

Committee(s)	Dated:
Planning & Transportation	25 Jan 2017
Subject: City Fund Highway Declaration – Development at 90 Fetter Lane, EC4	Public
Report of: City Surveyor (CS.013/17)	For Decision
Report author: Roger Adams	

Summary

Approval is sought to declare an area totalling 88 ft² of City Fund highway land at Norwich Street, EC4 to be surplus to highway requirements, to allow its disposal and enable the development which was approved by delegated authority on the 4 August 2016 (16/00299/FULMAJ).

The permitted development scheme will retain the built bay projections that were licenced as highway projections with the original 1980's construction oversailing highway land at 2nd floor level and above.

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

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 Norwich Street, EC4 measuring 88 ft² (8.15m²) to be surplus to highway requirements to enable its disposal upon terms to be subject to the approval of the Property Investment Board subject to the City Corporation's continuing highway rights and controls remaining in place in respect of the highway stratum.

Main Report

Background

1. Evans Randall Investors Limited has recently acquired a 1980's dated 6 storey office premises at 90 Fetter Lane, EC4 and obtained planning consent

to upgrade and refurbish the property to add two further storeys that will create 67,500 ft² lettable offices and to convert the ground floor into 6,500 ft² retail space.

2. As part of the proposed works, existing bay projections on the Fetter Lane and Norwich Street elevations are to be retained.

Current Position

3. Evans Randall Investors Limited 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 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 the development will oversail the highway, but will not impede it, thus stopping-up would not be required.
8. **Affected Highway** - The area of City Fund highway land oversailed by the permitted scheme is situated at Norwich Street, EC4 and amounts to 88 ft² (8.15 m²).

Proposals

9. Subject to your agreement to declare the area of City Fund highway surplus to requirements pursuant to Section 9, City of London (Various Powers) Act 1958, it is proposed that the City Corporation retains continuing rights and controls in the highway stratum as the highway authority but otherwise disposes of a suitable interest in the land upon terms to be approved by the Property Investment Board.

Corporate & Strategic Implications

10. 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

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

Legal Implications

12. **Stopping-up** – The proposed building projections will not encroach into the highway stratum, thus no stopping up of the highway is intended.
13. **Power of Disposal** - The transaction involves the disposal of City Fund highway land held for highway purposes.
14. **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

15. **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

16. 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

Background Papers:

Planning Consent no. 16/00299/FULMAJ.

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Appendix 1 – Highway Plan 90 Fetter Lane, EC4



