

Committee(s)	Dated:
Planning & Transportation	03 October 2017
Subject: City Fund Highway Declaration – Great Swan Alley	Public
Report of: City Surveyor (CS.410/17)	For Decision
Report author: Michael Radcliffe	

Summary

Approval is sought to declare a volume of airspace situated above 78 ft² of City Fund highway land at Great Swan Alley, EC2 to be surplus to highway requirements to allow its disposal in conjunction with permitted extension and external cladding works to the building at 30-34 Moorgate, EC2.

The works to the existing building received planning permission under delegated powers on the 19th August 2016 (16/00560/FUL) and include architectural projections along the elevation fronting Great Swan Alley, EC2 which will project into City Corporation airspace above the highway stratum.

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 airspace surplus to highway requirements.

Recommendation(s)

Members are asked to:

- Resolve to declare a volume of City Fund highway land above an area of highway measuring 78 ft² (7.2m²) situated in Great Swan Alley, EC2 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 30-34 Moorgate, EC2 was purchased by Soliar S.A.R.L, a joint venture between LS Estates Limited and York Capital Management, in January 2016. The building was purchased with vacant possession and comprises basement, ground and six upper storeys, and is being refurbished by its new owners. Refurbishment works were granted planning permission (16/00560/FUL) under delegated powers.
2. The refurbishment works include part re-cladding and extension of the existing building for office use, change of use from ancillary office and financial and professional services at part-ground and part-basement levels to flexible retail use. On completion the building will comprise approximately 39,772 sq ft of gross internal floor space, as small increase on the existing floorspace.
3. The refurbishment proposals include architectural projections that project into City Corporation owned airspace along Great Swan Alley, EC2.

Current Position

4. Soliar S.A.R.L has approached the City Corporation seeking to acquire a suitable interest in the highway land affected by its approved refurbishment 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 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 Great Swan Alley, EC2 and affects an area measuring 78 ft² (7.2 m²).

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

Proposals

12. Subject to your agreement to declare a volume of airspace of City Fund highway land in Great Swan Alley, EC2 measuring 78 ft² above the highway stratum 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 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 where part is now held for highway purposes and part is held for planning 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 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 – Highway Plan

Background Papers:

- Planning Consent number 16/00560/FUL.

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Appendix 1 – Highway Plan, Great Swan Alley, EC2



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Elevation A



Location Plan

Rev	Drawn	Date



CITY OF LONDON
P.G. Wilkinson BSc MSc MRICS
City Surveyor

CITY SURVEYOR'S DEPARTMENT
 Property Projects Group:
 Plans & Research Section

Address: **30 - 34 Moorgate
London EC2**

Title: **Committee Plan**

Print Scale: 1:1 @ A4	Drawn by: KT
Date: Aug 2017	Pro code: UFRN
Drawing No: 5-C-39365 - 02	

Revision	