

Committee(s)	Dated:
Corporate Asset Sub (Finance)	30 January 2019
Subject: Rights of Light Claim Progress - Bernard Morgan House, EC1 (City Fund)	Public
Report of: City Surveyor (CS.557/18)	For Information
Report author: Fiona McKeith	

Summary

Planning consent (16/00590/FULL) has been granted for the development of 99 apartments at Bernard Morgan House, EC1 (BMH) in a new building ranging from 4 to 10 storeys in height.

City of London Corporation (COL) owns several properties in the vicinity of BMH and has appointed Anstey Horne to deal with specialist compensation advice where rights of light to those properties and our interests may be infringed by the development.

In the Development Agreement with the developer Taylor Wimpey, the COL agreed not to injunct the scheme as part of the negotiation, but to limit COL's claim to compensation for any affected property it owns neighbouring or adjoining BMH. See Appendix 1.

Taylor Wimpey's appointed Right of Light surveyors, Point 2 Surveyors Limited (P2S), provided its technical assessment of loss of light to Bowater House in June 2018. Anstey Horne's opinion of the assessment was that there were a small number of inaccuracies. P2S have recently revised their assessment and Anstey Horne are currently reviewing the updated information. However, Anstey Horne have yet to be sent P2S's assessment of the other neighbouring properties in COL ownership. Taylor Wimpey have indicated that this information exists, therefore the expectation is that it will be shared shortly.

Dentons, the developer's solicitor, provided a note of 3 December 2018 contending that the City does not benefit from any rights of light because it owns the freehold of both the Bernard Morgan House site and the adjacent COL properties.

The Comptroller and the City Solicitor has contested this position in a reply to Dentons on 11 December, providing an explanation as to why it doesn't consider this '*unity of seisin*' principle applies in this particular case. A response is awaited.

The Comptroller and City Solicitor has confirmed that COL cannot claim or act on behalf of long leasehold tenants or social renting tenants with respect to making any loss of light claims; it can only claim on its own behalf as freeholder and will not provide Taylor Wimpey with any warranties in respect of the claims of any third parties.

While COL could instruct Anstey Horne to fully survey the other adjacent properties, Anstey Horne advise that the cost may outweigh any additional claim. They point out that it is very likely that P2S have already undertaken such an assessment, as recently indicated by Taylor Wimpey, therefore it would be better to wait for this to be provided from that source. They also advise that given the above, it is unlikely that Taylor Wimpey would agree to contribute to these additional costs.

Recommendation

Members are asked to note the present position and that the COL's compensation in respect of all Rights of Light issues will be finalised that the Scheme of Delegations to Officers.

Appendices

- Appendix 1 – Surrounding Ownership Plan – Bernard Morgan House

Background Papers:

- Report of the City Surveyor - Sale of Bernard Morgan House, 43 Golden Lane, London EC1Y 0RS (20 May 2015)
- Planning Consent; 16/00590/FULL.

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