

Committee(s)	Dated:
Corporate Asset Sub Committee	5th September 2018
Subject: Public Conveniences Update	Public
Report of: City Surveyor	For Information
Report author: Warren Back, City Surveyor's Department	

Summary

On 11 March 2016 this Committee declared four former public conveniences at Cannon Street, West Smithfield, Bishopsgate and Holborn, as surplus to City requirements.

The properties are subterranean structures within or beneath the public highway with entrances via steps passing through the highway spit. All have some physical and/or legal issues restricting potential re-use.

In particular, only Bishopsgate public convenience is likely to be suitable for disposal, once the ongoing legal dispute with TfL is resolved. Alternative operational uses will be sought for West Smithfield and Holborn, whilst Cannon Street will be permanently mothballed in the absence of any reconfiguration of the subway

This report updates Members on the current position as to the potential disposal or re-use of the public conveniences.

Recommendation(s)

Members are asked to:

1. Note the current position with the review of the potential disposal or re-use of the public conveniences.

Main Report

Background

2. On 11 March 2016 this Committee declared four former public conveniences at Cannon Street, West Smithfield, Bishopsgate and Holborn, as surplus to requirements.
3. The properties are subterranean structures within or beneath the public highway with entrances via steps passing through the highway spit. All have some physical and/or legal issues restricting potential re-use. City Surveyors inspect the properties annually to ensure they are safe and secure.
4. Subsequent to the decision, owing to the potential legal constraints on disposal or re-use of the properties, the City sought Leading Counsel's opinion, whose view was that the construction of the public conveniences did not necessarily have the effect of removing the highway status of the land on which they were constructed, and this therefore represents an impediment to their re-use/disposal as the highway spit is vested in the highway authority and nothing can be done if this interferes with the public rights over the highway. The City could however test the issue by making an application to the Magistrates Court for a Stopping Up Order under s 116 of the Highways Act 1980, which if successful, would, enable potential disposal/reuse.
5. Counsel further advised that due to statutory user restrictions applying to West Smithfield public convenience (as detailed below), the premises is unlikely to be suitable for disposal. A summary of the issues relating to each public convenience is set out below:
6. **Bishopsgate** public convenience lies under a GLA road which is the subject of an ongoing dispute with TfL regarding the extent to which it is vested in TfL following transfer of GLA roads to TfL in 2000. A Supreme Court hearing is scheduled for October 2018, with a decision anticipated around March 2019. Counsel has advised that it would not be advisable to progress matters as regards potential disposal/obtaining Stopping up Order, until the legal dispute has been resolved unless agreement could be reached with TfL about this particular property. Any application for a Stopping up Order would require TfL's consent as it is the highway authority which makes the application. In the meantime, they remain closed and secured.
7. **Holborn** lies within two planning areas – the City and Camden, so any application for change of use will need to be considered by both authorities (unless delegation arrangements are agreed between the authorities). The premises are located on a roadway central reservation making access problematical and change of use controversial. Camden planners have raised concerns as to pedestrian safety, and therefore potential alternative viable uses are unlikely to gain planning consent in the absence of road layout/traffic calming measures, which are unlikely to be forthcoming. In the meantime, they remain closed and secured.

8. **West Smithfield** is part of Smithfield Market and was acquired under statutory powers prior to the City having local authority functions. Any future use would be limited by the statutory restriction limiting its use to a public open place and preventing new building, with a use confined to a service that is to the benefit of the public. In the meantime, they remain closed and secured.
9. **Cannon Street** is accessed via a pedestrian subway. It is not capable of being used at present as there are temporary props supporting an internal roof beam and the public highway above. Use of the property is restricted by the props and engineering advice is that remedial works are likely to be substantial making any alternative use not viable. In the meantime, they remain closed and secured with limited access for inspection.

Next Steps

Bishopsgate

10. As it is inadvisable to seek to progress any future disposal pending resolution of the ongoing legal dispute with TfL, the premises have been considered for various operational uses, such as a community safety/multi agency resource, severe weather emergency bed space and rough sleepers use. However, all these uses have been discounted, primarily due to location, and it is likely that the premises will remain vacant until marketing and any subsequent disposal can be pursued, following the settlement of the dispute with TfL.

Holborn

11. As change of use is unlikely to be granted for any alternative viable use in the absence of traffic calming measures, the premises are likely to remain vacant in the medium term, unless an alternative operational use can be identified.

West Smithfield

12. The premises are currently being considered for potential use linked to the Culture Mile and new Museum site. Should that not prove suitable the long term future use may be linked to any potential redevelopment of Smithfield Market.

Cannon Street

13. As remedial structural works are likely to be of substantial cost, any potential viable alternative commercial use is very limited, there already exists a retail kiosk further down the subway near the ticket office to Mansion House tube. The premises are therefore likely to remain permanently mothballed for the foreseeable future.

Corporate & Strategic Implications

14. The review of the future use of surplus assets supports the City Surveyor's Department Business Plan 2017-2020, of reducing the footprint of operational space, realising surplus space and developing properties to maximise use and income. However, these surplus assets are not significant, and all require a disproportionate amount of officer time for what is expected to be limited sale and income value to the City.

Implications

15. Costs incurred and matching budgets in respect of the surplus public conveniences will be transferred from the Director of Built Environment to City Surveyor cost centres for corporate surplus assets. Revenue expenditure for the 4 premises amounted to approximately £8,400 in 2017/18.

Conclusion

16. Due to legal and physical constraints, the only public convenience suitable for potential disposal is Bishopsgate (following the settlement of the current ongoing legal dispute with TfL). Alternative operational uses will be sought for West Smithfield and Holborn public conveniences, whilst Cannon Street will be permanently mothballed.

Appendices

None

Background Papers

Item 14 - Corporate Asset Sub (Finance) Committee 11th March 2016

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