



LONDON FIRE BRIGADE

Decision title

Settlement of Claims for Rights to Light

Recommendation by

Assistant Director, Technical and Commercial

Decision Number

LFC-0038-D

REPORT: NOT PROTECTIVELY MARKED
APPENDIX: OFFICIAL-SENSITIVE (COMMERCIAL)

Summary

LFC-0038 seeks the London Fire Commissioner's approval to the terms of a financial settlement with a developer on property adjacent to Ealing Fire Station.

Decision

Approval is given to the settlement of the London Fire Commissioner's claim against ASE II Ealing Limited relating to interference with the Commissioner's access to light at Ealing Fire Station on the terms set out in the confidential appendix to report LFC-0038.

Dany Cotton QFSM
London Fire Commissioner

Date 3-7-18

Access to Information – Contact Officer

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LONDON FIRE BRIGADE

Report title

Settlement of Claims for Rights to Light

Report to	Date
London Fire Commissioner	02 July 2018

Report by	Document Number
Assistant Director of Technical and Commercial	LFC-0038

REPORT: NOT PROTECTIVELY MARKED
APPENDIX 1: OFFICIAL-SENSITIVE (COMMERCIAL)

Summary

This report seeks the London Fire Commissioner's approval to the terms of a financial settlement with a developer on property adjacent to Ealing Fire Station.

Commercially sensitive information is contained within the confidential appendix to this report.

Recommendation

Approval be given to the settlement of the London Fire Commissioner's claim against ASE II Ealing Limited relating to interference with the Commissioner's access to light at Ealing Fire Station on the terms set out in the confidential appendix.

Background

1. Officers were notified last year that a proposed development by a developer to replace the existing building on the corner of St Leonard's Road and Uxbridge Road. The development is located across a public road to the right of the fire station. The proposed development is some 12 metres higher than the existing build.
2. The Prescription Act 1832 requires a remedy to be offered in the first instance of compensation if a development limits the amount of light coming in through a window and the level of light inside falls below the accepted level.
3. Given the notification by the developer (ASE II Ealing Limited) officers and their specialist advisers have been negotiating with ASE II Ealing Limited in respect of a proposed multi-storey development on the corner of St Leonard's Road and Uxbridge Road that will partially shadow Ealing Fire Station causing a right of light access issue.
4. The proposed development is approximately 30 metres tall and located to the north-east of St Leonard's Road. The existing structure on the development plot is approximately 18 metres tall. Officers have evaluated the impact to the light to the station from this development as

low. The impact is classed as low given the orientation of the Fire Station in relation to the azimuth of the sun, with only partial shading from the development at sunrise till 1000 hours and the distance from the development in relation to ambient light and other buildings. (This evaluation is appended to the confidential appendix to this report.)

5. An offer of settlement made by the developers in February was rejected as insufficient and one that could not be recommended for approval. A counter-offer was made, which has been accepted by ASE II Ealing Limited subject to the Commissioner agreeing this by the 6 July 2018. Financial details of the offered are contained in the confidential appendix to this report.
6. It is recommended that the latest settlement, now provisionally agreed, is approved as the best consideration the Commissioner might achieve in exchange for a deed of release to the right of light. Details of the offer and the terms are contained in the confidential appendix.

Legal comments

7. Approval of the settlement now proposed is recommended by the Commissioner's retained property advisers and specialist rights of light surveyor. This provides assurance that the settlement represents best consideration.

Finance comments

8. This report recommends that the Commissioner's access to light claim at Ealing Fire Station is settled, with the financial details set out in the confidential appendix. This additional funding is unbudgeted and will be considered as part of the regular financial position reports for the 2018/19 financial year.

Workforce comments

9. There are no plans for staff-side consultation.

Sustainability implications

10. The impact on the energy generation from the solar photovoltaics that were installed at Ealing fire station during 2017/18 and energy consumption due to shadowing are expected to be negligible when compared to the Commissioner's estate.

Equalities implications

11. There are no equalities implications attached to the content or recommendation detailed in this report.

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