

Committee(s)	Dated:
Community and Children's Services Committee	5th March 2021
Subject: COLPAI – License to the City of London Primary Academy Islington over HRA land.	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	Outcome 12 Our spaces are secure, resilient and well-maintained.
Does this proposal require extra revenue or capital spending?	No
Report of: Director of Community and Children's Services	For Decision
Report author: Michael Gwyther-Jones	

Summary

This report provides Members with information relating to a small strip of land (approx. 2m²) off Baltic Street West situated in the vicinity of the boundary between the new City of London Primary Academy Islington school (the Academy) and Hatfield House. It had been assumed that this section of land was public highway but on further consideration has been confirmed as HRA land.

A section of boundary wall to the original school has been removed and the new boundary arrangement needs to be improved and realigned to ensure euro bins can be manoeuvred alongside the Academy from the refuse store out onto the highway for collection. The proposed realignment of the boundary would involve the Academy being allowed to use the c. 2m² strip of HRA land.

This report considers the proposed arrangements for allowing use of the strip of land by the Academy, an evaluation of the proposal including, from the perspective of the HRA and recommends that such use be permitted.

Recommendation(s)

That Committee in its housing authority capacity agrees to allow the use of the HRA land (shown on the plan included as Appendix 1) by the Academy, and authorises the grant of a licence to the Academy on the terms outlined in this report.

Main Report

Background

1. This report relates to a small area of HRA land on the Golden Lane Estate ("GLE") on the boundary with the new Academy. It should be noted that this recommendation could have proceeded with the delegated authority of the City Surveyor, however, it was prudent to bring the recommendation to this Committee to ensure adequate scrutiny and transparency.
2. The area in question is paved from the highway to a gate for use by GLE residents to access an area for cycle parking and a bin store. The Academy land lies on the other side of the boundary. The path is to be widened into the Academy land to lead to a gate and bin store within the Academy's land. The boundary wall has been removed. With the removal of the boundary wall, it is possible to provide shared access for both GLE's residents and the Academy along the widened path. Without such shared use the access to the Academy's refuse store would be too narrow to manoeuvre the bins for removal. The Academy may also use the gate for deliveries and access/egress.
3. The Plan included as Appendix 1 illustrates the proposal and shows the area of HRA land over which the Academy seeks access rights. This small piece of land over which the licence is proposed is highlighted in green on page 5 of Appendix 1. Also, on page 7 of Appendix 1 is a photograph showing the triangle of land between the wall/footings of the previous boundary wall and the hoardings.

Evaluation

1. In order to manoeuvre and place bins onto Baltic Street West for collection, the Academy requires access to the highway from its refuse store situated alongside the school hall. In order to achieve this the Academy will need to cross over the small section of HRA land. Collection of bins will take place twice a week without causing undue nuisance to the residents of the Golden Lane Estate.
2. This proposal is in accordance with the Delivery & Service Plan prepared for the Academy and submitted to the London Borough of Islington Planning Authority (and also to the City as LPA) for discharge of Planning Conditions 43 & 46.
3. The landscaping proposals for this area have been agreed and require no change – all hard paved. This small strip of HRA land enables residents of Hatfield House to maintain access to their bin store which is not compromised by this arrangement.
4. Tenants and Leaseholders of the Golden Lane Estate have not been consulted on this matter as this will not have substantial effect.

Proposal

To grant a licence to the Academy based on 24/7 pedestrian use for the purpose of deliveries and refuse removal. Access will also be permitted for the purpose of maintenance. The Academy will be responsible for contributing a fair proportion towards the cost of maintenance and repair to the hard-landscaped surfaces. The Academy will also contribute towards maintenance of the alley between the school at Hatfield House. The grant of the license to the Academy will be at a consideration to be determined independently.

Conclusion

This proposal, subject to the license terms, represents a reasonable arrangement which takes account of the interests of the residents of the Golden Lane Estate, the HRA and the Academy. The area in question has been to date accessible to the public and will be landscaped as part of the other S278 works and COLPAI development which will provide a significant improvement. On this basis the proposed use of the HRA land by the Academy is recommended.

Corporate & Strategic Implications

Strategic implications –There are no strategic implications

Financial Implications –There are no financial implications

Resource Implications - There are no resource implications

Legal Implications

The City in its HRA capacity has power to allow the use of the HRA land by the Academy under Section 1 of the Localism Act 2011 The terms should be reasonable, including as to the appropriate compensation sum to be paid to the HRA.

Risk Implications

If this licence is not authorised there would be implications for the wider development agreement for the Academy.

Equalities Implications

The landscape proposals for this area will have positive impact in terms of improving the condition of the public realm, accessibility of the pathways, and natural surveillance. The proposals will also facilitate accessibility to bins. Disturbance which may be generated by servicing noise may disproportionately affect those who are housebound, however this will be mitigated by the measures provided for in the Servicing and Delivery Management Plan.

Climate Implications

The proposals support the efficient and sustainable waste collection strategy.

Security Implications

The proposal will enhance the opportunity for natural surveillance.

Appendices**Appendix 1 – Site Plan illustrating boundary condition**

Michael Gwyther-Jones, Head of New Developments and Special Projects,
Housing Property Services, Michael.Gwyther-Jones@cityoflondon.gov.uk