

Committee(s)	Dated:
Planning & Transportation	23 June 2015
Subject: City Fund Highway Declaration – Hotel Development at 100 Minories EC3	Public
Report of: City Surveyor (CS.143/15)	For Decision

Summary

Approval is sought to declare an area totalling 491 ft² of City Fund highway land at Tower Hill, EC3 to be surplus to highway requirements, to allow its disposal and enable the development which is being proposed by Grange Hotels Limited. Planning permission for the development was approved at your meeting of the 27 November 2012.

The permitted hotel development scheme at 100 Minories, EC3 is to have projections which oversail highway land above a fixed vertical Ordnance datum 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.

In this instance, the proposed development will oversail the highway stratum but will not impede it, thus stopping-up of the highway will not be necessary.

The terms for the highway disposal are to be reported separately 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 an area of City Fund highway land at Tower Hill, EC3 measuring 491 ft² (45.61m²) and above 19.0m vertical Ordnance datum to be surplus to highway requirements to enable its disposal upon terms to be subject to the approval of the Property Investment Board.

Main Report

Background

1. Grange Hotels Limited (Grange Hotels) has obtained planning consent to construct a nine storey mixed use scheme at 100 Minories, EC3. The scheme is to have an overall gross area of approximately 203,000 ft² and comprising predominantly of hotel accommodation having 268 bedrooms each with an integral kitchen plus a ground level restaurant.
2. You approved planning consent (12/00263/FULMAJ) for the scheme at your meeting dated the 27 November 2012. The proposed development will have

projections from 2nd to 5th floors inclusive oversailing City Fund highway land at Tower Hill as identified on the attached plan.

Current Position

3. Grange Hotels has approached the City Corporation seeking to acquire a suitable interest in the highway land affected by its approved development scheme.
4. Buildings where the construction and retention of habitable accommodation would be or is governed solely by a highway licence can be compromised as investments. Therefore 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.
5. Where City Fund highway is involved, before the City Corporation is able to dispose of any interests in it, the affected land must first be declared surplus to highway requirements.
6. 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 is stopped-up.
7. In this instance Grange is intending to oversail the highway, but will not impede it, thus stopping-up would not be required.
8. **Ordnance Datum Level** – The vertical measure used to derive spot geographic heights and taken as zero metres height at mean sea level at Newlyn, Cornwall which is the reference point for all height measurements.
9. **Affected Highway** - The area of City Fund highway land to be oversailed by the permitted scheme is situated at Tower Hill, EC3 and amounts to 491 ft² (45.61 m²) and lowest point of the built projection is to be 19.0m above Ordnance Datum.

Proposals

10. Subject to your agreement to declare the area of City Fund highway surplus to requirements pursuant to S.233 Town & Country Planning Act 1990 and S.9 City of London (Various Powers) Act 1958, it is proposed that the City Corporation disposes of a suitable interest in the highway land upon terms to be approved by the Property Investment Board.

Corporate & Strategic 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).

Financial Implications

12. The financial implications of any disposal will be considered by the Property Investment Board.

Legal Implications

13. **Stopping-up** – The proposed building projections will not encroach into the highway stratum, thus no stopping up of the highway is intended.
14. **Power of Disposal** - The transaction involves the disposal of City Fund highway land where part is held for planning purposes and part for highway purposes.
15. **Planning Purposes** - Disposal of land held for planning purposes is authorised by Section 233(a) & (b) of the Town and Country Planning Act 1990 and is expedient in order to secure the best use of land or to secure the carrying out of works for the proper planning of the area.
16. **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 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.

Disposal

17. **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 the affected City Fund highway land to be surplus to highway requirements.

Conclusion

18. 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 100 Minorities hotel scheme.

Appendices

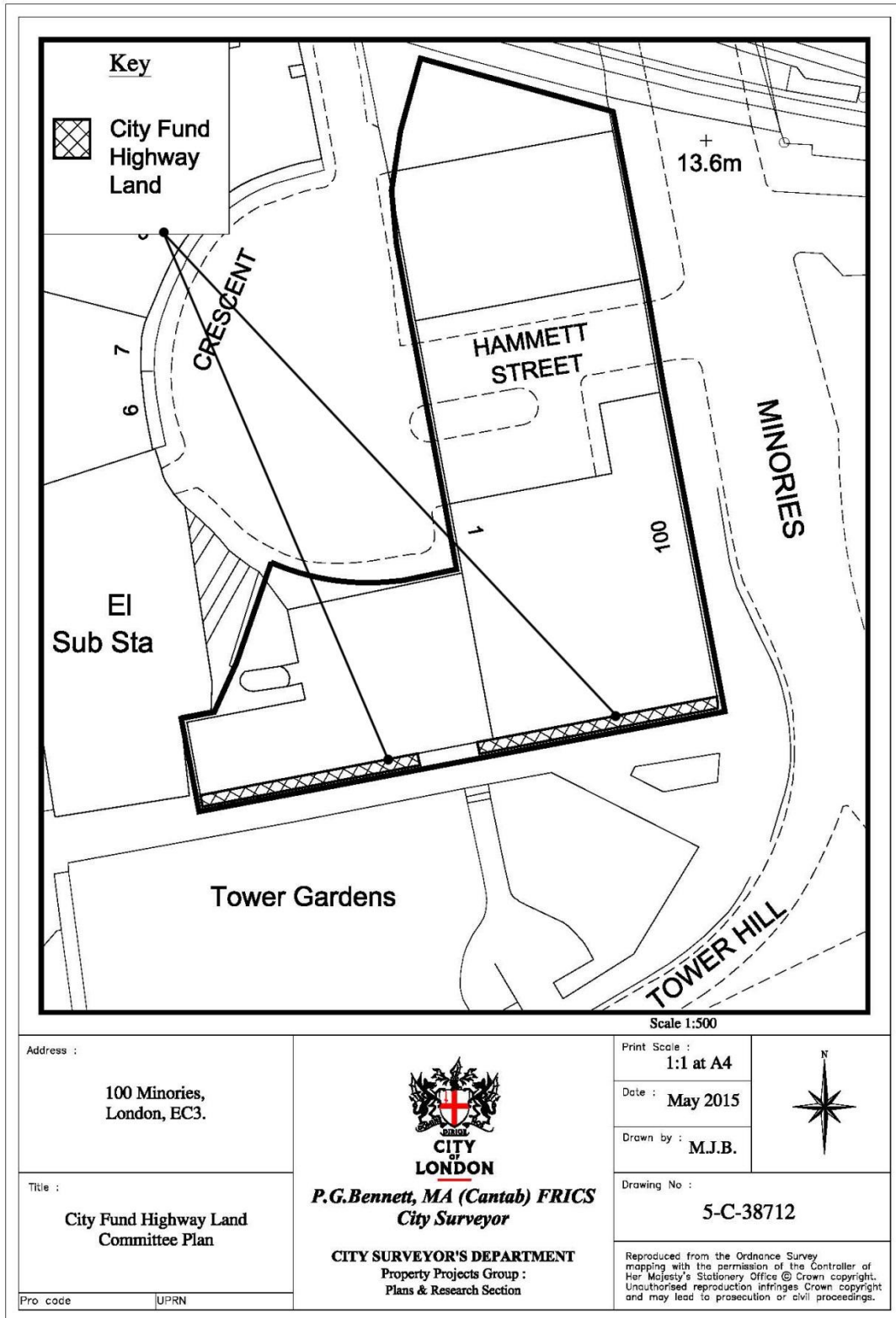
- Appendix 1 – Highway Plan
- Appendix 2 – Highway Vertical Section
- Appendix 3 – Scheme Images

Background Papers:

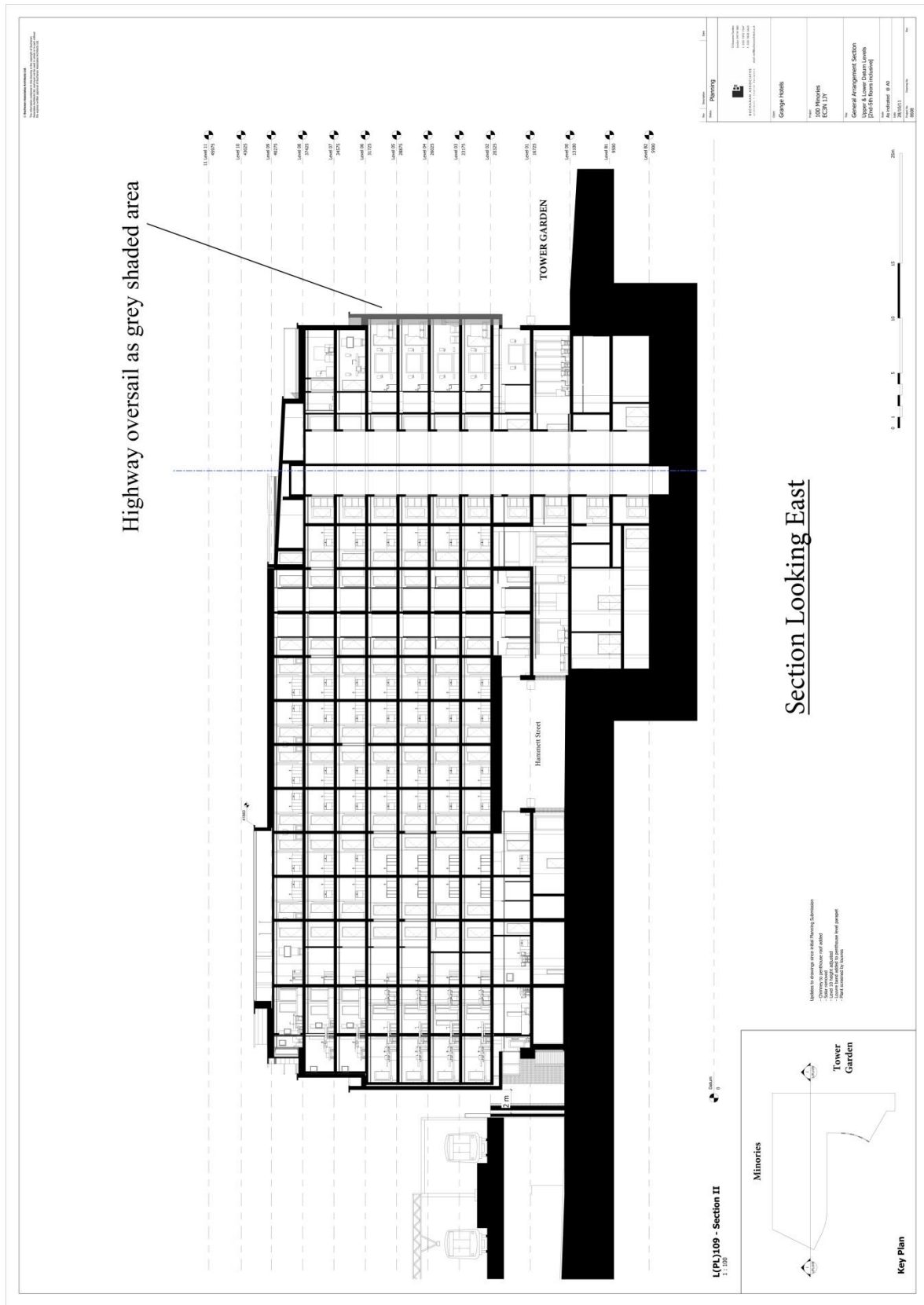
Planning Consent no. 12/00263/FULMAJ.

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Appendix 1 – Highway Plan (100 Minories, EC3)



Appendix 2 – Highway Vertical Section (100 Minorities, EC3)



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Appendix 3 – Scheme Images (100 Minorities, EC3)



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