



LEGAL SERVICES FOR THE  
DEVELOPMENT SECTOR

EXPERIENCE YOU  
CAN TRUST.

LEGAL ADVICE TO  
GUIDE YOU.

 **HOWES  
PERCIVAL**

# SOME OF OUR CLIENTS

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**AXIS**  
LAND PARTNERSHIPS

**BENNETT HOMES**  
At home in East Anglia

**Braintree**  
District Council

**CSB**  
CHARLES ST  
BUILDINGS GROUP  
PROPERTY INVESTMENT  
& DEVELOPMENT GROUP

**COUNTRYSIDE**  
Places People Love

**DARBY**  
GROUP

**DAVIDSONS**  
HOMES

**ENDURANCE**  
ESTATES

**ENTERPRISE**  
PROPERTY  
GROUP

**Flagship**  
Homes

**FLEUR**  
HOMES

**Hampton Brook**

**Hill**

**GLAVENHILL**

**LARAGH HOMES**

**MULBERRY**  
HOMES - DEVELOPMENTS

**nuveen**  
A TIAA Company

**PERSIMMON**

**PIGEON**  
INVESTMENT MANAGEMENT

**Saffron**  
Housing Trust

**Taylor**  
**Wimpey**

**this**  
**Land.**  
A DEVELOPMENT  
BUSINESS

**TL** TURNSTONE

**Wellington**

# CLIENT TESTIMONIALS

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*"Nick James is ultra-commercial and Stuart Burns is superb at detail."*

*"Howes Percival is excellent at covering all the aspects of work undertaken by an investment and development property company. Complex lettings, land transactions and acquisitions are handled with great skill and practicality."*

*"Overall, the firm has a strong team with good sector specialists. I have found them to be good and approachable."*

*"The firm has first-rate understanding of planning law and practice combined with a commercial approach and very high standards of client care."*

*"A commercially astute team of leading lawyers in their field, which has a unique ability of interpreting the law, whilst understanding the commercial objectives of a project in its application."*

*"The firm provides proactive and pragmatic advice when you most need it during the various stages of the planning process."*

*"A critical friend, often an integral part of our project teams. The Howes Percival planning team seriously punches above its weight when compared to many other practices."*

- **Client testimonials featured in The Legal 500 2020 edition**





# KEY CONTACTS

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For full contact details and further information about these key contacts are available at the end of this brochure.

## STRATEGIC DEVELOPMENT

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**Nick James**  
Partner



**Chris Cubitt**  
Partner



**Jonathan Greenhalgh**  
Partner



**Michaela Henson**  
Partner

## TAX CONSIDERATIONS

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**Stuart Maggs**  
Head of Tax



**Alexandra Hornsby**  
Director



## COMPLEX PLANNING

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**Paul Hunt**  
Partner



**Chris May**  
Partner



**Jay Mehta**  
Partner

## SITE ACQUISITION AND DISPOSALS

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**Chris Cubitt**  
Partner



**Michaela Henson**  
Partner



**Nick James**  
Partner



**Lucy Lord**  
Partner

## CONSTRUCTION

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**Simon Franklin**  
Director

## SALE/INVESTMENT

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### INVESTMENT SALES AND PURCHASE



**Stuart Burns**  
Partner  
(Commercial Leasehold)



**Jonathan Greenhalgh**  
Partner  
(Commercial and  
Residential  
Development)



**Nick James**  
Partner  
(Commercial  
and Residential  
Development)

### PLOT DISPOSALS



**Lucy Lord**  
Partner  
(Residential Development  
and Plot Sales)

### REAL ESTATE FINANCE

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**Haydon Simmonds**  
Partner





# CASE STUDIES

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## STRATEGIC DEVELOPMENT

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### **Client name confidential**

The strategic residential team in our Leicester office, which is headed by Nick James, has a number of regional and national household named developers as its clients. Over the past year, the team has assisted one national developer with the strategic acquisition of five large residential development sites, providing in excess of 1,200 housing units across the South and East Midlands, with many more instructions coming through for strategic acquisitions within the next year. As an example of the nature, type and level of work undertaken, the team has recently completed on the acquisition from a landowner of an outline consented residential development scheme for circa 600 units. With the assistance of our dedicated planning team initial due diligence was undertaken on the existing consent and its Planning Agreement. Thereafter Nick's team dealt with the amendment and negotiation of the acquisition contract. There were a multitude of complex matters which needed to be addressed during negotiations, such as the enlargement of drainage rights on third party unregistered land (part of which being beneath railway land), the ability to connect into existing roadways in private ownership to create the required loop road for the scheme and separate temporary access rights and lease for construction access purposes, leading to various additional documentation being required upon which the team was instructed upon. The Firm is now on behalf of the client instructed with the development agreement associated with the disposal of the affordable housing to the registered provider and various other utility/statutory disposals.





**Braintree  
District Council**

The commercial property team acted for Braintree District Council in the £6m acquisition of the Horizon 120 commercial development site - a 65 acre site in an approved Master Plan allocation for development of not less than 65,000sqm of mixed commercial floor space falling within Class B, Class C1 and Class D1 of the Use Class Order together with an area of land for allotments. This involved contract negotiations with two separate landowners, which needed to synchronise on planning and completion timeframes, and deliver in accordance with Cabinet approvals. In addition, the main site acquisition required further complex negotiations as to delivery of retained land access involving complex construction and cost payments, securing overage for future enhanced value and pre-emption rights in favour of the Council.

**Persimmon  
Homes**

The commercial property team acts for Persimmon across their various regions including Anglia, Midlands and Essex. The team has recently advised on a conditional contract dependent on planning consent for a 187-unit site which involved complex contractual provisions to ensure delivery of section 106 obligations and to facilitate access and servicing of the seller's retained land, together with imposed ransom strip provisions. The team in Leicester also advised on the acquisition of the last phase within a development, such acquisition being conditional on satisfactory reserved matters approval, with complex obligations being required within the contract obliging the seller to deliver access and services and the site remediation works within a set timeframe and apportioning responsibility for discharge of the various outline planning conditions.

## TAX CONSIDERATIONS

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**Client name  
confidential**

The team was instructed by the client to investigate the implications of unpicking an existing collaboration deal between themselves and another developer which would have triggered a significant cost in SDLT. By restructuring the arrangements and amending the contacts with careful drafting the team managed to avoid any transfers of land and a significant sum in SDLT.

**Client name  
confidential**

A client approached the team to work through the implications of a development agreement which involved the landowner retaining some land with a new property to be built by the developer on it. The team advised on the timing and structuring of the arrangements together with preparation of contracts to avoid triggering unnecessary tax charges for the landowner and SDLT charges for the developer, saving costs for both parties to the deal.

**Client name  
confidential**

The team advised a consortium of private landowners, trustees and charities on the tax structuring of arrangements with the developer to minimise the tax implications and therefore maximise value on sale. This included presenting different options to the consortium from cross-options and partnerships to land pooling, and calculating and illustrating cashflow forecasting net of tax over the full payment period to inform decisions on the level and acceptability of deferred payment arrangements beneficial to the developer, and therefore to achieving a deal.



## COMPLEX PLANNING

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### **Endurance Estates / Pigeon Group**

The team remains one of the planning solicitors of choice for major promoters, Endurance Estates and Pigeon Group. Over the past year, the team has been or are involved in no less than 15 projects across the Eastern Regions and beyond, which collectively involve delivery of circa. 2,000 homes and commercial development. The team's advice focuses on strategic and technical advice on how best to secure planning permission and avoid successful judicial review, including complex section 106 and planning condition negotiations, and advice concerning Environmental Impact Assessment and Appropriate Assessment. The team also supports regularly in the context of planning appeals and local plan examinations and local plan / supplementary planning document consultations.

### **East Cambs Trading Company / This Land Ltd**

The team continues to act for developers This Land Ltd (largely owned by Cambridgeshire County Council) and East Cambs Trading Company (largely owned by East Cambridgeshire District Council) on a wide range of residential led schemes in Cambridgeshire in excess of 1,500, dwellings, including strategic allocations and five year land supply schemes. The team's advice focuses on cradle to grave delivery of these projects from acquisition through to grant of planning permission and construction. This includes strategic advice on viability, application strategy, section 106 agreements, and how best to secure planning permissions without delay and risk of judicial review challenge.

### **Breckland District Council**

The planning team continues to work with Breckland Council to help bring forward a sustainable urban extension comprising 4,000 dwellings, commercial development and link road in Norfolk. Our work has involved strategic and complex advice throughout the application process and, following the team's continued success of defending judicial review challenges to planning permissions in the High Court, Court of Appeal and Supreme Court, ensured that the planning permission was issued robustly. Complex advice was provided in respect of Environmental Impact Assessment and Appropriate Assessment, in addition to complex section 106 negotiations and negotiation of planning conditions to enable appropriate phased delivery of this strategically important scheme.

## SITE ACQUISITION AND DISPOSALS

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### **Persimmon Homes**

The team has recently advised on the purchase of a 248 dwelling residential development site in Thurston, via exercise of existing option. The acquisition included commercial complexities and required supplemental advice on matters including property, planning and highways. The team also continues to act in relation to a number of large scale residential led acquisitions in Suffolk and Essex regions.

### **Client name confidential**

The strategic development team has assisted one of its national developer clients with the exercise of an existing option agreement for a circa 275 unit scheme in Leicestershire, such scheme being phase 1 of a much larger Sustainable Urban Extension for in excess of 2,700 units. The acquisition included advising the client on the terms of the existing option agreement, preparing purchase documentation and protracted negotiations with a third party developer to acquire a ransom strip required to procure delivery of an emergency access road and other cross-parcel rights required.

### **Norwich University of the Arts**

The team advised on acquisition of a site for Norwich University of the Arts for educational facilities and student accommodation development. This involved the purchase of freehold land from Norwich City Council to transform an existing site into new teaching and student accommodation while also improving a neglected riverside location within the City Centre. The redevelopment proposal includes the demolition of existing buildings and construction of a new academic site including lecture theatre, teaching facilities and circa 100 student rooms plus a new fully accessible riverside public space. The deal was an unconditional purchase of part of Norwich City Council's property portfolio subject to an existing occupational lease and the grant of a short term leaseback of part of the site to the City Council prior to commencement of the client's redevelopment. Extensive negotiations and detailed drafting were required to minimise risk to the proposed future development.



## CONSTRUCTION

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### **Alaris Developments Limited**

The team advised a developer client on the termination of a replacement contractor in respect of a multi-unit residential development. We advised on post termination obligations and duties as well as initial dispute resolution advice.

### **Onesite Solutions Limited**

The team advised a specialist metalwork manufacturer in respect of a contract for 2km of steel walkways at Luton Airport. We provided advice on the terms of the initial contract as well as on subsequent vesting arrangements and general commercial advice.

### **Hampton Brook (UK) Limited**

The team continues to act for Hampton Brook and related companies in respect of a number of commercial and retail development sites. We have advised on, drafted and negotiated JCT building contracts, professional appointments, collateral warranties and related security documentation. In undertaking this work the team has had to liaise with tenants, landlords and funders to ensure all parties' interests are aligned and risks allocated appropriately. In addition the team has been providing ongoing contractual and strategic advice in respect of extension of time claims, payment obligations and general management of the relationship with contractors.

### **Fleur Developments Limited**

The team acted for this award winning house builder in preparing a bespoke suite of construction documents, consisting of professional appointments, sub-contracts and collateral warranties. We were requested to review and update the client's existing documents to provide a JCT compatible suite that could be used on all future projects. This required preparation of a variety of contracts, both long and short form, with back-to-back warranties and appointments. We continue to provide ongoing advice and guidance to the client in letting and managing the contracts.

## SALE/INVESTMENT

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### **Charles Street Buildings**

Our Leicester office recently acted on behalf of longstanding client of the firm, Charles Street Buildings (Leicester) Limited, in its purchase of the prestigious Conservative Party headquarters in Westminster for £51.5 million from Aviva Investors. The team, led by Nick James, was required to undertake its due diligence and settle the legal documentation to ensure a completion date within 5 working days of receiving the agreed heads of terms. To do this, our separate areas of specialism and their teams worked closely together to review the planning history relating to recent refurbishment works, construction regarding those works and the provision of appointments with associated warranties, reviewing the various subject leases and their variations, investment on the acquisition documentation itself and the negotiation and settlement thereof. With the ability to use our coordinate our separate teams we were able to press ahead and achieve our client objectives and deadlines.

### **East Cambs Trading Company Limited**

The commercial property team advised the client on its purchase of an ex-MOD site in Ely previously used as service family accommodation and open spaces. The deal was complicated by 4 separate overage arrangements and complex profit arrangements. The deal was politically controversial at a local government level but approved as a way to quickly meet local housing need. The team's role in the matter included drafting and negotiating the sale documentation, including strategic advice at Heads of Terms stage; carrying out detailed due diligence, including preparing a CLLS Certificate of Title for the lender; drafting and negotiating the loan documentation and profit share arrangements; and liaising with all parties to co-ordinate exchange and completion of the loan, sale and sub-sale.

### **Mulberry Property Development Limited**

The team in Northampton advised on the site set-up for large residential development schemes with over 200 plots per scheme. We acted on the estate set up and subsequent plot sales for eight of the client's residential developments in the Midlands including high profile, large developments at London Road, Bicester and Coventry Road, Lutterworth.





## REAL ESTATE FINANCE

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### **Confidential Client**

The Banking team, working alongside the Norwich Commercial Property team, was instructed in relation to a £21m facility to refinance indebtedness in relation to existing schemes. Facilities were provided to our client, a regional real estate development & investment business, by an Irish debt fund. Our work included advice across the full range of Real Estate Finance issues.

### **Confidential client**

The Banking team, working alongside the Northampton Commercial Property team, was instructed in relation to a £24m Revolving Credit Facility. Facilities were provided to our client, a leading regional house builder, by a clearing bank to facilitate further site acquisition and development activity. Our work included advice across the full range of related Real Estate Finance issues.

### **Confidential client**

The Banking team, working alongside the Cambridge Commercial Property team, was instructed in relation to a £25m financing. Facilities were provided to our client, the in-house commercial division of a local authority, by public bodies to fund a site acquisition from the MOD and subsequent development activity. Our work included advice across the full range of related Real Estate Finance issues.

### **Confidential client**

The Banking team, working alongside the Norwich Commercial Property team, has been instructed by a small award-winning developer, in relation to the financing for a number of coastal schemes. Advice has covered the financing of specific schemes on a SPV basis, but also more complex joint venture structures involving equity investors alongside senior and mezzanine debt.

### **Confidential client**

The Banking team, working alongside the Milton Keynes Commercial Property team, has been instructed by a small, award winning developer, in relation to the financing for small residential schemes. The team has also been instructed on subsequent financings for the principals of that developer as investors in other joint venture projects with likeminded developers.

# WHAT THE LEGAL DIRECTORIES SAY

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*The 'incredibly responsive' practice at Howes Percival LLP is renowned for its delivering of 'client-focused solutions'.*

*Howes Percival LLP has 'a specialist and responsive team who are available when required with the advice needed to progress matters efficiently.'*

*Howes Percival LLP is 'responsive and knowledgeable providing concise advice when required'.*

## **- Legal 500**

*Clients want to move quickly on any issues, and they deliver on that. They're always contactable and responsive, and they always care.*

*Clients describe the team as "excellent," adding that they "offer pragmatic advice."*

## **- Chambers and Partners**





# ABOUT THE DEVELOPMENT TEAM

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Our development team is made up of the right mix of specialists to help you acquire, develop and dispose of land with minimum fuss and for maximum value.

From site acquisition and strategic planning to construction contracts and disputes and plot sales, we have the legal expertise and in-depth sector knowledge to provide you with a commercial, efficient service which is tailored to your needs. We act for many household names, including some of the country's largest housebuilders, commercial developers and construction firms.

Our team of dedicated development lawyers includes specialists in:

- Real estate
- Real estate finance
- Planning
- Highways
- Environmental Law
- Construction Law
- Tax

We understand the legal and commercial issues you face and will always act in your best interests whilst delivering a comprehensive, cost-effective service.

We keep on top of legal developments and will proactively advise you on how they will affect your business. Our experience of working in the rapidly changing landscape of development and construction means we are uniquely placed to advise on any opportunities and challenges in this area.



# MEET THE TEAM

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**Stuart Burns**

**Partner**

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Stuart has wide experience of all aspects of commercial property, including freehold and leasehold acquisitions and disposals, commercial and residential development, property finance and pension related matters, acting for both seller and buyer and landlord and tenant. He also has experience in dealing with the property elements of commercial transactions, both on company and asset sales and purchases. Stuart acts for a variety of clients, from local landowners and individuals to property development companies, investors, national retail companies and funds.



**Christopher Cubitt**

**Partner**

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Chris is a commercial property law specialist with considerable experience in property development; property investment; commercial property finance; land acquisition and disposal; the acquisition and disposal of business premises; and commercial lettings. Chris has particular experience working with national and local developers; investors and funders including private individuals, corporates, banks and funds; landowners; and a wide variety of businesses and other organisations that own, lease or otherwise use property.



**Simon Franklin**  
**Director**

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Simon specialises in all aspects of non-contentious construction law from strategic procurement advice to dispute avoidance. The backbone of Simon's practice is the preparation and negotiation of construction documentation, including building contracts, professional appointments, collateral warranties as well as security documents such as bonds and guarantees. Having previously worked in both London and Manchester Simon has considerable experience of working with a number of developers and housebuilders on a wide variety of projects (student accommodation, hospitals, mixed use commercial/retail developments, boutique hotels, urban regeneration schemes and residential refurbishments). Simon also spent a number of years advising national housing associations on the procurement, delivery and maintenance of their affordable housing stock.



**Jonathan Greenhalgh**  
**Partner**

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Jonathan specialises in commercial real estate, advising many of the region's leading developers, investors, landlords, tenants and funders. Jonathan leads the Cambridge real estate team and has developed a strong client following.





## **Michaela Henson**

### **Partner**

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Michaela's specialisms are land development and promotion, commercial development and site assembly, property investment, landlord and tenant negotiations and advising on commercial property issues for investors, operational businesses, technology companies and charities nationwide. Michaela started her career at a West End law firm before returning to Cambridge in 1998.



## **Alexandra Hornsby**

### **Director**

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For over 14 years Alexandra has been advising wealthy individuals and business owners on estate planning and succession matters, including complex inheritance tax and capital gains tax issues. Alexandra is also experienced in advising trustees, drafting and administering trusts, and dealing with estate administration. She is a member of the Society of Trust and Estate Practitioners (STEP). Alexandra qualified as a solicitor in 2004 and subsequently worked for almost ten years in a specialist private client practice, gaining a wealth of experience in complex estate planning and trust matters.





**Paul Hunt**  
**Partner**

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Paul has over 30 years of both contentious and non-contentious planning work in the public and private sectors. He specialises in large residential and mixed use schemes but works for a range of residential developers and commercial organisations.



**Nick James**  
**Partner**

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Nick joined Howes Percival in 2009 and has a broad range of experience in all aspects of commercial property and development. Nick acts for a large number of developer and investor/landowner clients across the country on a wide range of matters including site assembly, acquisitions and disposals, funding agreements, conditional contract and a full range of asset management work. Nick also specialises in strategic land work including planning promotion, option, collaboration and equalisation agreements.

Nick's commercial property team is listed in tier 1 in the Legal 500 (2020 edition) and is regarded as "ultra-commercial" within the testimonials.







**Lucy Lord**  
**Partner**

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Lucy has wide experience in real estate transactions including residential and commercial development work, acting for national and regional developers. She regularly deals with: all aspects of acquisition and disposal work including options and conditional contracts; freehold and leasehold portfolio acquisitions and disposals; landlord and tenant work; and property finance. Lucy also has extensive experience of corporate transactional support work.

Lucy acts for a wide range of clients including national and regional property developers, investors, financial institutions and banks. She joined Howes Percival in 2011.



**Stuart Maggs**  
**Partner**

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Stuart has spent many years advising his clients on how best to arrange their affairs to keep them simple and understandable, while meeting their requirements and minimising tax implications. This includes strategic advice for families and trusts on their business and personal matters, including dealing with such arrangements for trustees and charities. He works closely with the property and corporate teams on arrangements with land, advising on the impact of SDLT, capital taxes and structuring deals to mitigate the tax impact and so maximise the value to all sides. Stuart is Head of Tax and is a Partner in the Estates team at Howes Percival, dealing with landowners, developers, high net worth individuals and business owners. He is a Chartered Tax Advisor and has spent many years devising planning arrangements that are suitable for the needs of his clients, ensuring they provide the right mix of tax efficiency and practicality.





**Chris May**  
**Partner**

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Chris advises on all aspects of town planning and development law. He has extensive experience in the coordination of development proposals, including student accommodation, motorway service areas and residential development at regeneration sites and greenfield sites, and in the preparation and negotiation of Planning Obligations. Chris also regularly advises on CPO, CIL, enforcement and EIA development. He is a legal associate of the RTPI. Chris has acted for national housebuilders, leading regional developers, landowners, local authorities and interested parties. As a partner in the Leicester office, he seeks to build on the strong commercial property base to provide an excellent planning service.



**Haydon Simmonds**  
**Partner**

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Haydon is a Banking & Finance lawyer with a breadth of experience across a wide range of domestic and cross-border corporate banking and real-estate finance transactions. Haydon advises lenders (including banks, funds, alternative lenders and private capital) and borrowers (both corporates and sponsors) on leveraged and acquisition financings, general corporate banking, real-estate investment and development transactions.





## **Jay Mehta**

### **Partner**

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Jay is a specialist planning solicitor at Howes Percival. He is experienced in all areas of planning law and supports his clients with the delivery of large scale strategic developments across the country. Jay has also led on a number of high profile appeal and judicial review cases over the years, with landmark decisions secured from the High Court, Court of Appeal and the Supreme Court. Notable cases include: R (Champion) v North Norfolk District Council [2015] UKSC 52R; R (Lensbury Limited) v Richmond London Borough Council [2016] EWCA Civ 814; and CK Properties (Theydon Bois) Limited v Epping Forest District Council [2018] EWHC 1649. Jay is therefore well rehearsed in complex planning issues such as Environmental Impact Assessment and Appropriate Assessment and is relied on by his clients to ensure planning permissions for new development may be secured robustly. Recommended in the Legal 500, Jay's clients include national house builders, promoters and local planning authorities who describe him as having "excellent judgement and very good attention to detail".





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