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| Committee(s) | Dated: |
| Planning & Transportation | 09 July 2019 |
| Subject: City Fund Highway Declaration – 43 Golden Lane, EC1 | Public |
| Report of: City Surveyor (CS.258/19) | For Decision |
| Report author: Nicholas Welland | |

Summary

Approval is sought to declare a volume of land and airspace totalling 81 ft² (7.5m²) of City Fund highway land at Golden Lane, EC1 to be surplus to highway requirements to allow its disposal in conjunction with the permitted construction of new residential development to provide 99 residential dwellings at 43 Golden Lane, EC1.

The works received planning permission under delegated powers on the 30th August 2017 (16/00590/FULL) and include architectural projections along the elevation fronting Golden Lane, EC1 which will project into 69 ft² City Corporation airspace above the highway stratum, 11 ft² at basement level and 1 ft² at ground level.

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 highway surplus to highway requirements.

Recommendation(s)

Members are asked to:

- Resolve to declare a volume of City Fund highway land measuring a total of 81 ft² (7.5m²) situated in Golden Lane, EC1 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 property at 43 Golden Lane, EC1 was purchased by Taylor Wimpey UK Limited in January 2016. The building was purchased with vacant possession and subsequently demolished by the purchaser. Permission for the demolition of the existing building and construction of a new residential building to provide 99 dwellings was granted planning permission (16/00590/FULL) under delegated powers. Construction is already underway and due to complete in summer 2020.
2. The works include construction of new residential building to provide 99 residential dwellings, together with ancillary car parking, hard and soft landscaping and associated works. On completion the building will comprise approximately 119,619 ft² (11,113 m²) of gross internal floor space.
3. The development includes proposals include architectural projections that project into City Corporation owned airspace and a small amount of highway land along Golden Lane, EC1.

Current Position

4. Taylor Wimpey UK Limited has approached the City Corporation seeking to acquire a suitable interest in the highway land affected by its approved construction works.
5. 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.
6. 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.
7. 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.
8. 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.
9. In this instance the development will oversail the highway but will not significantly impede it thus stopping-up is neither necessary nor required.
10. **Affected Highway** - The area of City Fund highway land to be oversailed by the permitted scheme is situated at Golden Lane, EC1 and affects an area measuring 81 ft² (7.5m²)

11. **Ordnance Datum Newlyn** – The British mainland national geographic height system by reference to which the volume of space defined by upper and lower levels can be identified.

Proposals

12. Subject to your agreement to declare a volume of City Fund highway land in Golden Lane, EC1 measuring 81 ft² (7.5m²) 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

13. 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

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

Legal Implications

15. **Stopping-up** – The proposed building projections will not significantly encroach into the highway stratum thus no stopping up of the highway is intended or necessary.
16. **Power of Disposal** - The proposed transaction involves disposal of interests in City Fund highway land that was acquired under historic legislation. The land is now held for *Highway Purposes*.
17. **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.
18. **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

19. **Corporate Asset Sub Committee** - The terms of the highway disposal transaction are to be reported to the Corporate Asset Sub Committee on the 11th July 2019 for consideration subject to you first declaring the affected City Fund highway land to be surplus to highway requirements.

Conclusion

20. 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 – Basement Oversail, Golden Lane, EC1
- Appendix 2 – Ground Floor Oversail, Golden Lane, EC1
- Appendix 3 – Upper Floor Oversail, Golden Lane, EC1

Background Papers:

- Planning Consent number 16/00590/FULL

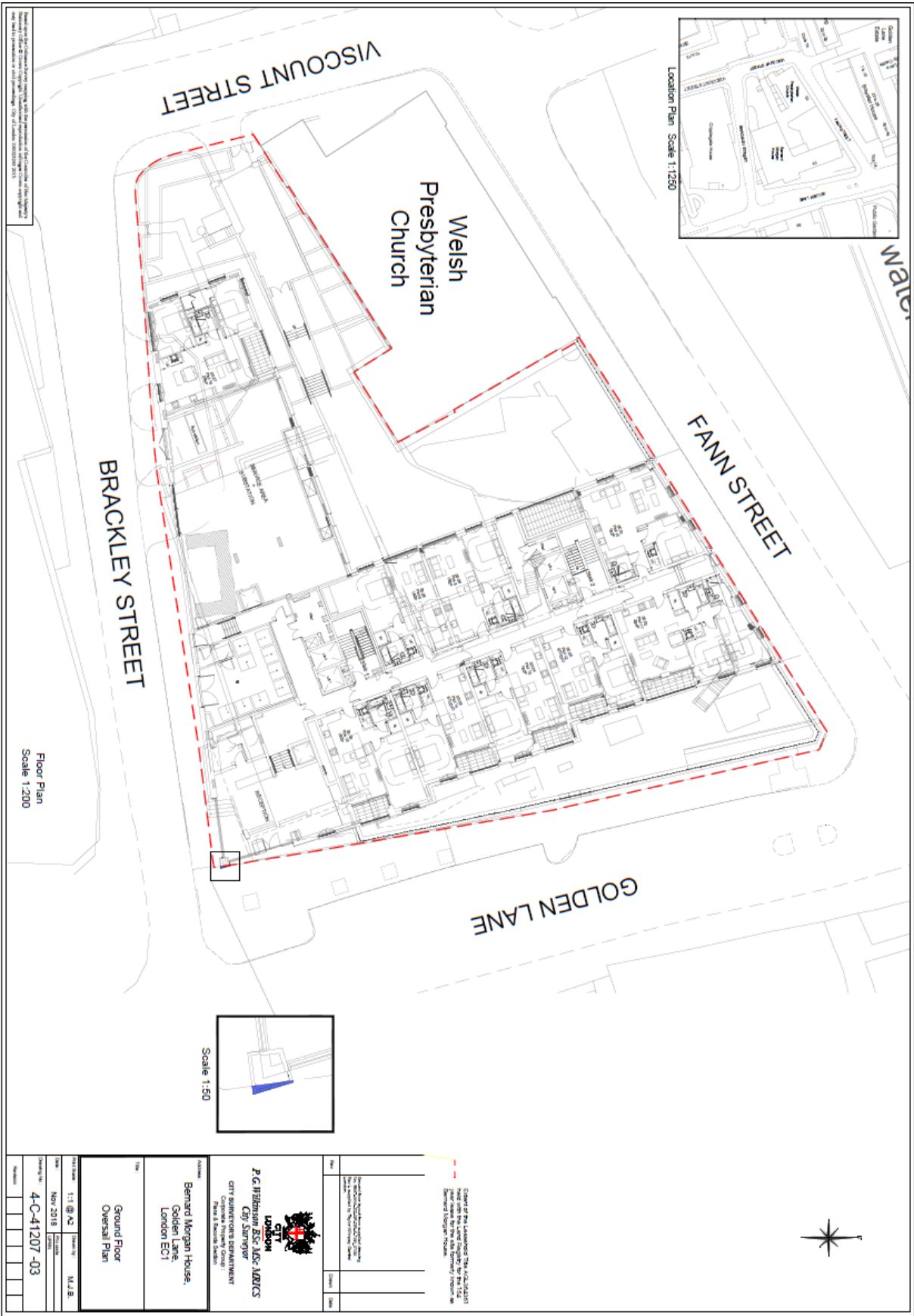
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The image displays a set of architectural drawings for the Welsh Presbyterian Church. The main drawing is a detailed floor plan of the church building, showing internal rooms, stairs, and structural elements. The building is situated at the corner of FANN STREET and BRACKLEY STREET, with VISCOUNT STREET to the north and GOLDEN LANE to the east. A red dashed line outlines the building's footprint. Surrounding the main plan are four smaller drawings: a location plan (top left), and three sections (bottom left, bottom center, and bottom right), all labeled with their respective scales (1:1250, 1:20, and 1:50). A north arrow is located in the bottom right corner. The title block at the bottom contains the following information:

WELSH PRESBYTERIAN CHURCH
Basement 1
Overall Plan

Client: Bernard Morgan House, Golden Lane, London EC1
Architect: P.G. Wilkinson BSc, MSc, ARCS, City Strategist
City Strategist: P.G. Wilkinson BSc, MSc, ARCS, City Strategist
Project Name: 1:1 @ A2
Date: Nov 2018
Scale: 1:20
Sheet: 4-C-41207-02

Appendix 2 – Ground Floor Oversail, Golden Lane, EC1



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