

## Real Estate Bulletin



December 2016

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### Key contacts

**Andrew Steele**

+44 (0)1483 734219

[andrew.steele@stevens-bolton.com](mailto:andrew.steele@stevens-bolton.com)

**Helen Wheddon**

+44 (0)1483 406951

[helen.wheddon@stevens-bolton.com](mailto:helen.wheddon@stevens-bolton.com)

Welcome to the December 2016 edition of the real estate bulletin - an e-bulletin from the Real Estate group at Stevens & Bolton LLP.

### Trio of Top Legal Award Accolades

It has been a record year for S&B across all three of the UK's major legal awards. The firm was runner up and "highly commended" in the UK Law Firm of the Year category at the British Legal Awards in November 2015; followed in March 2016 by being crowned National/Regional Law Firm of the Year at the Legal Business Awards; and finally being runners-up in the Regional Firm of the Year category at The Lawyer Awards in June 2016.



In winning at the Legal Business Awards, the firm was chosen ahead of 6 others from across the UK, by a judging panel which included many of the top general counsel in the UK. This is the second time the firm has been awarded this accolade, having first won in 2009 and the firm has

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been shortlisted each year since 2012. The award recognises the UK-based national or regional firm (with headquarters outside of London) that has made the most significant progress over the past year in advancing its strategy, looking for evidence of effective leadership, impressive financial performance and increased market share across the firm's major practice areas.

Ken Woffenden, managing partner of S&B, said: "We are delighted to have won this highly prestigious award and to receive top accolades in all the major UK legal awards in the past year. It reflects the hard work and dedication of everyone in the firm – a fantastic team effort. I would like to thank all of them and also all our clients and friends for their support for the firm – we really appreciate it."

S&B's litigation team were also shortlisted as a finalist for 'Litigation team of the Year' at The Solicitors Journal Awards 2016.



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## Deal News

### Kia Motors' largest European showroom

Kia has recently opened the doors to a multi-level 41,000 ft.<sup>2</sup> show room and workshop facilities on the Great West Road, London. This is Kia's largest European showroom.

Stevens & Bolton acted for Kia on the acquisition of the site, its fit out and the subsequent arrangements with its dealer Norton Way who will operate the site. The showroom is on the elevated section of the M4 in west London, one of Britain's busiest commuter roads. Partner Michael Laver led the real estate aspects of the deal.

### University of Surrey buys back Research Park property

Stevens & Bolton acted for the University of Surrey in its purchase of a long leasehold interest in 30 Priestley Road on the Surrey Research Park. The lease was granted by the University in 1984 for a term of 200 years and the property was bought back by the University in October 2016. The Stevens & Bolton team was led by real estate partner Daryl Rivero.

### The Royal Horticultural Society's (RHS) new garden in Salford

Stevens & Bolton advised RHS in respect of its plans for a fifth garden in its portfolio. The RHS plans to create a stunning new garden in the heart of the North West, by bringing back to life the lost historic ground at Worsley Hall in Salford. The garden is to be named "RHS Garden Bridgewater" and is planned to open in 2019. The Stevens & Bolton team was led by real estate partner Michael Laver.

### Accord Healthcare's new pharmaceutical plant

Stevens & Bolton LLP has advised Accord Healthcare on their occupation of a new pharmaceutical plant in Newcastle, which will initially bring up to 100 new jobs for the area.

Accord Healthcare, which has its UK base in North London, is a pharmaceutical company, involved in the development, manufacturing and distribution of pharmaceutical products to over 70 markets around the world. They will use the entire 22 acre Northumberland Park site, which offers more than 400,000 sq ft of high quality laboratory, manufacturing and office space.

The Stevens & Bolton team was led by real estate partner Michael Laver and commercial partner Beverley Flynn.

## JMH Group's sale of New Cross Road London

Stevens & Bolton LLP acted on behalf of JMH Group on the sale of 483-485 New Cross Road, London, SE14 to London and Quadrant Housing Trust. This new build scheme comprised 44 residential apartments (including 9 affordable units let on long leases) along with a leaseback of separate commercial space and had a total gross development value in the region of £20 million. The Stevens & Bolton team was led by real estate partner Alex Watt.

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## Shedmasters at MIPIM

What happens when you combine Europe's shed industry leaders with the French Riviera? Shedmasters Cannes! Stevens & Bolton LLP and fellow co-sponsors once again hosted the premier event in the industrial sector calendar in the green hills of the Cote d'Azur on 16 March 2016.

300-strong delegates were in attendance from all across Europe, with our very own Howard Lupton leading the S&B contingent including Andrew Steele, Michael Laver, Stephen Rockill, Alex Watt and Markus Klempa. As for sunshine, this sadly failed to make an appearance having been replaced with a very British deluge of rain on a scale apparently not seen amongst a generation of MIPIM die-hards.

The rain failed to dampen spirits and the crowd was buoyant and the mood was upbeat. It was also a great opportunity for all of our friends from law firms across our European network to get together and share knowledge. For that we extend our very warm thanks to Menold Bezler, Valloris Avocats and MacRoberts LLP who all helped to make our soiree this year even more enjoyable.

We look forward to seeing you there again in March 2017.

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## Legal Directories

We have again performed well in the main legal directories - Legal 500 and Chambers. Thank you to all those who provided feedback to the researchers this year. Some of the main feedback for the Real Estate team is noted below:



*"They provide the personal touch that gets so frequently lost. It's not a firm that is just there to bill the hours."* – Real Estate, Chambers UK 2017

*"The team as a whole has a very strong service ethic. They respond quickly and efficiently to all requests."* – Real Estate, Chambers UK 2017

*"They are friendly, approachable and good to work with. They provide a high level of knowledge, great detail and good advice."* – Real Estate Litigation, Chambers UK 2017

*"I appreciate the fact that they are quick and to the point. We speak the same language."* – Real Estate Litigation, Chambers UK 2017

*"The team is very knowledgeable and provides very useful advice. Stevens & Bolton's environmental team is a well-established team with a wealth and depth of expertise."* – Environment, Chambers UK 2017

*"Stevens & Bolton LLP's practice attracts praise for its 'promptness, high-quality output and good industry knowledge'"* – Environment, Legal 500 2016

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## Hot Topics

### **Tops tips for casual dining operators to “takeaway” on delivery services**

The casual dining market is seeing more and more restaurants wishing to provide a takeaway service from existing premises, either in their own right or through partnership with third parties. However, there are potential legal pitfalls business owners need to be aware of and many may already be in breach of their property lease without knowing it.

- With thousands of restaurants partnered with delivery businesses, the need to offer takeaway services is clearly becoming increasingly important. This can pose a huge challenge for casual dining establishment who do not normally offer a takeaway service but begin to via a third party aggregator.
- With Deliveroo dominating this market and the taxi service Uber imminently launching UberEATS, what should restaurant operators do if they wish to enter into such a partnership or start offering a takeaway service themselves? [Read more](#)

### **What Tenants should factor in before fitting out!**

Tenant fit out works come with a number of potential issues and pitfalls. Often construction issues are left to the last moment and there is a mad scramble to put the correct documentation in place. In order to help you on the way our construction team has prepared a “top ten” issues list which should be considered by every tenant before engaging in a fit out process. [Read more](#)

### **Are heat suppliers in hot water? The impact of the Heat Regulations**

The Heat Regulations affect landlords and occupiers of multi-let buildings where heating, cooling and/or hot water is supplied through a communal system. Click here for our briefing note by Daryl Rivero and Louise Kellaway on the Heating Regulations and what you need to do to comply – there are some important deadlines coming up. [Read more](#)

### **One more instalment in the AGA saga**

The Landlord & Tenant (Covenants) Act 1995 has had a lot of bad press. It is almost universally agreed to be a well-intentioned, but ultimately flawed piece of legislation which has spawned a cottage industry of litigation as parties struggle to understand how the Act applies to real world commercial transactions. Naomi Campbell takes us through the issues in a recent [client alert](#).

### **Court of Appeal sends a warning to developers over light claims**

In July the Court of Appeal gave its decision in an important case for rights of light claims, with the industry looking for further guidance as to whether injunctions or damages would be more likely to be awarded where schemes infringed neighbours rights. Our Helen Wheddon commented widely on the decision and her piece in Construction News can be read [here](#).

### **Are your land registry contact addresses up to date?**

With commercial property transactions increasingly targeted by fraudsters, in our recent client briefing Daryl Rivero and Louise Kellaway outlined the importance of keeping your Land Registry addresses up to date. [Read more](#)

### **Moving from a pop up to a lease?**

Helen Wheddon’s comments on what to bear in mind featured in Estate Gazette’s Retail & Leisure supplement in September as well as in a separate piece for the British Retail Consortium’s online magazine The Retailer. [Read more](#)

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## Industry News & Comment

### **Office to resi – PD rights made permanent**

As highlighted in previous bulletins, the temporary Permitted Development rights granted in 2013 for a 3 year period as a stimulus to allow office to residential conversions without full planning permissions are now as of June 2016 permanent rights.



## **Objections to Land Registry applications – 6 month time limit for negotiations**

Disputed applications being dealt with by Land Registry have historically been able to run on for an unlimited period of time, as long as the parties confirmed that they were negotiating and wished to continue to have time to do so. Now, however, parties will only have a 6 month period from when an objection is first received to negotiate before Land Registry will refer the application to the First Tier Tribunal to be determined. There will be scope for Land Registry lawyers to exercise a discretion to extend this period only in 'exceptional, unavoidable circumstances when cogent reasons have been given for the need for additional time'.

## **Landlords, are you complying with 'right to rent' checks?**

Landlords are under an obligation to carry out certain checks on the immigration status of tenants where tenancies started on or after 1 February 2016. The checks involve confirming that the property is the tenant's main UK home, obtaining documents evidencing a tenant's right to reside in the UK and keeping appropriate copies. Failure to carry out the checks carries a civil penalty. Where landlords or their agents know, or have reasonable grounds to believe, that the property is being occupied by a tenant with no right to rent there are potential criminal sanctions. Any landlords taking the approach of selecting tenants on the grounds of name or ethnicity in an attempt to avoid the checks risk discrimination claims.

For more details on complying with the checks and how to avoid sanctions, please see our guide to the right to rent scheme [here](#) by Adam Landy, Senior Associate in our Employment and Immigration Department. If you have any queries or require legal advice please contact your usual contact at the firm or Kerry Garcia, Head of Immigration.

## **Business rates revaluation from April 2017 – is your business prepared?**

The next business rates revaluation comes into effect on 1 April 2017. This will re-assess all business premises in England and Wales and will be based on rental value as at 1 April 2015.

Seven years since the last revaluation, has your business made provision for the potential increase in its rates bill? Draft rateable values are now available to view online, so get prepared in advance.

## **No more SDLT in Wales?**

The Welsh assembly has published a bill which could lead to legislation which will establish a land transaction tax, replacing stamp duty land tax in Wales from April 2018. Welsh ministers are due to set the rates for the tax, raising around £250m a year, in the autumn of 2017.

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## **Other Articles**

### **Battle for BHS – Landlord and Tenant perspectives on a CVA**

British Home Stores (BHS) first opened its doors to shoppers in 1928. It quickly became a favourite with the public and firmly anchored its place on the High Street. BHS started 2016 with 164 stores and during the course of the year has been through a Company Voluntary Arrangement (CVA) and administration, with the last store closing in August and 11,000 jobs lost. It now only survives as an online presence employing a fraction of former staff and with a continuing controversy over the company's pension liabilities and the running of the business in recent years.

[Click here](#) to read more about what a CVA can potentially achieve and landlord and tenant perspectives on such a procedure.

### **Potential pitfalls of hosting a festival**

Allowing a festival to be held on your land may be a useful source of income, but what are the potential drawbacks? [Click here](#) to read our Q&A on the key considerations to bear in mind if you are looking to capitalise on the increasing appetite for festivals here in the UK.

### **The summer of sport and licensing laws**

It was an incredible summer of sport for Britain in 2016, topped off by success at the Rio Olympics and Paralympics. Issues around opening hours and licensing hours may affect your premises so if you are planning any events for next year, read up on what you need to be thinking about [here](#) so you can plan well in advance.

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## Internal News & Upcoming Events

- We were delighted to welcome Real Estate partner Alex Watt from Clyde & Co earlier this year. Find out more about Alex in our 'Lawyer in the Spotlight' feature in this edition.
- There have been other departmental changes with Michael Laver stepping down as Head of Real Estate in May 2016 after 28 years and Andrew Steele taking the mantle. Daryl Rivero has also recently become a partner in the Real Estate team.
- Stephen Rockhill became the head of the Construction and Engineering team as of May 2016.
- We also welcome Louise Kellaway who joined us from Freshfields in February 2016 as a Professional Support Lawyer, Naomi Campbell who joined us from Field Fisher Waterhouse in June 2016 as an Associate in the Real Estate disputes team, Alice Donzelot who joined us from Olswang in July 2016 and Jonathan Cope who joined us from Hogan Lovells in September 2016, both as Associates in the Real Estate team.
- We were delighted to see so many familiar faces at our seminar on 'Settling Property Disputes' held in May. We plan to run future seminars so do let us know if there any particular topics of interest you would like to see covered.
- The Construction & Engineering team have held very successful mock adjudications in London at One Great George Street in October and more recently at our offices in Guildford in November.
- We congratulate our very own Val Fogleman on receiving her LLD (Doctor of Laws) from the University of Cardiff. Otherwise referred to as a Doctorate in Law, the LLD signifies the highest qualification bestowed upon legal academicians and professionals and is excellent recognition of Val's hard work and expertise.
- Our planning and environmental consultant Cate Davey's updated chapter on environmental regulation has appeared in the recently updated 21st edition of Clays Handbook of Environmental Law which has a worldwide readership.

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## Lawyer In The Spotlight!

Real Estate Partner Alex Watt sheds some light on his life outside the law...



**(1) If you weren't a lawyer, what would you be?**

A mountaineer / expedition leader - at least in my dreams!

**(2) What was the last book you read and would you recommend it?**

Sharpe's Waterloo by Bernard Cornwell. I love the Sharpe series.

**(3) What luxury item would you take with you to a desert island?**

A fishing rod.....surely I am allowed some lures/bait as well?

**(4) Which film star would play you in a movie about your life?**

Paul Bettany... or maybe that is just my wife's wishful thinking.

**(5) Where haven't you been in the world that you would most like to visit?**

Alaska