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| Committee: Planning and Transportation Committee | Date: 25 July 2017 |
| Subject: Thames Court footbridge: assessment and acquisition | Public |
| Report of: Director of the Built Environment | For decision |

Summary

A temporary private footbridge across Upper Thames Street at Thames Court was erected following an agreement reached in 1997 between the City of London and the owners of Thames Court. The agreement provided that the owners make the footbridge available for use by the public throughout its operating life.

The footbridge closed at the start of this year and is in situ without the benefit of planning permission. The owners are aware that the structure no longer benefits from planning permission and were intending to have it removed as planned. Your Committee considered a report on the footbridge at your meeting on 23 May 2017 and determined that the footbridge must remain in place and be reopened for use by the public.

It was hoped that this could be via vesting of the footbridge in Transport for London but Transport for London officers have advised that they do not see any great utility in the footbridge given the location of other pedestrian crossing places over Upper Thames Street in the vicinity and that they do not wish to have it vested in Transport for London.

Retention of the Thames Court footbridge therefore involves the vesting of the structure in the City, and the securing of any requisite rights over the land that it occupies. The owners of the footbridge are willing to effect the transfer of the structure, but the land is affected by a wider land ownership dispute between the City and Transport for London. To allow the City to advance the transfer a project needs to be initiated. This project would seek agreement with Transport for London to enable the land rights to be secured, potentially strengthen the structure, and resurface the deck and stairs, in order to allow it to be reopened for public use.

Fees for an inspection for condition and assessment are estimated at £20 000 and these can be met from within the Director of the Built Environment's local risk. The resurfacing works are estimated at £15 000. Any needed structural works are not able to be estimated until the inspection for condition and assessment are completed, but are potentially major.

Recommendation

I recommend that your Committee instructs the Department of the Built Environment:—

1. to undertake an inspection for condition and assessment of the Thames Court footbridge; and
2. to initiate a project through the City's project management procedure to retain, resurface and (if required) strengthen the footbridge.

Main Report

Background

1. A temporary private footbridge across Upper Thames Street at Thames Court (referred to in this report as “the Thames Court footbridge”) was erected following an agreement reached on 30 October 1997 between the City of London and Deutsche Immobilien Fonds Aktiengesellschaft and DG Bank Deutsche Genossenschaftsbank London Branch (the owners of Thames Court). This agreement authorized the owners of Thames Court to construct a temporary private footbridge over Upper Thames Street, for which street the City was at that time the local highway authority, in order to improve pedestrian access to their property provided that the owners make the footbridge available for use by the public throughout its operating life. The agreement provided that the owners maintain the Thames Court footbridge structure but that the City would, in acknowledgement of the benefit to the public of being able to use it, light, cleanse and, as necessary, repave the surface of the footbridge.
2. Planning permission for the Thames Court footbridge was granted by the City in 1997. Permission was granted until 22 July 2006, after which time it was agreed that the footbridge would be removed. In February 2007 the City granted a further planning permission for the footbridge to be retained until 28 February 2017, after which time it was again agreed that the footbridge would be removed.
3. The footbridge closed at the start of this year and is in situ without the benefit of planning permission. The owners are aware that the structure no longer benefits from planning permission and were intending to have it removed as planned.

Current Position

4. Your Committee considered a report on the footbridge at your meeting on 23 May 2017 and determined that the footbridge must remain in place and be reopened for use by the public.

5. As a result of your Committee's decision, officers have discussed the matter with CBRE Ltd, the agents for the footbridge's owners, and have reached agreement in principle that the footbridge can be transferred to Transport for London or to the City.
6. Transport for London officers have subsequently advised that they do not see any great utility in the footbridge given the location of other pedestrian crossing places over Upper Thames Street in the vicinity and that they do not wish to have it vested in Transport for London. As a result, if the footbridge is to be retained it will need to be vested in the City.

Proposal

7. The structure has exceeded its design life and the surfacings of the footbridge are too worn to allow safe public use. This is because the structure was only intended to be in place for 10 years, subsequently extended by the owners to 20 years with the City's agreement, and the City's management of the surfacings has been with a view to minimizing expenditure and keeping the structure safe to use only until its scheduled closure and removal in February 2017.
8. As a result, the structure would need to be comprehensively assessed before it could be determined what works need to be undertaken before it can be safely reopened. Fees for an inspection for condition and assessment are estimated at £20 000 and these can be met from within the Director of the Built Environment's local risk. The inspection for condition and assessment would be initiated if your Committee approves this report and they are estimated as taking approximately three months to complete. The assessment report would therefore be likely to be available at the end of October.
9. Once the assessment report is available the City will know what works need to be undertaken to bring the structure back into public use. These works will involve, at a minimum, the resurfacing of the deck and stairs and may involve more major, and potentially much more major, engineering works if structural defects are detected by the assessment.
10. The resurfacing works are estimated at £15 000. Any needed structural works are not able to be estimated until the inspection for condition and assessment are completed, but are potentially major.
11. In the event that such major engineering works are needed to repair structural defects that the footbridge cannot be economically repaired, it will need to be removed and a replacement considered. The costs of removal are unknown, but are estimated at up to £100 000.
12. As the estimated costs for the proposed capital asset exceed £50 000 the retention of the footbridge and its transfer to the City must be treated as a project within the City's project management procedure and reported on through the project gateway process. This will be undertaken by the Department of the Built Environment, with responsibility sitting with the District

Surveyor, whose section contains the necessary structural engineering expertise to successfully manage the project. It also allows the project to achieve economies of scale through being appropriately coordinated with the project to assess and potentially strengthen or remove the Fye Foot Lane city walkway bridge (the Dominant House footbridge), which is about 80 m to the west of the Thames Court footbridge.

13. The potential source or sources of funding for this project are at present not known but would need to be identified as part of the project management procedure and reported on through the project gateway process. As unallocated City resources will be required for the project it will need to be approved by the Corporate Priorities Board, the Resource Allocation Sub-Committee and the Policy and Resources Committee as well as the Corporate Projects Board, the Projects Sub-Committee and your Committee.

Corporate and Strategic Implications

14. This report recommends a course of action that would result in the City committing significant expenditure to acquire a new capital asset and it therefore has corporate implications. These need to be fully evaluated through the City's project management procedure, particularly through the gateway reporting and approval process.

Implications

15. This report recommends a course of action that would result in the City committing significant expenditure to acquire a new capital asset and it therefore has financial and legal implications that will need to be fully evaluated through the City's project management procedure, particularly through the gateway reporting and approval process.
16. If the footbridge was to be vested in the City further planning permission for its retention would not be required as improvement of a road by a highway authority does not constitute development within the meaning of the planning legislation (cf. section 55(2)(b) and section 336(1) of the Town and Country Planning Act 1990 and section 70(1) and section 329(1) of the Highways Act 1980; in particular, within these provisions, "improvement" includes maintenance).
17. The footbridge spans both City and Transport for London highways, and part of it rises above the highways into privately owned airspace. This is believed to be City owned, but largely vested in City's Cash. City-owned airspace above Transport for London highway is currently the subject of a protracted ownership dispute with Transport for London, and separate negotiations will be needed with Transport for London to enable this project to proceed.

Conclusion

18. Retention of the Thames Court footbridge involves: (1) it being vested in the City of London; and (2) the City securing any requisite rights over the land that

it occupies. The owners of the footbridge are willing to effect the transfer of the footbridge, but the City has not yet secured the required land. To allow the City to advance the transfer a project needs to be initiated. This project would seek agreement with Transport for London to enable the land rights to be secured, potentially strengthen the structure, and resurface the deck and stairs, in order to allow it to be reopened for public use.

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