

Committee(s): Planning and Transportation Committee – For decision	Dated: 4 October 2024
Subject: City Fund Highway Declaration: 160 Queen Victoria St, London EC4V 4BF	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.223/24.	For Decision
Report author: Tom Hodgkiss – Principal Surveyor – Corporate Property Group	

Summary

Approval is sought to declare a volume of City Fund owned airspace measuring 116.25 sq ft / 10.8 sq m, situated at 160 Queen Victoria St, London EC4V 4BF, 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 160 Queen Victoria Street on the southern elevation of the building. Planning permission was issued on 12 March 2020 (19/01291/FULL). The canopy, measuring a total of 529.91 sq ft, encroaches on City Corporation airspace (116.25 sq ft encroaches into City Fund ownership) and LONDON 1 SARL 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 116.25 sq ft (held for highway purposes), situated around 160 Queen Victoria St, London EC4V 4BF, 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. 160 Queen Victoria Street comprises a 6 storey, 380,000 sq ft multi-let core office building on Queen Victoria Street (site of the former Times Newspaper Headquarters). The building has had a canopy in this location since 2002, however the original was replaced with a new design in 2022 as part of refurbishment works. The outstanding canopy regularisation is representing an encumbrance on the title. The owner is prepared to regularise the over sail by long leasehold interest. A roadside image of the canopy is shown in Appendix 1.
2. Planning permission was approved for the proposed canopy on 12 March 2020 (19/01291/FULL). The canopy exceeds 5.7m in height above the ground and has an upper AOD level of 13.707m. The planning officer considered the new canopy would be more appropriately positioned as it would be clear of vehicular traffic and not at risk of vehicle strikes. The design detail of the canopy was considered acceptable by the planning officer.
3. The canopy has already been erected by the developer and was complete by December 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 529.91 sq ft and encroaches into City Corporation airspace. The City Fund portion of effected airspace measures 116.25 sq. ft. The City Cash portion of effected airspace measures 413.66 sq ft. LONDON 1 SARL are seeking to regularise its use of this airspace.
6. The affected airspace in City Fund was acquired under the Highways Act 1959 for highway purposes. The affected airspace in City Cash was acquired by the Metropolitan Board of Works for highway purposes.

Current Position

7. LONDON 1 SARL has agreed 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, no stopping-up of the highway will be necessary.
12. Detailed research by City Surveyors confirms the City Corporation's ownership of the parcels affected comprise of airspace measuring 529.91 sq. ft. in total. 116.25 sq ft is within City Fund (Highway) and 413.66 sq ft is within City Cash (Highway). A plan is attached at 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 12.984m (lower level) and 13.707m (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 116.25 sq. ft.) to be 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 160 Queen Victoria St, London EC4V 4BF
- **Appendix 2** – Committee Plan – 160 Queen Victoria St, London EC4V 4BF– Entrance Canopy Over sail (City Fund) (4-C-43547 -01)

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