

25 September 2016
Delivered by email

Tom Cardis
Local Plan Consultation
Old Oak and Park Royal Development Corporation
City Hall
Queen's Walk
London SE1 2AA

Dear Tom,

SUBMISSION OF REPRESENTATIONS TO THE OLD OAK AND PARK ROYAL DEVELOPMENT CORPORATION (OPDC) REVISED DRAFT LOCAL PLAN (FOR REGULATION 19 CONSULTATION)

On behalf of our client, Ashia Centur Limited, we hereby submit representations on the Old Oak and Park Royal Development Corporation (OPDC) revised draft Local Plan (for Regulation 19 Consultation), that was recently published for consultation on 29 June 2017. As advised, an agency which provides market analysis of the land uses discussed, will be submitted in the coming weeks.

We would like to highlight that we reserve the right to submit further representations in due course as the review of the Local Plan progresses and appear at the Local Plan Examination.

The Site

Ashia Centur Limited own a large strategically important site within the Old Oak and Park Royal Opportunity Area that was formerly the wider Twyford Tip West site, to the south of the North Circular Road, NW10. We identify the site within (Figure 1) the location plan below in red.



Figure 1 - Site Location Plan

The Charlotte Building
17 Gresse Street
London
W1T 1QL

T 020 7851 4010 turley.co.uk

Background

The site has an extensive planning history which we summarise below. This is important in setting the context and recognising that an extant planning permission exists for a significant development which the applicants intend to progress forward as soon as funding is available (granted by the London Borough of Brent (LBB) under reference number 92/0009 on 15 September 1993, for the *“Removal of tipped soil and the erection of an Asian Centre comprising hotel, television centre, social community and leisure facilities (including open space and canal footbridge) with service roads and car parking.”* We set out within Appendix A a summary of the key planning history of relevance together with a more detailed planning history.

Headline Considerations

Our client’s site should be removed from the proposed Strategic Industrial Land (SIL) designation and should be identified as a site allocation for the following reasons:

1. The site benefits from an implemented planning permission for a major mixed use development;

As set out within Appendix A, the planning permission is extant (92/0009) and this is confirmed through the grant of a Lawful Development Certificate dated 19 December 2007. The Lawful Development Certificate was the subject of a Public Inquiry which resulted in the grant of the Certificate and an award of costs being made against LBB as a result of their unreasonable behaviour.

The implemented planning permission has not yet been built out due to a number of factors which include:

- The unreasonableness of LBB who initially refused to accept that the planning permission had been implemented resulting in significant delay to the project and the need to proceed to Inquiry to obtain a Lawful Development Certificate and to address subsequent High Court and Court of Appeal challenge brought by LBB – all of which failed;
- The national and international recession which commenced in 2008 which resulted in major developments in London including our client’s development being put on hold for a long period of time;
- The site is contaminated and requires substantial upfront costs to deliver extensive mitigation; and
- The continued designation of the site as SIL in the draft Local Plan which significantly increases risk on the project which in turn is frustrating funding of the project.

2. It is significant that the site is clear and is in the single ownership of Ashia Centur Limited and does not require any further land assembly. Most sites within the OPDC are in multiple ownership and deliverability is complex.

3. The implemented planning permission comprises the following employment led uses which should be reflected in the site allocation:

- Small scale Class A1/A3 retail uses
- Class C1 hotel (including ancillary health club and conference facilities)

- Class D1 cultural / exhibition centre
- Class D2 leisure uses including cinema
- Sui generis uses including casino, theatre, nightclub and television centre

Additional uses that are considered appropriate and complementary to the approved uses should also be included in the site allocation :

- Larger scale Class A retail uses (A1-A5)
 - Class B1a Office
 - Class B1b Research and Development
 - Class B1c Light industrial
- Whilst it is noted that the Mayor of London is looking to restrict the release of SIL within the forthcoming New London Plan and that this approach is set out within the 'Industrial Land Demand' (June 2017) report prepared by CAG Consultants in association with Colliers, Ramidus Consulting and Peter Brett Associates, however, in the present case the site does not contribute towards the provision of industrial uses within the Opportunity Area – this has been the case for the past 25 years.
4. The site's removal from the Park Royal SIL (Broad Location) does not compromise the integrity or delivery of the remaining SIL land and neither does the extant permission prejudice the successful operation of neighbouring industrial uses within the Park Royal SIL. As is apparent, it in any event will not be delivered for SIL purposes as the development the subject of the permission will be undertaken.
 5. The site is located at the western extremity of the Opportunity Area and Park Royal SIL and is not a key integrated site within the SIL. The site is bound to the west by the North Circular Road, Abbey Road to the north and canal to the south and it therefore forms an independent island site that is not linked with the remaining SIL.
 6. The site with its extant consent and mix of uses including retail, hotel, cultural, leisure and sui generis uses will act as a buffer / transition zone between the traditional, noisy and dirty industrial activities found to the east / south in the SIL and the mixed use character to the north and west, including substantial areas of residential beyond the North Circular Road. The land uses being implemented by the extant consent, whilst being significant employment generators in their own right, are complimentary to both the industrial uses in the main SIL and the mixed-use character to the north and west.
 7. The site is considered to be similar in character to the Brewery Cluster as designated within the draft Local Plan as an Opportunity Site (Number 27). It is considered that both sites share a number of similar attributes:
 - The Brewery Cluster is focussed around a key point of entry into the industrial area from Park Royal and Hanger Lane rail stations, whereas our client's site is a key point of entry from the north west from Stonebridge Underground and Overground Stations;

- Both sites can provide a transition zone between more traditional dirty and noisy industrial uses in the heart of the SIL and more neighbourly employment generating uses at these fringe gateway sites;
- Both sites can meet a need for a mix of uses as identified within our client's commercial report (submitted separately in the coming weeks) and as evidenced within the draft Local Plan which notes on page 86 that:

“Park Royal as a whole currently suffers from a lack of facilities for businesses and employees, with only one nursery, two gyms, four hotels and no conference facilities. This presents a problem when trying to attract businesses into Park Royal, with some other industrial estates having more facilities available for staff and businesses. Therefore, introducing these uses could help create a more sustainable neighbourhood, with services being closer to where people live and work. However, any town centre uses would need to be small-scale ‘walk-to’ facilities, to complement the surrounding town centre hierarchy.”

8. In the context of points 7 and 8 above, the extant planning permission complements the Alperton Masterplan to the north east (refer to Figure 2) which has been designated a housing zone by the GLA (July 2015) which will deliver 3,213 new homes within walking distance of the site.

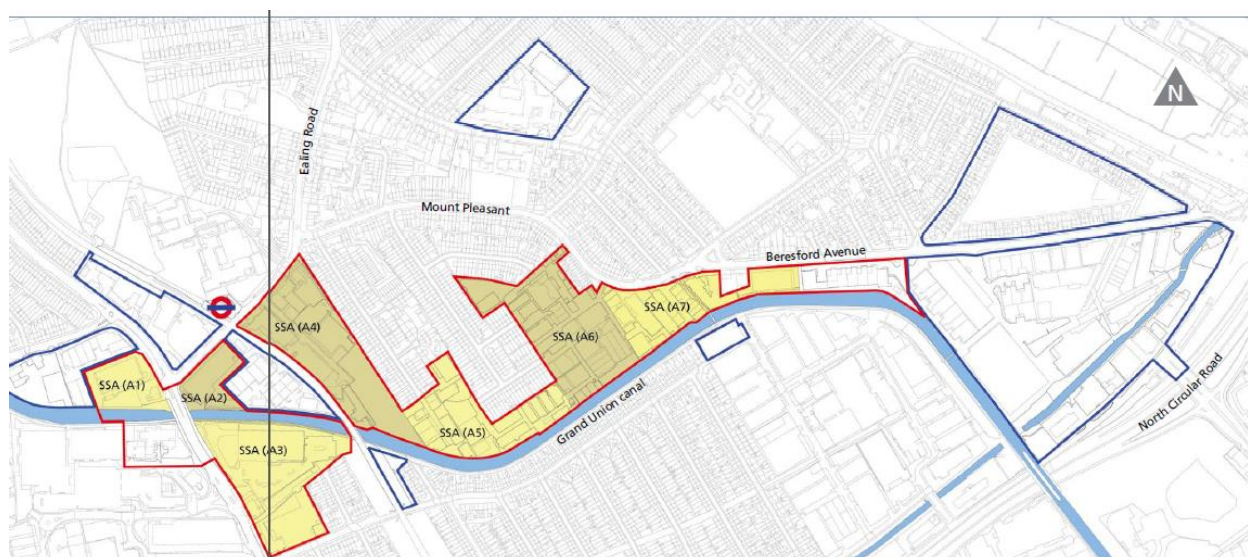


Figure 2 – Alperton Masterplan

9. The site represents a key gateway site into the Opportunity Area from the west.
10. The consented development is of a high quality having been designed by Chapman Taylor Architects and commensurate to its gateway location. The planning permission incorporates the British Pavilion designed for the World Expo, Seville (1992) by Sir Norman Foster.
11. The redevelopment of this site will act as a catalyst for further regenerating development within the Opportunity Area.
12. The extant planning permission has the potential to deliver the following:
 - 2,800 new jobs;

- 1,000,000 visitors to the site (hotel);
 - generate a financial benefit to the Opportunity Area of £15,000,000 per annum (in terms of rates); and
 - provide 900-1000 jobs during construction.
13. In total twenty eight sites have been allocated within the current draft Local Plan, all of which do not have planning permission and only one site (First Central, Number 27) has a live planning application before the OPDC for a major residential led mixed use development.
14. In order for the extant permission to make the above contributions it is necessary for the scheme to progress. For this to happen it is necessary for the SIL designation to be removed to enable the project to progress without the risk that the SIL designation creates.

Specific Policy Considerations

Chapter 4, Places

Chapter 4 sets out 'place and cluster' policies that are accompanied by a series of larger sites that are likely to come forward for development and contribute to OPDC's homes and jobs targets. These Site Allocations set job capacity targets and minimum homes and employment targets for these sites. The draft Local Plan identifies site allocations which have been "*identified based on information set out in OPDC's Development Capacity Study*". Within the Development Capacity Study our client's site is identified as falling within the Park Royal SIL (Broad Location).

The sites have been identified where:

"a) sites are anticipated to come forward in the first 10 years and that would make a significant contribution to OPDC achieving its homes target, by delivering over 100 homes;

b) sites anticipated to be brought forward between 11-20 years and that would make a major contribution to OPDC achieving its homes target, by delivering over 1,000 homes; and/or

c) sites anticipated to be brought forward during the plan period and that would make a major contribution to OPDC achieving its jobs target by delivering over 10,000 square metres of commercial floorspace (including A and B-Classes)."

Twenty eight sites have been identified within the site allocation process and details are set out regarding their location and the potential quantum of residential and/or commercial development that could come forward.

It is noted that the majority of the site allocations are identified as coming forward within the core of the Opportunity Area (north of Wormwood Scrubs).

Our client's site should be identified within the site allocations, particularly as the site is cleared and is in the single ownership of Ashia Centur Limited, having been sold by the London Borough of Brent in 1992 specifically for the purposes of its strategic development.

As set out within Appendix A, the site benefits from an extant planning permission that comprises a development of 148,256 sqm. This planning permission has been implemented as per the appeal decision under reference number 06/3594. Delivery has been delayed for various reasons, but our client remains committed to resuming works in due course. Unlike 27 of the 28 sites identified within the allocation which

are speculative and may never come forward, our client's site can be developed with certainty at any time. On this basis, our client's site should be added to the list of allocated sites with explicit reference to uses and quantum of floorspace permitted.

Policy P4: Park Royal West

The draft Local Plan sets out a vision for Park Royal West. It states that Park Royal West will remain as London's leading location for large, medium and small businesses while the protected industrial land will accommodate a vibrant mix of industrial activities. The vision also notes that comprehensive intensification will accelerate jobs growth and support industrial innovation, making the area adaptable to the future needs of London's economy.

It is noted that within the accompanying diagram, Figure 3 'Draft Local Plan Figure 4.24: Park Royal West Place', our client's site is identified as falling within the Strategic Industrial Location (SIL) and that no reference has been made to the existing planning permission which has been implemented and which should be recognised with the accompanying plan.

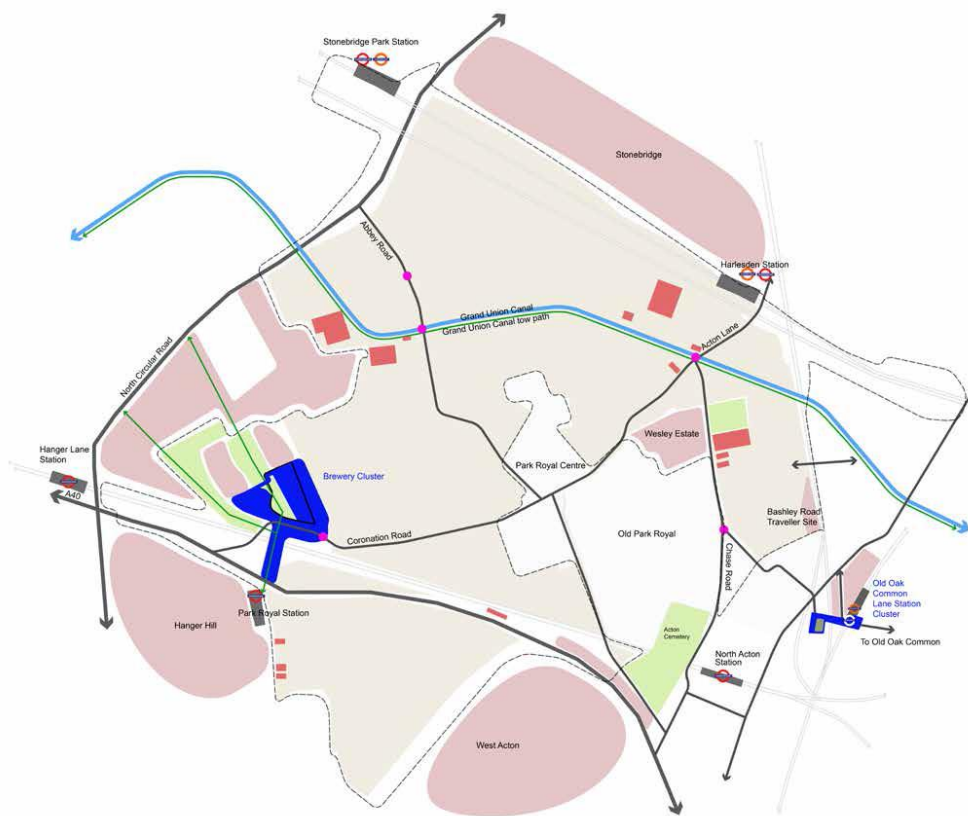


Figure 3 'Draft Local Plan Figure 4.24: Park Royal West Place

It is noted that the earlier version of the draft Local Plan (Draft for Regulation 18 Consultation) 4 February 2016, under 'P5 Park Royal' made specific reference under paragraph 4.74 to our client's site benefiting from planning permission:

"At the western edge, the former Twyford Tip site benefits from an implemented planning permission."

It is unclear why this reference has been removed from the Regulation 19 Consultation version and why the latest draft version of the Local Plan has not expanded on this following extensive discussions

between our client and the OPDC over the past two years including reference to approved uses, detail in terms of site name, extant permission reference number and approved uses.

The wording under 'Land Uses' within draft Policy P4 is focussed on the delivery of a mix of broad industrial type uses and does not take into consideration our client's site which has planning permission for 148,256 sqm of retail, leisure, hotel, media uses and sui generis uses. Part B of the policy below should be expanded to include the underlined text.

"Contributing towards 3,800 jobs by taking opportunities to intensify the use of sites, having regard to the locations and typologies identified in OPDC's Park Royal Intensification Study and to the extant and implemented 'Century City London' development." It should be noted that the delivery of our site can expect to deliver 2,800 jobs which means that the combined target for the SIL and the Century City site could potentially be substantially higher (assuming that the Century City permission has not been included in the jobs target as it is not referenced in the draft Local Plan.

It is noted that reference is made to part of our clients site under part e) of the policy where it states that *"e) Safeguarding the Twyford Waste Transfer Station site to support the delivery of the West London Waste Plan (see Policy EU6);"* This policy should recognise that it is not possible to safeguard this site on the basis that an implemented permission exists for a strategic redevelopment of 148,256 sqm in size which comprises part of the site and due to access to the Twyford Waste Transfer Station site over our client's land.

Our client supports the policy ambitions as set out under Public Realm and Movement, Green Infrastructure and the Environment, Heritage and Character, Infrastructure and Development and Phasing sections of Policy P4 which are generally in line with their high quality design ambitions for their site.

The supporting text to draft Policy P4 at PRW.6 notes that part of our client's site is a *"key site in Park Royal West is Twyford Waste and Recycling Centre, on Abbey Road. This is an existing waste transfer station safeguarded in the adopted West London Waste Plan (WLWP). This site is considered to have particular potential for redevelopment for future waste capacity, including alternative forms of waste management that could result in waste moving up the waste hierarchy. As such, this site will be protected in accordance with Policy EU6."*

We note that the adopted WLWP is clear that the safeguarded site falls to the south and west of our client's site and that their planning permission will be built out without prejudicing the safeguarded site. Policy P4 and its supporting text needs to be explicit on this point. It should also be noted that discussions have taken place with the GLA in terms of finding an alternative site for the waste/recycling centre which would enable the comprehensive redevelopment of the wider site.

Policy EU6: Waste

Draft Policy EU6 requires that proposals comply with the policies set out within the WLWP. Our client is generally supportive of this policy, however they would like to draw attention to the supporting text at 6.69, which identifies two specific sites within Park Royal that are safeguarded for waste:

"a) Twyford Waste Transfer Station; and

b) Quattro, Victoria Road."

The supporting text also refers to figure 6.9 which identifies the Twyford Waste Transfer Station as Site 1:



Figure 4 - Extract from Figure 6.9: Existing Waste Sites (draft Local Plan)

It should be noted that our client owns part of the site identified in red as Site 1. This includes the access road (limited right of way to the existing waste site) and the canal side land comprising 22 metre deep x 235 meters in length. Figure 6.9 needs to be updated to reflect the correct land ownership boundaries. Refer to Appendix B for Title Deeds and Plan.

Policy SP10: Integrated Delivery

Draft Policy SP10 states that proposals should support the delivery of the spatial vision by enabling a comprehensive and integrated approach to development and infrastructure that supports and brings forward development in accordance with, or in advance of, the phasing identified in figure 3.16, to support OPDC's homes and jobs targets. Within Figure 3.16 our client's site is identified as falling within an area that comprises 'ongoing industrial intensification'. Our client's site should be identified as falling within an early phase of development 0-5 years as the implemented planning permission can be completed at any time.

Policy E1: Protecting Existing Economic and Employment Functions

It is noted that Draft Policy E1 seeks to protect the functioning, attractiveness and competitiveness of the Strategic Industrial Location (SIL) and its ability to support employment and economic functions. The policy goes on to state that this should be done by providing SIL compliant broad industrial type uses, by increasing or at least maintaining, employment densities and that there should be no net loss of industrial floorspace unless this is required to make a more efficient use of space and provided this would not have a significant adverse impact on the overall amount of industrial floorspace in the SIL.

It is considered that this policy is too narrowly focused and does not adequately address our client's site which should not be allocated as falling within the SIL for the reasons set out under the 'Headline Considerations' section above.

Conclusions

In summary our client's site needs to be excluded from the SIL boundary and identified as an employment led, mixed use development site suitable for:

- Small and larger scale retail uses (Class A1-A5)
- Class C1 hotel (including ancillary health club and conference facilities)
- Class D1 cultural / exhibition centre
- Class D2 leisure uses including cinema
- Sui generis uses including casino, theatre, nightclub and television centre
- Class B1a Office
- Class B1b Research and Development
- Class B1c Light industrial

for the following reasons:

- The site benefits from an extant planning permission for a major mixed use development;
- The site at present is cleared and does not contribute towards the provision of industrial uses within the Opportunity Area – this has been the case for the past 25 years;
- It will not contribute to the SIL as our client's intention is to complete the development permitted under the extant permission or similar scheme;
- The site's removal from the Park Royal SIL (Broad Location) does not compromise the integrity or delivery of the remaining SIL land;
- The implemented mixed use planning permission will not prejudice the successful operation of neighbouring industrial uses within the Park Royal SIL;
- The site is located at the extreme west of the Opportunity Area and Park Royal SIL and is not a key integrated site within the SIL. The site is bound to the west by the North Circular Road, Abbey Road to the north and canal to the south and as such forms an independent site that is not linked with the remaining SIL;
- The site represents a key gateway site into the Opportunity Area from the west;
- The consented development is of a high quality design having been designed by Chapman Taylor Architects. The planning permission incorporates the British Pavilion designed for the World Expo, Seville (1992) designed by Sir Norman Foster.
- The redevelopment of this site will act as a catalyst for further regenerating development with the Opportunity Area;
- The planning permission has the potential to deliver the following:
 - 2,800 new jobs;
 - 1 million visitors to the site (hotel);
 - generate a financial benefits to the Opportunity Area of £15,000,000 per annum; and
 - provide 900 to 1000 jobs during construction.

The high levels of employment generated by the extant consent could never be achieved (even in part) by a traditional industrial development, nor would it be possible to achieve the high quality landmark development demanded by this important gateway site.

In conclusion, the draft Local Plan is considered to be unsound as it is necessary to our Client's site to be allocated for the uses the subject of these representations and not as part of the SIL designation. Furthermore, the latest version has removed all reference to our client's extant planning permission which is misleading in terms of the likely deliverability of this location as a SIL in any event.

As agreed, we will forward the market analysis of the different land uses proposed above for the site allocation in the coming weeks.

It is disappointing that LBB frustrated development of the site for so many years. In the new economic and OPDC climate, our client is keen to work positively with the OPDC and deliver on the site.

We trust that you will revise the Submission Version of the Draft Local Plan in accordance with our representations and would be happy to discuss these with you further should you find this of assistance. If you have any queries, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Rory McManus". The signature is written in a cursive, slightly slanted style.

Rory McManus
Associate Director

rory.mcmanus@turley.co.uk

Encl.

Appendix A – Detailed Planning History

Key Relevant Planning History

15. Outline planning permission was granted under reference number 92/0009 on 15 September 1993, for the 'Removal of tipped soil and the erection of an Asian Centre comprising hotel, television centre, social community and leisure facilities (including open space and canal footbridge) with service roads and car parking');
16. Reserved Matters approval was granted under reference number 95/1677 on 22 December 1997, namely for siting, design, external appearance, landscaping, parking and access provision, servicing and turning;
17. An application was approved on 16 June 2001 under reference number 99/0474, to extend the period for submission of Reserved Matters. This was granted and Condition 2(II) of the original planning permission was varied to allow a further year to submit Reserved Matters;
18. A further application to extend the period for submission of Reserved Matters was granted on 13 June 2001 under reference number 00/1322;
19. Two Reserved Matters submissions (reference numbers 00/1324 and 00/1325) for siting, design, external appearance, landscaping, parking and access provision, servicing and turning were submitted. Reserved Matters 00/1325 was approved on 21 December 2001 and Reserved Matters 00/1324 was granted at appeal on 13 January 2003;
20. Various other Reserved Matters were submitted and approved during 2002 including:
 - 02/0960 – approval of Condition 4a;
 - 02/1021 – approval of Condition 3, 4 and 5;
 - 02/1349 – approval of Reserved Matters – Refuse and waste in relation to Condition 3;
 - 02/1664 – approval of landscaping pursuant to condition 3; and
 - 02/2090 – Details of disabled parking pursuant to condition 3;

In relation to the Reserved Matters appeal under reference 06/3594 – this was in relation to a Certificate under Section 193 of the Town and Country Planning Act 1990, submitted to confirm that the planning permission had been implemented. The appeal was subsequently allowed on 12 March 2007. This confirmed the implementation of the planning permission on 12 January 2004. Our clients Lawful Development Certificate is attached as Appendix C. High Court and Court of Appeal challenges brought by LBB were dismissed.

Detailed Planning History

	Application Reference Number	Type of application	Description	Date of Decision
1	14/1321	Planning	Non material amendment as follows.	02/05/2014

2	06/3594	Planning	Certificate of Lawfulness for proposed removal of tipped soil and erection of Asian Centre comprising hotel, television centre, social community and leisure facilities (including open space and canal footbridge) with service roads and car parking.	19/12/2007
3	02/3345	Planning	Removal of condition 1 (relating to retail floor space) attached to reserved matters approval 00/1325 of 21/12/2001, pertaining to outline planning permission 92/0009 of 15/09/1993 for removal of tipping soil and erection of an Asian Centre.	10/04/2003
4	02/2090	Planning	Details pursuant to condition 4(b) (details of disabled parking) of reserved matters application reference 00/1325 dated 21/12/2001 for the approval of details for the erection of an Asian Centre comprising hotel, television centre, social, community and leisure facilities including open space and canal footbridge with service roads and car-parking	19/07/2002
5	02/1349	Planning	Details of material samples, boundary treatment and refuse and waste storage and disposal pursuant to condition 3 of outline planning permission 92/0009 for erection of Asian Centre comprising hotel, television centre, social community and leisure facilities approved on 15 September 1993	19/07/2002
6	02/1664	Planning	Details pursuant to condition 3 (landscaping) to outline planning permission 92/0009 for erection of Asian Centre comprising hotel, television centre, social community and leisure facilities (including open space and canal footbridge) with service roads and car parking	13/08/2002
7	02/1021	Planning	Details pursuant to condition 3 (details of drainage to open areas) and condition 5 (phasing of development) of outline planning permission reference 92/0009 and condition 4 (b) (details of cycle parking) of approval of reserved matters application 00/1325 for erection of an Asian Centre comprising hotel, television centre, social, community and leisure facilities including open space and canal footbridge with service roads and car parking (scheme D)	03/05/2002
8	02/0960	Planning	Details pursuant to condition 4 (a) (details of 10m radius to access) of permission reference 00/1325 dated 21/12/2001 for the approval of details for the erection of Asian Centre comprising hotel, television centre, social community and leisure facilities including open space and canal footbridge	24/04/2002

9	00/1322	Planning	<p>Variation of conditions concerning outline application 92/0009 approved</p> <p>15/09/93 (for removal of tipped spoil and the erection of an Asian</p> <p>Centre comprising hotel, television centre, social, community and leisure facilities, including open space and canal footbridge with service roads and car-parking); to allow a further period of one year for the submission of applications for the approval of reserved matters and to require that development must be begun by the later of either two years from the date of permission or one year from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last of such matters to be approved.</p>	13/06/2001
10	00/1324	Planning	<p>Reserved matters (namely siting, design, external appearance, landscaping, parking and access provision, servicing and turning) of outline planning permission 92/0009 dated 15 September 1993 for the removal of tipped spoil and the erection of an Asian Centre comprising hotel, television centre, social, community and leisure facilities (including open space and canal footbridge) with service roads and</p> <p>car-parking (renewal of reserved matters approval ref. 95/1677 granted</p> <p>22/12/97 and also pursuant to application ref. 99/0474 for extension in time period to submit reserved matters applications approved 16/06/99)</p>	13/01/2003
11	99/0474	Planning	<p>Extension of period for the submission of reserved matters (non-compliance with condition 2(ii)) of Outline planning consent 92/0009 dated 15th September 1993 for the removal of tipped soil and erection of Asian Centre, comprising hotel, television centre, social community and leisure facilities (including open space and canal footbridge) with service roads and car-parking</p>	16/06/1999
12	97/2592	Planning	<p>Renewal of temporary planning permission reference 96/0263 dated 16/04/96 for retention of temporary enclosure to tipping apron</p>	02/02/1998
13	96/0263	Planning	<p>Retention of temporary enclosure to tipping apron</p>	16/04/1996

14	95/1677	Planning	Reserved matters (namely siting, design, external appearance, landscaping, parking and access provision, servicing and turning) of outline planning permission 92/009 dated 15th September 1993 for the removal of tipped spoil and the erection of an Asian Centre comprising hotel, television centre, social community and leisure facilities (including open space and canal footbridge) with service roads and car-parking	22/12/1997
15	94/1813	Planning	Construction of new roof and enclosure to existing tipping apron and compactors (as amended by plans received 23rd August 1995).	31/10/1995
16	94/1321	Planning	Detail pursuant to condition 8 (removal of tipped material) of outline planning consent 92/0009 dated 15th September 1993 (as amended by letter received on 23/9/94. Further details submitted on 5/10/94 and letters received on 4/11/94 and 9/11/94).	14/11/1994
17	94/1079	Planning	Installation and display of 1 x 96 sheet illuminated lightbox and 2 x 96 sheet non-illuminated advertising hoarding. (As revised by plans and letter received 19.08.94)	30/08/1994
18	92/0009	Planning	REMOVAL OF TIPPED SPOIL AND ERECTION OF ASIAN CENTRE COMPRISING HOTEL, TELEVISION CENTRE, SOCIAL COMMUNITY	15/09/1993

Appendix B – Title Deeds and Plan

OUR REF 30PG1/KRE/PH1/45980/1
YOUR REF

One Redcliff Street
Bristol BS99 7JZ
+44 (0)117 917 7777
+44 (0)117 917 7778
7815 Bristol
www.TLTsolicitors.com

Mr J Tillotson
Asia Centre Plc
60 Crown House
Suite 716 North Circular Road
LONDON
NW10 7PN

DIRECT TEL 0117 917 7941 DATE 21 July 2003
DIRECT FAX 0117 917 7782 EMAIL kevans@TLTsolicitors.com

Dear John

Transfer of Land at Twyford Tip

I am pleased to inform you that the Land Registry has completed the first registration and amalgamation of the lost Land Certificate. I enclose for your information a copy of H M Land Registry Certificate NG1.821548. The original Land Certificate will be held as requested in our deeds store.

Thanking you for instructing us in this matter.

Kind regards.

Yours sincerely



Katherine Evans
Partner

Encs:



A: Property Register

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

BRENT

1. The **Freehold** land shown edged with red on the plan of the above Title filed at the Registry and being Land on the South West side of Abbey Road, London.
2. (15 May 2003) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of adjoining land on the South-West side of Abbey Road dated 12 September 1991 made between (1) The Mayor and Burgesses of The London Borough of Brent and (2) Ramp & Company Limited:-

"TOGETHER WITH the rights set out in the first Schedule hereto by but EXCEPTING AND RESERVING for the benefit of the land retained by the Transferor the rights set out in the Second Schedule hereto.

THE FIRST SCHEDULE BEFORE REFERRED TO

(1) The free and uninterrupted passage and running of water soil telephone gas and electricity (including electrical and radio impulses) through the sewers and drains and watercourses and gas telephone and electrical pipes wires conduits and cables (hereinafter referred to as "the services") which are now or may within a period of eighty years from the date hereof (being the perpetuity period applicable to this Transfer) be on under or over the other parts of the Retained Land (in so far as the same serve the land hereby transferred) jointly or in common with the Transferor and all other the person or persons who are now or may hereafter be entitled to connect with or use the same or any of them the Transferee or his successors in title bearing paying and contributing together with such other persons a fair proportion according to the extent to which the same are served thereby of the cost of repairing maintaining renewing or cleansing the services and a right of entry (in case of necessity) on to the other parts of the Retained Land for the purposes of repairing maintaining renewing and cleansing the services (the Transferee or his successor in title making good forthwith at his or their own expense any damage occasioned by such entry)

(2) The right to keep any eaves gutters spouts downpipes cappings foundations and any other similar structures (hereinafter referred to as "the projections") incidental to the user of the buildings on the property hereby transferred which overhang or protrude beneath the adjoining land forming part of the Retained Land

(3) The right for the Transferee and his successors in title owner or owners for the time being of the land hereby transferred and all person authorised by him or them after the giving of reasonable notice at reasonable times (except in the case of emergency) to enter upon the adjoining land forming part of the Retained Land for the purposes of repairing maintaining painting and rebuilding any building erected next

A: Property Register continued

to the boundary on the land hereby transferred or the walls fences roofs gutters and pipes thereof or any of the projections referred to in paragraph (2) hereof the person exercising such right making good at their own expense any disturbance thereby caused

THE SECOND SCHEDULE BEFORE REFERRED TO

EXCEPT AND RESERVED to the Transferor and its successors in title and to all other persons to whom a like right has been or may during the perpetuity period applicable hereto be granted by the Transferor or its successor in title

(1) The right to construct connect (with the consent of the Transferee) and lay on over or under the land hereby transferred but not under any buildings thereon the services servicing the other parts of the Retained Land either alone or jointly or in common with the land hereby transferred the person exercising such right making good at his own expense any damage occasioned by such entry

(2) The right to keep the projections incidental to the user of the building on the adjoining land which overhang or protrude beneath the property hereby transferred

(3) The free and uninterrupted passage and running of water soil telephone gas and electricity (including electrical and radio impulses) through the sewers drains watercourses and the gas telephone and electrical pipes wires conduits and cables which are now or may during the perpetuity period applicable hereto be laid through on over or under the land hereby transferred either alone or in common or jointly as aforesaid (the Transferor or other persons as aforesaid bearing paying and contributing together with the Transferee or his successors in title a fair proportion of the cost of repairing maintaining renewing and cleansing the services as aforesaid according to the extent to which their respective properties are served by the services) and a right of entry on the land hereby transferred for the purpose of constructing laying repairing and maintaining renewing and cleansing the services (the Transferor or other person or persons as aforesaid making good forthwith at their own expense any damages occasioned by such entry)

(4) The right to erect any building on the Retained Land or on any part thereof notwithstanding that the same may restrict or interfere with the free access light or air to the land hereby transferred

(5) The right to enter upon the land hereby transferred after the giving of reasonable notice at reasonable times except in the case of emergency for the purposes of repairing maintaining painting and rebuilding any building constructed next to the boundary on adjoining land or the embankment walls fences roofs gutters and pipes thereon or any of the projections referred to in paragraph (2) hereof."

3. (15 May 2003) The Transfer dated 3 November 1992 referred to in the Charges Register is expressed to grant the following rights:-

"Rights granted to the Purchaser

1. The right to pass and repass with or without vehicles over the Roadway or any alternative route approved in accordance with clause 6.2.2. hereof.

2. The rights of access for maintenance referred to in the Transfer dated 12th September 1991 numbered 1 in the Second Schedule insofar as they relate to the Property and such rights are to be shared with the Vendor.

A: Property Register continued

3. The right insofar as the Vendor can grant the same and at the expense of the Purchaser to connect into the drains under the Green Land to drain up to 2.5 acres of land provided that the Purchaser pays 50% (fifty percent) of the costs of cleaning and renewing and maintaining those pipes or pipes that are connected into from the date of such connection and provided further that the Purchaser shall reinstate the land after such connection.

4. Until 30th September 1995 or (if later) until the expiration of twelve months after the grant of the statutory consents referred to in clause 6.2 above subject to having given 14 days prior written notice to the owner of the Blue Land the right to construct an entrance or entrances to the Property from the Roadway including the right to construct a cross-over and the right to alter the Roadway in order to construct the said entrance/cross-over without causing disruption to the owner of the Blue Land of its right of way over the Roadway."

NOTE 1:- The Blue Land referred to lies to the South West of the land in this title.

NOTE 2:- Copy Transfer filed under NGL702446.

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. **PROPRIETOR:** ASIAN SKY PROPERTIES LIMITED (Co. Regn. No. 2734903) of 119 Totteridge Lane, London N20 8DZ.
2. (15 May 2003) A Transfer to the proprietor dated 11 April 2003 of the land tinted blue on the filed plan contains purchaser's personal covenants.

NOTE: Copy Transfer in Certificate.

C: Charges Register

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

1. (15 May 2003) A Transfer of the land tinted pink on the filed plan dated 3 November 1992 made between (1) The Mayor and Burgesses of The London Borough of Brent and (2) Asiansky Properties Limited contains covenants details of which are set out in the schedule of restrictive covenants hereto.
2. (15 May 2003) The land tinted pink on the file plan is subject to the following rights reserved by the Transfer dated 3 November 1992 referred to above:-

"A right to lay and maintain drains is reserved over the Green Land in

C: Charges Register continued

favour of the Owners of the Blue Land together with rights of access for maintenance and repair of the drains subject to the said Owners making good at their own expense as soon as reasonably practicable any damage caused to the Property.

All existing rights of drainage.

The right of the Vendor to enter upon the Property to effect the works of repair and maintenance referred to in clause 6.2 and 6.3 upon the default of the Purchaser."

3. (15 May 2003) The land tinted blue on the filed plan is subject to the rights granted in the Third Schedule of a Deed of Exchange dated 19 October 1992 made between (1) The Mayor and Burgesses of the London Borough of Brent and (2) West London Waste Authority.

NOTE: Copy in Certificate.

Schedule of Restrictive Covenants

1. The following are details of the covenants contained in the Transfer dated 3 November 1992 referred to in the Charges Register:-

"The Purchaser covenants with the Owners of the Blue Land and their successors in title for the benefit of each and every part of the Blue Land that it shall not do any act or thing which will result in the Owner of the Blue Land being deprived of reasonable access to the Blue Land (and shall not cause directly or indirectly any obstruction to prevent reasonable means of access.)

The Purchaser covenants with the Vendor for the benefit of the whole and every part of the remainder of the land comprised in the Conveyance and the Blue Land to observe and perform the covenants set out in the third schedule hereto but the Purchaser and the persons deriving title under it shall not be personally liable in damages under this covenant once it or they have parted with all interest in the Property.

THIRD SCHEDULE**Purchaser's Covenants**

Not to do any act or thing which may cause the Roadway (or any alternative roadway provided in substitution therefor) to be obstructed or prevent the passage and repassage of vehicles along the Roadway (or any alternative roadway provided in substitution therefor) without the consent of the owner of the Blue Land and the Vendor (such consents not to be unreasonably withheld)."

END OF REGISTER

*NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.
NOTE B: This is a copy of the register on 15 May 2003 at 08:43:10.*

Appendix C – Lawful Development Certificate



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995: ARTICLE 24

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
email: enquiries@pins.qsi.gov.uk

IT IS HEREBY CERTIFIED that on 19 December 2006 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) ("the Act"), for the following reasons:

That outline planning permission was granted for the development on 15 September 1993; that for the purposes of section 92 of the Act, the date by which the development must have been begun was 12 January 2004; and that, for the purposes of section 56 of the Act, the development had been begun by that date.

Signed

RO Evans

Inspector

Date 19th December 2007

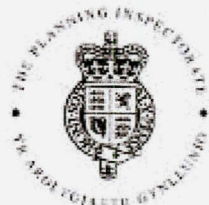
Reference: APP/T5150/X/07/2039285

First Schedule

Removal of tipped spoil and erection of Asian centre comprising hotel, television centre, social community and leisure facilities (including open space and canal footbridge) with service roads and car parking.

Second Schedule

Land at Abbey Road Asian Centre, Former Twyford Tip, London NW10 7TX



Plan

This is the plan referred to in the Lawful Development Certificate dated: 19th December 2007

by **R O Evans BA(Hons) Solicitor**
MRTP1

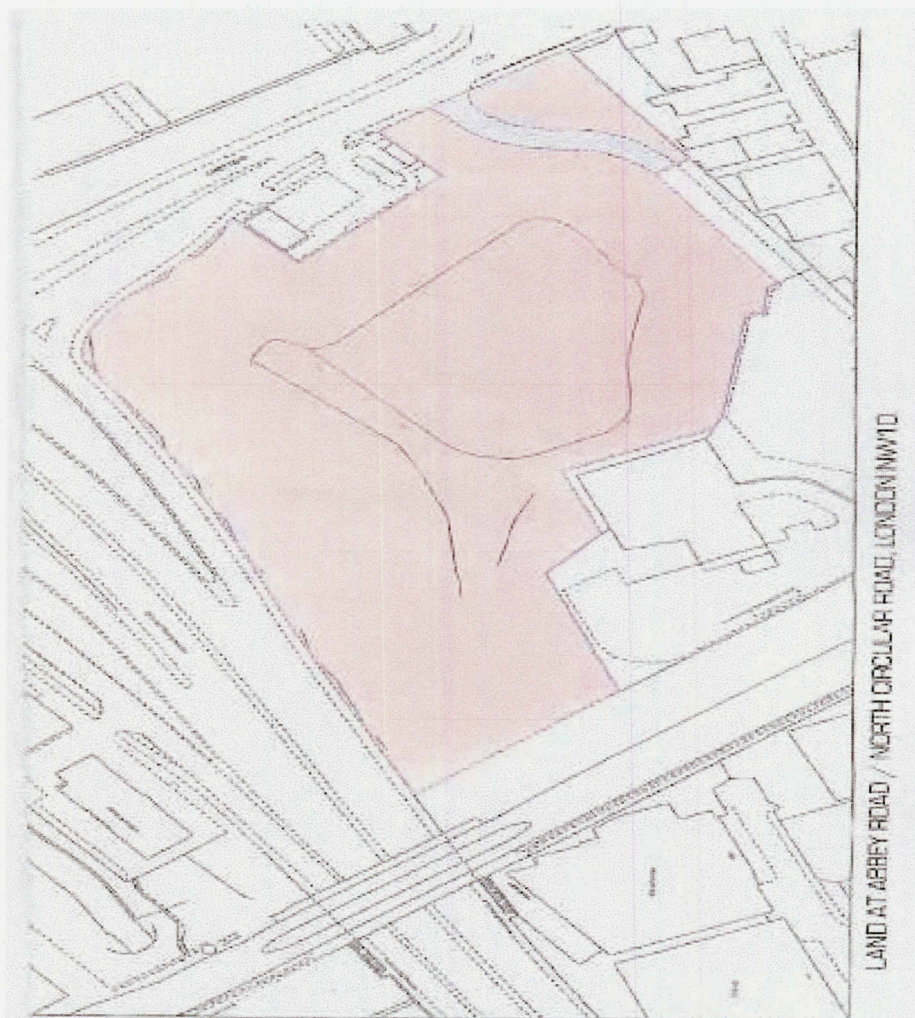
**Land at: Abbey Road Asian Centre,
Former Twyford Tip, London, NW10
7TX**

**Reference:
APP/T5150/X/07/2039285**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
em ail: enquiries@pms.qpi.gov.uk

Scale:



IMPORTANT NOTES – SEE OVER