

Committee(s):	Date(s):
Planning & Transportation	01 Dec 2014
Subject: City Fund Surplus Highway – Barts Square, EC1	Public
Report of: City Surveyor (CS.375/14)	For Decision

Summary

Approval is sought to declare an area totalling 576 ft² of City Fund highway land at Bartholomew Close, Little Britain and West Smithfield, EC1 to be surplus to highway requirements, to allow its disposal and enable the development scheme which is being proposed by Helical Bar.

The highway land is to be encompassed and built upon by the permitted mixed use development scheme, to be known as Barts Square, for which you granted planning permission at your meeting of the 20th November 2012.

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 highway parcels will require stopping-up, which is to be subject to a separate statutory procedure.

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

Recommendation(s)

Members are asked to:

- Resolve to declare the areas of City Fund highway land at Bartholomew Close, Little Britain and West Smithfield, EC1 with a combined total of 576 ft² (53.50 m²) as described in Appendix 2 and upon which the Barts Square permitted development scheme is to be built (consent no. 12/00256/FULEIA) to be surplus to highway requirements to enable its disposal upon terms that are to be subject to the approval of the Property Investment Board.

Main Report

Background

1. Helical Bar plc has received planning consent to construct a mixed use six storey scheme comprising 229,000 ft² offices, 23,800 ft² retail, 215 flats and associated car parking, which will incorporate renovated existing buildings alongside of new at Little Britain and Bartholomew Close, EC1. The scheme is known as Barts Square.

2. You approved planning consent (no.12/00256/FULEIA) for the scheme at your meeting dated the 20th November 2012, and have subsequently approved amendments pursuant to a further application.
3. The development will be built on the affected highway land, largely entailing stopping-up, which is to be subject to a separate statutory procedure.
4. The parcels of affected highway are shown on the plan and on the separate schedule, as Appendix 1 & 2 respectively.

Current Position

5. Helical Bar plc has approached the City seeking to acquire a permanent interest in highway land affected by its approved development scheme.
6. 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. The disposal of the highway land would secure works needed for the proper planning of the area.
7. 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.
8. 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. In this instance stopping-up will be needed, and will be subject to a separate statutory procedure. The proposed stopping-up arrangement will entail small parcels of Helical Bar land being given over and dedicated for highway purposes.
9. **Affected Highway** - The area of City Fund highway land affected by the permitted scheme is situated at Bartholomew Close, Little Britain and West Smithfield, EC1 and amounts to 576 ft² (53.49 m²).

Proposals

10. 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.

Implications

11. 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).
12. **Financial** - The financial implications of any disposal will be considered by the Property Investment Board.

13. **Stopping-up** – While the highway land that required to be built, to construct the approved scheme, it will be subject to the stopping-up order being made.
14. **Power of Disposal** - The transaction involves the disposal of City Fund and City's Estate land, both being subject to the highway interest. No statutory power is required to dispose of land held by City's Estate.
15. The City Fund parcels are held by the City of London for planning purposes. Disposal of land held for planning purposes is authorised by Section 233 of the Town and Country Planning Act 1990 to secure the best use of land or to secure the carrying out of works for the proper planning of the area.
16. **Property Investment Board** - The terms of the negotiated highway disposal transaction are to be reported to the Property Investment Board for consideration, subject to you first declaring that the affected City Fund highway land will become surplus to requirements.

Conclusion

17. 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 for the Barts Square mixed use scheme.

Appendices

- Appendix 1 – Highway Plan
- Appendix 2 – Schedule of Highway Parcels

Background Papers:

Planning Consent no. 12/00256/FULEIA (20 November 2012).

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Appendix 1 – Highway Plan (Barts Square, EC1)



14 November 2014

Appendix 2 – Schedule of Highway Parcels (Barts Square, EC1)

Parcel 1	<ul style="list-style-type: none"> • <u>City Fund</u> highway land acquired and held under planning powers. 	2.62 m ²
Parcel 2	<ul style="list-style-type: none"> • <u>City Fund</u> highway land acquired and held under planning powers. • <u>City's Estate</u> subject to highway interest. 	4.80 m ² 1.62 m ²
Parcel 3	<ul style="list-style-type: none"> • <u>City's Estate</u> subject to highway interest (required for a low level step access). 	0.32 m ²
Parcel 4	<ul style="list-style-type: none"> • <u>City's Estate</u> subject to highway interest. 	0.17 m ²
Parcel 5	<ul style="list-style-type: none"> • <u>City's Estate</u> subject to highway interest. 	0.48 m ²
Parcel 6	<ul style="list-style-type: none"> • <u>City Fund</u> highway land acquired and held under planning powers (including an area required at basement only level - leaving surface intact as highway). 	2.56 m ² 1.19 m ²
Parcel 7	<ul style="list-style-type: none"> • <u>City's Estate</u> subject to highway interest. 	1.24 m ²
Parcel 8	<ul style="list-style-type: none"> • <u>City Fund</u> highway land acquired and held under planning powers (including part acquired under the '<i>ad medium filum</i>' rule). • <u>City's Estate</u> subject to highway interest. 	42.33 m ² 2.46 m ²

note; metric measurements rounded to two decimal places