

Committee(s):	Date(s):
Planning & Transportation	10 Jun 2014
Subject: City Fund Highway Declaration – 120 Fenchurch Street, EC3	Public
Report of: City Surveyor (CS.204/14)	For Decision

Summary

Approval is sought to declare parcels of City Fund highway land (as shown in Appendix 1) at Billiter Square, Fenchurch Avenue, Billiter Street, Fenchurch Street and Fen Court, EC3, to be surplus to highway requirements to allow its disposal.

The land is encompassed by a permitted development scheme to be undertaken by Saxon Land BV at 120 Fenchurch Street, EC3, for which you granted planning permission at your meeting of the 30th March 2012.

Parts of the new building are to be constructed on highway land and there will also be oversailing by cleaning equipment, all affecting a total area of 2,561 ft² (237.92 m²) of City Fund highway.

The City regularly grants suitable land interests to owners and developers whose permitted schemes encompass City owned highway, for the purpose of promoting long term development. However, in order to grant third party interests in City Fund highway land, the affected parts first need to be declared surplus to highway requirements.

The construction on the highway land will require stopping-up, which is to be dealt with by Saxon Land as a wholly separate process.

It is not intended that the area of highway beneath the cleaning equipment projections be stopped-up. The highway stratum has to remain intact maintaining a clear headroom of 2.75m above the footpath.

The terms for the highway disposal are to be separately reported for approval of the Property Investment Board and Finance Committee subject to your approval to declare the affected area surplus to highway requirements.

Recommendation(s)

Members are asked to:

- Resolve to declare City Fund highway land at Billiter Square, Fenchurch Avenue, Billiter Street, Fenchurch Street and Fen Court, EC3 measuring 2,561 ft² (237.93 m²) in total and encompassed by the permitted development at 120 Fenchurch Street (11/00854/FULEIA) to be surplus to highway requirements to enable it to be incorporated into the development scheme with the disposal terms to be subject to the approval of the Property

Investment Board and the Finance Committee.

- Note that insofar as part of the affected highway land is only to be used for oversailing such declaration is restricted to that vertical section as needed for the oversailing to operate and that the declaration excludes the highway stratum which is to be retained for highway purposes.

Main Report

Background

1. Saxon Land BV is proposing development of a 1 acre site bounded by Fenchurch Avenue, Billiter Street, Fenchurch Street and Fen Court, EC3, for which you granted consent at your meeting on the 30th March 2012 (11/00854/FULEIA).
2. The permitted scheme involves construction of a new building on highway land at Billiter Square, EC3, and cleaning equipment projections from it oversailing other parts of the highway. A plan of the affected highway is shown at Appendix 1.
3. The scheme will be subject to a statutory highways projection licence which is issued by the City in its capacity as highway authority to preserve its highway functions but does not create any permanent interest in the highway land.

Current Position

4. Saxon Land BV has approached the City seeking a permanent interest in the affected highway land to assure retention of its proposed building projections.
5. Buildings where the construction and retention of habitable accommodation would be governed or is governed solely by a highway licence can be compromised as investments. Therefore for the purpose of promoting long term development, the City regularly grants suitable permanent interests where permitted schemes encompass City owned highway land.
6. Where City Fund highway is involved, before the City is able to dispose of any interests in it, the affected land must first be declared surplus to highway requirements.
7. Although the City can dispose of its highway land as a property owner, the highway stratum will nevertheless remain vested in the City as the highway authority until such time as it is stopped-up.
8. In this instance stopping-up will be required where new buildings are constructed on highway land, but will not be needed in respect of oversailing interests. Stopping-up is to be dealt with as a separate statutory process, and for which Saxon Land will need to apply. Such declaration as is now sought will not prejudice any subsequent highway stopping-up procedures.

9. However, it is intended that the highway stratum remains intact beneath the oversailing. The highway stratum is defined as being 2 'spits' depth beneath the footpath and having a clear headroom of 2.75m above it.
10. **Affected Highway** - The area of City Fund highway land encompassed by the scheme amounts to 2,561 ft² (237.95 m²).

Proposals

11. Subject to your agreement to declare the area of City Fund highway surplus to requirements, it is proposed that the City disposes of a suitable interest in the highway land upon terms to be approved by the Property Investment Board and Finance Committee to enable the various structures that are required for the development scheme to proceed subject to any necessary stopping-up first being obtained.

Implications

12. The disposal of highway land will support development and investment in the City, which inter alia ensures the supply of first class business accommodation in the City (A World Class City).
13. **Financial** - The financial implications of any disposal will be considered by the Property Investment Board and Finance Committee.
14. **Stopping-up** - The highway land upon which new buildings are intended will require stopping-up, which Saxon Land BV will need to undertake as a separate process. The cleaning equipment projections will oversail the highway but will not require stopping-up, thus the highway stratum will remain intact.
15. **Power of Disposal** - The transaction involves the disposal of City Fund land held by the City of London for highway purposes. Disposal of land held for highway purposes is authorised by Section 9 City of London (Various Powers) Act 1958, which allows the City of London 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.
16. **Property Investment Board / Finance Committee** - The terms of the negotiated highway disposal transaction are to be reported to the Property Investment Board and Finance Committee for consideration, subject to you declaring that the affected City Fund highway land will become surplus to requirements subject also to the necessary stopping-up being obtained.

Conclusion

17. The necessary declaration to confirm that the highway is surplus to requirements subject to stopping-up being obtained where necessary, will enable the development according to the planning permission that has been granted and assist investment and regeneration in the City.

Appendices

- Appendix 1 – Highway Plan

Background Papers:

Planning Consent no. 11/00854/FULEIA (30th March 2012).

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