

Committee: Planning and Transportation Committee – For decision	Dated: 23/07/2024
Subject: City Fund Highway Declaration: 60 Aldgate High Street, London, EC3N 1AL	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	-Dynamic Economic Growth -Vibrant Thriving Destination
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain’s Department?	n/a
Report of: City Surveyor and Executive Director of Property (CS.201/24)	For Decision
Report author: Steven Chandler, Senior Principal Surveyor	

Summary

Approval is sought to declare a portion of City Fund freehold land (including subsoil) (445 sq.ft.) and a volume of airspace (388 sq.ft.) situated around 60 Aldgate High Street, EC3N 1AL to be surplus to highway requirements to allow its disposal in conjunction with the permitted development.

Redevelopment of the site was approved by Planning and Transportation Committee in December 2020 and revised proposals have been submitted for consideration under ref. 16/00406/FULMAJ. The building encroaches on City Corporation land and airspace. The developer is seeking to regularise its use of the land.

Before third party interests can be granted in City Fund land (held for highway purposes), the affected areas first need to be declared surplus to highway requirements.

In respect of the proposed leasehold disposal of airspace, the highway stratum beneath the airspace is not to be declared surplus and will remain as highway. The airspace will be used for a Building Maintenance Unit (BMU). In respect of the proposed Freehold disposal of land and subsoil to be incorporated in the proposed development, any sale will be subject to the highway rights enjoyed over the highway stratum. The highway stratum will not be capable of being incorporated in the development unless it is first stopped up. Any future stopping up decision will be considered separately and is not the subject of this report.

The commercial terms for the highway land and airspace disposal, will be considered and approved under the City Surveyor’s delegated authority, subject to your approval to declare the affected land and volume of airspace surplus to highway requirements.

Recommendations

Members are asked to:

- Resolve to declare an area of City Fund land (held for highway purposes) measuring a total of (445 sq.ft.). situated around 60 Aldgate High Street, EC3N (shown on the Plan at **Appendix A**), to be surplus to highway requirements (to enable its disposal upon terms to be approved under the City Surveyor's delegated authority).
- Resolve to declare a volume of City Fund airspace (held for highway purposes) measuring a total of (388 sq.ft.) situated around 60 Aldgate High Street, EC3N (shown on the Plan at **Appendix A**), to be surplus to highway requirements (to enable its disposal upon terms to be approved under the City Surveyor's delegated authority).
- Delegate authority to the City Surveyor and the City Operations Director to determine the relevant ordnance datum levels to suitably restrict the vertical extent of the leasehold airspace demise.

Main Report

Background

1. The proposed redevelopment of 60 Aldgate, EC3 at the site 15 Minories, 57-60 & 62 Aldgate High Street and 1 Little Somerset Street, EC3 has a planning application submitted under reference 16/00406/FULMAJ. The application was originally submitted in July 2016 by 4C Hotels and in December 2020, the City of London Planning Committee approved the planning proposals, which have the following development description: "Demolition of existing structures and erection of a mixed-use office building Class B1(a), including ground floor Class A1, Class A3 and Class A4 uses. (30,901 sq.m GEA.)"
2. Following the resolution above, 60 Aldgate Ltd acquired an interest in the site and have now opted, with the agreement of the applicant, to update and improve the scheme by making revisions before it is determined. The original architects ACME have updated the design to meet this new brief and this has culminated in the submission of revised proposals for consideration under ref. 16/00406/FULMAJ. The revised description of proposed development (the 'Revised Proposed Development') is as follows: "Demolition of existing structures, and erection of a mixed-use office building, including ground floor flexible retail/café/commercial uses (Class E) and a public house (sui generis)". The planning permission was subject to the signing of a S106 agreement which, at the time of writing, is almost settled. Your Committee will be verbally updated on the completion of the S106 and the issue of the planning permission at your meeting.
3. The development includes construction on City Corporation owned freehold, a portion of which is held by City Fund (highway) (shown on the Plan at **Appendix A**).

4. The development includes projections that project into City Corporation owned airspace around the building, a portion of which is held by City Fund (highway) (shown on the Plan at **Appendix A**).

Current Position

5. Kauffmans, acting for Laprop Limited has approached the City Corporation seeking to acquire a suitable interest in the land and airspace affected by its approved redevelopment works.
6. Before the City Corporation is able to dispose of any interests in City Fund (highway) land, your Committee should first agree it is surplus to highway requirements.
7. By way of background, the City Fund land and airspace held for highway purposes and which is the subject of this report was acquired between 1931 and 1982 using the equivalent of modern day highway authority powers, including under the Metropolitan Paving Act 1817.
8. In the event of the airspace being declared surplus, its disposal is a matter for the City as landowner and Resource Allocation Sub Committee.
9. In respect of the airspace, the proposed surplus declaration does not extend to the highway stratum which will remain as highway and vested in the City Corporation as the highway authority (unless it is ever stopped up, which is not proposed in relation to the City Fund portion of the disposal). Where applicable, the vertical extent of the highway stratum would be approved by the City Operations Director to ensure that sufficient stratum remained to enable the use, management and maintenance of the highway.
10. In respect of the construction on City Corporation owned freehold it should be noted there is a requirement for a portion of highway to be stopped up as part of this development which will be considered by your committee prior to the development commencing. Nothing in this report affects the determination of the stopping up order.
11. Detailed research by City Surveyors confirms the City Corporation's ownership of the parcels of affected land measuring 1,072 sq.ft. in total. This is split between City's Estate (31 sq.ft.) and City Fund (Highway) (833 sq.ft.) Crown Caution (208 sq.ft.). Only the City Fund (highway) land is the subject of this report. City's Cash and Crown Caution land, airspace and subsoil outside of the highway stratum is not within the remit of your Committee. The status of the highway stratum will be dealt with through a separate decision on a stopping up application.
12. The upper and lower levels of the projection will be governed by Ordnance Datum Newlyn levels. Ordnance Datum Newlyn is the British mainland national geographic height system by reference to which the volume of land or airspace can be defined and identified by its upper and lower levels. The relevant ordnance datum levels to suitably restrict the vertical extent of the leasehold airspace demise will be agreed with Laprop Limited a wholly owned subsidiary of the Headlessee of

60 Aldgate High Street in due course and authorised under the City Surveyor's Delegated Authority after being determined by the City Surveyor and City Operations Director.

Proposals

13. The land is not considered necessary for the use of the highway and the exercise of the highway function and it is therefore proposed that subject to your agreement to declare the area of City Fund land proposed to be incorporated in the scheme to be surplus to highway requirements measuring (445 sq.ft.) (see plan at **Appendix A**). so that the City Corporation disposes of a suitable interest in the land upon terms to be approved under the Delegated Authority of the City Surveyor.
14. The airspace is not considered necessary for the use of the highway and the exercise of the highway function (subject to the City Operations Director's approval of the vertical extent of the highway stratum) and it is therefore proposed that subject to your agreement to declare the volume of City Fund airspace around 60 Aldgate High Street, EC3N, to be surplus to highway requirements measuring 388 sq.ft. (see plan at **Appendix A**). so that the City Corporation disposes of a suitable interest in the airspace upon terms to be approved under the Delegated Authority of the City Surveyor.

Corporate & Strategic Implications

15. Strategic implications –

- The proposals in this report support the following Outcomes in the Corporate Plan.
 - Dynamic Economic Growth
 - Vibrant Thriving Destination

16. Financial implications –

- The financial terms of the proposed highway transaction are to be approved by The City Surveyor under his delegated authority, subject to you declaring the affected City Fund airspace to be surplus to highway requirements.

17. Resource implications – None

18. Legal implications –

- The land shown on the Plan at **Appendix A** and the airspace shown on the Plan at **Appendix A** (noting the acquisition history summarised at paragraph 7 above) may be disposed of pursuant to 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).

19. Risk implications – The developer could choose not to proceed with the transaction or redevelopment.

20. Equalities implications – No equalities issues identified.

21. Climate implications – None

22. Security implications - None

Conclusion

23. The land and airspace proposed to be declared surplus to highway purposes are not required for highway functions. If declared surplus it is proposed to dispose of an interest in it to enable the development of the property according to the planning permission that has been granted 16/00406/FULMAJ.

Appendices

- Appendix A – City Fund Freehold and City Fund Airspace to be declared surplus

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APPENDIX A

