

Committee(s): Planning and Transportation Committee – For decision	Dated: 4 October 2024
Subject: City Fund Highway Declaration: One Bishopsgate Plaza, 80 Houndsditch, London EC3A 7AB, London	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	Vibrant Thriving Destination Flourishing Public Spaces
Does this proposal require extra revenue and/or capital spending?	No
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 Property CS.209/24	For Decision
Report author: Tom Hodgkiss – Principal Surveyor - CPG	

Summary

Approval is sought to declare a volume of City Fund owned airspace measuring 775 sq ft/ 72 sq m, situated at One Bishopsgate Plaza, 80 Houndsditch, London, EC3A 7AB, to be surplus to highway requirements and allow its disposal in conjunction with the permitted development.

The permitted development comprises a canopy above the main entrance to the Pan Pacific Hotel at 80 Houndsditch, the southern elevation of One Bishopsgate Plaza. Planning permission was issued on 19 December 2019 (18/01124/MDC). The canopy, measuring a total of 775 sq ft, encroaches on City Corporation airspace (775 sq ft encroaches into City Fund ownership) and Success Venture Investments (Jersey) Limited are seeking to regularise its use of the airspace.

Before third party interests can be granted in the affected City Fund airspace (held for highway purposes) the areas first need to be declared surplus to highway requirements. The terms for the highway disposal are to be reported separately to the Resource Allocation Subcommittee and will be submitted for approval under the City Surveyor’s Delegated Authority, subject to your approval to declare the affected volume of airspace surplus to highway requirements to regularise the permitted scheme.

Recommendation(s)

Members are asked to:

- Resolve to declare a volume of City Fund owned airspace totalling 775 sq ft (held for highway purposes), situated around 80 Houndsditch, London, EC3A 7AB, surplus to highway requirements to enable its disposal upon terms to be approved under the delegated authority of the City Surveyor.

Main Report

Background

1. 80 Houndsditch, London, EC3A 7AB is situated on the southern elevation of the Bishopsgate tower. The existing building comprises a 43-storey tower at 135 metres tall and 340,000sqft (net). The first 19 storeys are the Pan Pacific Hotel (with 237 rooms), level 20 is residents' amenities and the remainder of space above is 160 flats. The canopy exists above the entrance to the Pan Pacific Hotel and was installed as part of the wind mitigation elements of the development. A roadside image of the canopy is shown in Appendix 1.
2. Planning permission was approved for the proposed canopy on 19 December 2019 (18/01124/MDC). The canopy exceeds 5.7m in height above the ground at all levels and is therefore completely outside the highway stratum. 5.7m is generally agreed to be the upper extent of the highway envelope for lightweight structures, and 5.4m for heavier structures. The canopy has an upper AOD level of 21.46m. Drainage from the canopy is via an internal drainage system and will not impact on public highway. The design detail of the canopy was considered acceptable by the planning officer.
3. The canopy has already been erected by the developer and the development achieved practical completion on 4 June 2021.
4. City Engineers on behalf of the Highway Authority have been consulted on the canopy design and have provisionally authorised the development. Their final approval is subject to the airspace being declared surplus and an appropriate legal interest documented.
5. The canopy measures a total of 775 sq ft and encroaches into City Corporation airspace, with the entirety of space being within City Fund. Success Venture Investments (Jersey) Limited are seeking to regularise its use of this airspace.
6. The affected airspace (City Fund) was acquired by the Commissioner of Sewers (whose functions were transferred to the City Corporation) for highway purposes under the powers granted to it by the Metropolitan Paving Act 1817.

Current Position

7. Success Venture Investments (Jersey) Limited has approached the City Corporation seeking to acquire a suitable interest in the airspace for its approved canopy.
8. In the event of the airspace being declared surplus, its disposal is a matter for the City Corporation as landowner. The City Surveyor will approve the disposal under his Delegated Authority.

9. Before the City Corporation is able to dispose of any interests in City Fund (highway) airspace, your Committee should first agree it is surplus to highway requirements.
10. 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 this disposal).
11. As the canopy's construction is complete, stopping-up of the highway will not be necessary.
12. Detailed research by City Surveyors confirms the City Corporation's ownership of the parcels affected comprise of airspace measuring 775 sq. ft. in total. This is wholly City Fund (Highway) (775 sq. ft.). The plan is attached in Appendix 2.
13. 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 are agreed at 20.72m (lower level) and 21.46m (upper level).

Proposals

14. The airspace in question is not considered necessary for the use and the exercise of the public highway. Subject to your agreement to declare the area of City Fund airspace (measuring 775 sq. ft.) surplus to highway requirements, it is proposed the City Corporation disposes of a suitable interest on terms to be approved by the Delegated Authority of the City Surveyor.

Corporate & Strategic Implications

15. Strategic implications –

- Flourishing Public Spaces
- Vibrant Thriving Destination

16. Financial implications –

- The terms of the highway disposal transaction are to be reported to The City Surveyor for approval under his delegated authority and the Resource Allocation Subcommittee, subject to you declaring the affected City Fund airspace to be surplus to highway requirements.

17. Resource implications – None

18. Legal implications –

- Disposal of the interest in the City Fund airspace is authorised by the City of London (Various Powers) Act 1958, Section 9, which allows the City Corporation to dispose of its land or airspace within or outside of the City in such manner and for such consideration and on such terms and conditions as it thinks fit. The disposal terms should have regard to the City Corporation's fiduciary duties.

19. Risk implications – None

20. Equalities implications – No equalities issues identified.

21. Climate implications – None

22. Security implications - None

Conclusion

23. The airspace to be declared surplus to highway purposes is not required for highway functions. If declared surplus, it will be disposed of by appropriate legal interest and commercial terms to regularise the use of the property according to the planning permission granted.

Appendices

- **Appendix 1** – Photo of relevant canopy at One Bishopsgate Plaza, 80 Houndsditch, London EC3A 7AB
- **Appendix 2** – Committee Plan – One Bishopsgate Plaza, 80 Houndsditch, London EC3A 7AB – Entrance Canopy Over sail (City Fund) (4-C-43481 -02)

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