follow upon receipt of the same.

9.3 Local Authority Search (including any optional and additional enquiries)

- (a) A local authority search reveals important information about a property, such as planning permissions and building regulation consents, proposals for road schemes, environmental and pollution notices and whether any part of the property is registered as common land or as a town or village green. A local authority search only reveals matters that affect the property being searched against. It will not disclose matters that affect neighbouring properties.
- (b) Search results to follow upon receipt of the same:

9.4 Highways

- (a) Search results to follow upon receipt of the same.

9.5 Drainage and Water Enquiries

- (a) The replies to drainage and water enquiries show whether a property is connected to the mains water supply and mains drainage. The replies may also show the location of public sewers within the boundary of a property and other such matters that may restrict development.
- (b) Replies to the drainage and water enquiries were provided by Thames Water on 3.9.19. The replies did not show any entries that adversely affect the Property although, as the Property is not yet built on and drainage/connection proposals will need to be factored into any proposed development. Please refer to the attached search for more detailed information.

9.6 Chancel Repair Search

- (a) A chancel repair search shows whether the owner of a property may be liable to contribute towards the cost of repairs to the chancel of a parish church. We would advise you not to contact any parish churches directly in relation to chancel repair liability, as this may limit the availability of indemnity insurance.
- (b) The chancel repair search was provided by CLS Property Insight Limited on 8.10.19. The result of the search showed that the Property is not within the historical boundary of a parish which continues to have a potential chancel repair liability.

9.7 Groundsure Energy and Transport

The result of the Groundsure Energy and Transport search did not reveal any entries relating to either underground or overground railways.

Please refer to the Groundsure Energy and Transport Report provided for more detailed on the results referred to above, and any other matters identified which are self-explanatory.

9.8 Other Utility Searches

- (a) We carried out the following utility searches, results of which are to follow upon receipt of the same:
 - (i) BT Open Reach Wayleaves
 - (ii) BT Maps
 - (iii) Regional electric
 - (iv) Regional gas
 - (v) Vodafone (formerly cable and wireless)
 - (vi) Virgin Media

10 Outstanding Matters

10.1 The following matters are outstanding at the date of this report:

- (a) Local Authority and LLC search results;
- (b) Highway search results

11 Conclusion

- 11.1 Subject to the matters referred to in this report and to any issues arising out of the outstanding matters listed above we are of the opinion that the Property has good and marketable title.