

Committee(s)	Dated:
Planning & Transportation	11 September 2018
Subject: City Fund Highway Declaration – Shoe Lane & Stonecutter Street, EC4	Public
Report of: City Surveyor (CS.369/18)	For Decision
Report author: Michael Radcliffe – Senior Principal Surveyor City Surveyor's Department	

Summary

Approval is sought to declare a volume of airspace situated above 1,634 ft² (151.80 m²) of City Fund highway land at Shoe Lane and Stonecutter Street, EC4 to be surplus to highway requirements to allow its disposal in conjunction with the permitted development scheme at Shoe Lane and Plumtree Court, EC4.

The redevelopment of the site bounded by Shoe Lane, Plumtree Court, Farringdon Street and Stonecutter Road, EC4 received planning permission through Committee on 24th December 2012. The completed building will include a canopy partially projecting into City Fund airspace above the highway stratum at Farringdon Street.

In addition, the owners of the building will require intermittent use of airspace over City Fund highway land at Shoe Lane and Farringdon Street, EC4 for the building maintenance unit / cleaning cradle in order to provide for ongoing maintenance of the exterior elevations.

In order to regularise the use of City airspace for both canopy and maintenance functions a total of 1,634 ft² (151.80m²) of highway land needs to be declared surplus to requirements by this Committee.

Before third party interests can be granted in City Fund highway land the affected areas first need to be declared surplus to highway requirements.

The City Corporation's highway functions will continue within the highway stratum.

The terms for the highway disposal including the requisite Ordnance Datum Newlyn levels to enable the architectural projections are to be reported separately for approval of the Corporate Asset Sub Committee, subject to your approval to declare the affected volume of airspace surplus to highway requirements.

Recommendation(s)

Members are asked to:

- Resolve to declare a volume of City Fund highway land above an area of highway measuring 1,634 ft² (151.80 m²) situated in Shoe Lane and Farringdon Street, EC4 to be surplus to highway requirements to enable its

disposal upon terms to be approved by the Corporate Asset Sub Committee and subject to the City Corporation retaining ownership of the highway and the continuing highway functions.

Main Report

Background

1. The development of the site bounded by Shoe Lane, Plumtree Court, Farringdon Street and Stonecutter Street, EC4 is being undertaken by Farringdon Street Partners Limited and Farringdon Street (Nominee) Limited under planning approval (12/01225/FULEIA) granted on 24th December 2012 through Committee.
2. The development scheme under planning approval comprises *demolition of the existing buildings and structures, and construction of a new office building (B1 Use Class) comprising ground, upper ground and upper ground mezzanine plus 8 storeys with associated basement and basement mezzanine, hard and soft landscaping (including works to the public highway), green roof, roof top plant, accessible terraces, access and servicing, ancillary cycle parking, disabled car parking and other associated works (113817sq m)[1,225,126ft²].*
3. The completed building will include an extent of canopy projecting into airspace over City Fund highway land along Stonecutter Street, EC4.
4. Additionally, the building owner will require intermittent access to airspace over City Fund highway land on both Shoe Lane and Stonecutter Street, EC4 for the purposes of operating a building maintenance unit / cleaning cradle to provide for ongoing maintenance of the exterior elevations.

Current Position

5. Farringdon Street Partners Limited and Farringdon Street (Nominee) Limited have approached the City Corporation seeking to acquire a suitable interest in the highway land affected by its approved development works and ongoing maintenance requirements.
6. Buildings where the construction and retention of accommodation or integral components would be governed or is governed solely by a highway licence can be compromised investments.
7. For the purpose of promoting long term development the City Corporation can dispose of suitable interests where permitted schemes encompass City Corporation owned highway land. The disposal of the highway land would assist works addressing the proper planning of the area.
8. Before the City Corporation is able to dispose of any interests in City Fund highway land affected by permitted schemes it must first declare the land surplus to highway requirements.

9. Although the City Corporation can dispose of its highway land as a property owner the highway stratum will nevertheless remain vested in the City Corporation as the highway authority until such time as it may be stopped-up.
10. In this instance the development will oversail the highway but will not impede it thus stopping-up is neither necessary nor required.
11. **Affected Highway** - The total area of City Fund highway land to be oversailed by both the canopy and maintenance functions for the permitted scheme is situated at Shoe Lane and Stonecutter Street, EC4 and affects an area measuring 1,634 ft² (151.80 m²).
12. **Ordnance Datum Newlyn** – The British mainland national geographic height system by reference to which the volume of airspace defined by upper and lower levels can be identified.

Proposals

13. Subject to your agreement to declare a volume of airspace over City Fund highway land at Shoe Lane and Stonecutter Street, EC4 measuring 1,634 ft² (151.80 m²) above the highway stratum to be surplus to requirements pursuant to *City of London (Various Powers) Act 1958 section 9* and the *Town and Country Planning Act 1990 sections 233(1)(a) & (b)* it is proposed that the City Corporation disposes of a suitable interest in the land upon terms to be approved by the Corporate Asset Sub Committee.

Corporate & Strategic Implications

14. The disposal of highway land will support the development and investment in the City which *inter alia* ensures the supply of first class business accommodation in the City (A World Class City).

Financial Implications

15. The financial implications of disposal of the highway asset will be considered in a separate report by the Corporate Asset Sub Committee.

Legal Implications

16. **Stopping-up** – The proposed building projections will not encroach into the highway stratum thus no stopping up of the highway is intended or necessary.
17. **Power of Disposal** - The proposed transaction involves disposal of interests in City Fund highway land that was acquired under historic legislation now held for either highway purposes or planning purposes or a combination of both.

18. **Highway Purposes** - Disposal of any interests in City Fund land which is held for highway purposes is authorised by the *City of London (Various Powers) Act 1958, Section 9*, which allows the City Corporation to dispose of its land within or outside of the City in such manner and for such consideration and on such terms and conditions as it thinks fit.
19. **Planning Purposes** - Disposal of any interests in City Fund land which is held for planning purposes is authorised by the *Town and Country Planning Act 1990, Section 233(1)(a) & (b)* to secure the best use of land or to secure the carrying out of works for the proper planning of the area and also for the best consideration that can reasonably be obtained.

Disposal

20. **Corporate Asset Sub Committee** - The terms of the highway disposal transaction are to be reported to the Corporate Asset Sub Committee for consideration subject to you first declaring the affected City Fund highway land to be surplus to highway requirements.

Conclusion

21. The necessary declaration confirming the highway to be surplus to requirements excluding the highway stratum will enable development of the property according to the planning permission that has been granted.

Appendices

- Appendix 1 – Highway Plan, Shoe Lane and Stonecutter Street, EC4

Background Papers:

- Planning Consent number 12/01225/FULEIA

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Appendix 1 – Highway Plan, Shoe Lane and Stonecutter Street, EC4

