

## PLANNING AND TRANSPORTATION COMMITTEE

Monday, 28 November 2016

**Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 10.30 am**

### **Present**

#### **Members:**

Christopher Hayward (Chairman)	Alderman David Graves
Deputy Alastair Moss (Deputy Chairman)	Graeme Harrower
Randall Anderson	Alderman Robert Howard
Alex Bain-Stewart	Paul Martinelli
David Bradshaw	Sylvia Moys
Henry Colthurst	Graham Packham
Revd Dr Martin Dudley	Deputy Henry Pollard
Peter Dunphy	James de Sausmarez
Emma Edhem	Tom Sleight
Deputy Bill Fraser	Patrick Streeter
Marianne Fredericks	Michael Welbank (Chief Commoner)

#### **Officers:**

Simon Murrells	- Assistant Town Clerk
Lorraine Brook	- Town Clerk's Department
Fern Aldous	- Town Clerk's Department
Simon Owen	- Chamberlain's Department
Deborah Cluett	- Comptroller & City Solicitor's Department
Annie Hampson	- Chief Planning Officer and Development Director, Department of the Built Environment
Elisabeth Hannah	- Department of the Built Environment
Ian Hughes	- Department of the Built Environment
Tony Newman	- Department of the Built Environment
Steve Presland	- Department of the Built Environment
Gwyn Richards	- Department of the Built Environment
Iain Simmons	- Department of the Built Environment
Craig Stansfield	- Department of the Built Environment
David Stothard	- Department of the Built Environment
Sonia Williams	- Department of the Built Environment

### **1. APOLOGIES**

Apologies For absence were received from George Gillon, Alderman Peter Hewitt, Alderman Vincent Keaveny and Angela Starling.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

Marianne Fredericks declared a personal interest in Agenda Item 16 – Review of Public Car Park Provision in the City – by virtue of having a residential parking permit.

3. **MINUTES**

The Committee considered the minutes of the last meeting held on 25<sup>th</sup> October 2016.

Following some discussion, it was agreed that the minute should be amended to reflect the balanced debate that took place in respect of Item 12: Any Other Business – Application for Designation of the Still & Star Public House as an Asset of Community Value. It was felt that the minute only reflected the grounds on which the application should be refused rather than setting out the range of views that had been expressed and the analysis of the pros and cons that had been presented by Ms Moys. As the minute did not appropriately reflect the balanced debate that had taken place, it was agreed that it should therefore be revised.

**Resolved:-** That the minutes of the last meeting held on 25<sup>th</sup> October 2016 be agreed as a correct record of the meeting subject to an amendment at Item 12: Any Other Business – Application for Designation of the Still & Star Public House as an Asset of Community Value, the final wording of which would be agreed by the Town Clerk in consultation with the Chairman and Deputy Chairman of the Committee.

**MATTERS ARISING**

**Item 12: Any Other Business – Application for Designation of the Still & Star Public House as an Asset of Community Value**

In respect of the application for designation of the Still & Star Public House as an Asset of Community Value (ACV), Members were advised that following consideration of the matter by the Policy & Resources Committee, the application had been deferred until such time that a policy setting out the City Corporation's position on Assets of Community Value had been agreed. It was noted that the decision-making arrangements in respect of ACV applications would be determined in due course by the Policy & Resources Committee.

4. **ANNUAL ON-STREET PARKING ACCOUNTS 2015/16 AND RELATED FUNDING OF HIGHWAY IMPROVEMENTS AND SCHEMES**

The Committee received a report of the Chamberlain in respect of the Annual On-Street Parking Accounts 2015/16 and related funding of highway improvements and schemes.

It was noted that, in common with other London authorities, the City of London Corporation was required to report to the Mayor of London on action taken in respect of any deficit or surplus in its On-Street Parking Account for a particular financial year and this report informed Members that there was a surplus of £5.608m arising from on-street parking activities in 2015/16; that a total of

£3.366 was applied in 2015/16 to fund approved projects; and the surplus remaining on the On-Street Parking reserve at 31<sup>st</sup> March 2016 was £17.229m and which would be wholly allocated towards the funding of various highways improvements and other projects over the medium term.

In response to a query regarding fine-processing arrangements, Officers undertook to clarify the position after the meeting.

**Resolved:**– That the report be noted ahead of submission to the Mayor of London.

## 5. **RIGHTS OF LIGHT ISSUES AFFECTING DEVELOPMENT**

The Committee considered a joint report of the Comptroller & City Solicitor and the Chief Planning Officer in respect of an update about rights of light issues affecting development. Members noted the recent changes in the law relating to the use of planning powers to override rights of light, easements and other rights attached to land and agreed that the general approach to these powers, as adopted in 2011, be slightly modified to reflect the changes in law.

**Resolved:**-That the Planning and Transportation Committee recommend to the Court of Common Council, that the arrangements they agreed in 2011 for exercising powers relating to overriding rights of light and other rights be continued under the new statutory provisions in Section 203 of the Housing and Planning Act 2016 (“S.203”) by resolving as follows:

1. acquisitions of interests in land under S.227 Town and Country Planning Act 1990 or appropriations for planning purposes, may be considered on a case by case basis in order to engage S.203 powers to allow developments to proceed (where they would otherwise be inhibited by injunctions or threats of injunctions prohibiting infringements of rights of light) subject to: (i) such development being in the public interest, such public interest being sufficient to justify interference with any private rights and proportionate; (ii) the relevant criteria in Appendix 1 being met (iii) all financial liabilities of the City being indemnified; and (iv) where feasible and appropriate in the circumstances of the case, prior consultation being carried out in accordance with paragraph 14 of this report;
2. where such acquisitions or appropriations are so considered on a case by case basis, the Planning and Transportation Committee be authorised to determine whether such acquisition or appropriation may be authorised; and
3. where the Planning and Transportation Committee determine that such acquisition or appropriation be authorised they may delegate the determination of such matters as they see fit and the final decision to the Town Clerk, in consultation with the Chairman and Deputy Chairman of that Committee:.. the matters to be determined by the Town Clerk may include (i) whether adequate attempts have been made to remove injunction risks by negotiating the release of affected rights of light by

agreement; (ii) whether those entitled to rights of light are prepared by agreement (on reasonable terms and within a reasonable time) to permit infringements of those rights and (iii) the terms on which the acquisition or appropriation is to proceed.

## 6. **EASTERN CITY CLUSTER SECURITY PROJECT**

The Committee received a report of the Director of the Built Environment relative to a proposed security project which would appropriately reflect the significantly changed environment of the Eastern Cluster and deliver suitable area-wide security measures.

Members were advised that the gateway report had been approved by the Projects Sub-Committee on 23<sup>rd</sup> November 2016 and the project would now proceed to gateway 3 –Outline options Appraisal (Complex) stage.

In response to a query as to why the security measures within the Eastern Cluster were being considered in isolation rather than within the wider context which could incorporate other significant issues including people, waste collection, street cleansing, traffic and policing, the Assistant Director of the Built Environment assured Members that the issues were not being considered in isolation. He went on to explain that consideration of security issues arising from every planning application was an integral part of the planning process and this project was intended to enhance the area based approach to security within the Eastern Cluster. Members were further advised that there may, in due course, be implications for how individual applications address security issues.

A number of Members expressed support for the project and stressed the importance of ensuring that it was progressed with a degree of urgency and with adequate resources in place to ensure that there were no delays. Due to the significance of the project, it was agreed that a resolution be submitted to the Projects Sub (Policy & Resources) Committee setting out the Committee's view that the project should be expedited to ensure that the outline options appraisal (Gateway 3) was concluded before September 2017.

**Resolved:-** That –

(i) the report be noted; and

(ii) a resolution from the Planning & Transportation Committee be submitted to the next meeting of the Projects Sub (Policy & Resources) Committee setting out the Committee's view that the project be expedited to ensure that the outline options appraisal (Gateway 3) was concluded before September 2017.

## 7. **REPORTS RELATIVE TO PLANNING APPLICATIONS**

### 7(A) **1 UNDERSHAFT EC3P 3DQ**

The Committee considered a report of the Chief Planning Officer concerning the proposed development of 1 Undershaft, London EC3P 3DQ.

The Committee noted that the proposed development, which would be the tallest building in the City and the focal point of the Eastern Cluster, would

provide a significant increase in flexible office accommodation and help satisfy the increasing demand and thus support the strategic objective of the City of London Corporation to promote the City as the leading international financial and business centre.

The Chief Planning Officer advised Members that whilst an objection had been submitted by St. Helen Bishopsgate Church and the Parochial Church Council in relation to the impact on the setting of the church, its structural stability and potential noise disturbance; a number of amendments to the proposals were now suggested and, in the event that these were agreed, the church would retract its request to speak in objection to the application. The Chief Planning Officer then outlined a number of amendments (as tabled to the Committee) and the developer's agreement to:

- (i) provide noise mitigation measures within the church;
- (ii) undertake a noise Attenuation Survey prior to commencement;
- (iii) implement necessary noise mitigation measures in the event that the Noise Attenuation Survey reveals an anticipated increase in noise levels resulting from or attributable to the development;
- (iv) undertake a Noise Audit and further Noise Attenuation Survey post-completion; and
- (vi) undertake to implement further necessary mitigation measures in the event that the post-completion report reveals that internal noise levels exceed the agreed pre-commencement internal noise levels.

Following the Chief Planning Officer's presentation setting out the key aspects of the planning application and the proposal that noise mitigation measures for the church be included in a section 106 covenant, the Chairman sought and received confirmation from the representative of the church and also the architect that they no longer wished to address the Committee.

A number of questions were raised around the vehicle lifts, access to the sunken public space, future deterioration of the building structure, long term usability of the public space and increased congestion on both the roads and the footways, impacts and adequacy of the transport infrastructure and air quality. A Member expressed concern about the location of the scheme, its design and the implications in terms of the significantly increased pedestrian footfall in the area. He referred to concerns about the sunken area and suggested that the area should instead be used to create a genuine public space that would help improve air quality conditions in the area.

Officers explained that a lot of work had been done during the pre-application stage to assess the long term viability of the public realm aspects of the design, the impact on pedestrian footfall and increased traffic congestion and assurances were given that the scheme, which accords with both the Local Plan and the London Plan, would deliver a substantial public space; that consolidated access arrangements would be in place through the S.106 agreement; and increased footfall in the area could be accommodated, albeit with reduced comfort in some areas. In respect of increased congestion on the road/tube networks, Officers referred to Crossrail and other enhancements.

Officers also confirmed that public transport capacity matters were being explored with Transport for London (TfL) and undertook to report back directly. Whilst Members were advised that access to the sunken space and the viewing gallery would be set down in agreements to ensure that public access was guaranteed, it was suggested that the current access arrangements within the viewing gallery should be extended and a restriction set down to prevent a future change of use. Officers undertook to explore additional public access hours and confirmed that restrictions on use would be in place.

The Committee noted that Officers and Members had worked hard with the developer to ensure that various objections had been addressed but, in respect of the Historic Royal Palace's objection to the scheme on the grounds of its impact on the Tower of London, Members acknowledged that whilst the scheme would be visible from certain points within the World Heritage Site, overall its impact was minimal and the location and design was appropriate.

The application was put to the vote, the result of which was as follows:-

19 votes in favour of the application  
2 votes against the application.

**Resolved:-** That –

- (1) planning permission be granted for the above proposal in accordance with the details set out in the attached schedule subject to:
  - (a) the Mayor of London being given 14 days to decide whether to allow the Corporation to grant planning permission as recommended, or to direct refusal, or to determine the application himself (Article 5(1)(a) of the Town & Country Planning (Mayor of London) Order 2008);
  - (b) planning obligations and other agreements being entered into under Section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highway Act 1980 in respect of those matters set out in the report, the decision notice not to be issued until the Section 106 obligations have been executed;
- (2) the Committee agrees in principle that the land affected by the building, which are currently public highway and land over which the public have right of access, may be stopped up to enable the development to proceed and, upon receipt of the formal application, officers be instructed to proceed with arrangements for advertising and making of a Stopping-up Order for the various areas under the delegation arrangements approved by the Court of Common Council; and
- (3) conditions in respect of accessibility to the viewing gallery and a consolidated approach to delivery and management of the scheme within an area-wide context be determined by Officers in consultation with the Town

Clerk and the Chairman and Deputy Chairman of the Planning & Transportation Committee.

#### **7(B) 22 BISHOPSGATE EC2N**

The Committee considered a report of the Chief Planning Officer concerning an application proposing amendments to planning permission in respect of 22 Bishopsgate, London EC2N.

Members were advised that amendments to an approved building were not unusual for a complex scheme as the construction progressed; that these did not affect the wider impact of the scheme on the setting and were acceptable with an improved visual appearance of the building at the lower levels. It was noted however that some changes would impact on the quality and space of the public realm as approved, for example in respect of bike parking provision.

A Member expressed concern about the alterations which he felt resulted in a loss of mixed use within the building and would have implications for public use. In addition, he felt that the inclusion of retail space elsewhere within the site did not off-set the loss of access and retail space on Bishopsgate. In response the Chief Planning Officer explained that the proposed retail offer was greater in area than the original proposals and there were a number of benefits for public access as a result of the viewing gallery.

During this item, and in respect of Standing Order No. 40, the Chairman sought the Committee's consent to extend the meeting to allow for the remaining business to be considered. This was put to the meeting and **AGREED**.

The application was put to the vote, the result of which was as follows:-

17 votes in favour of the application  
1 abstention.

**Resolved:** - That -

- (1) planning permission be granted for the above proposal in accordance with the details set out in the attached schedule subject to:
  - (a) the Mayor of London being given 14 days to decide whether to allow the Corporation to grant planning permission as recommended, or to direct refusal, or to determine the application himself (Article 5(1)(a) of the Town & Country Planning (Mayor of London) Order 2008);
  - (b) planning obligations and other agreements being entered into under Section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highway Act 1980 in respect of those matters set out in the report, the decision notice not to be issued until the Section 106 obligations have been executed;
- (2) the Committee agrees, in principle, that the land affected by the building which is currently public highway and land over which the public have right

of access may be stopped up to enable the development to proceed and, upon receipt of the formal application, officers be instructed to proceed with arrangements for advertising and making of a Stopping-up Order for the various areas under the delegation arrangements approved by the Court of Common Council; and

- (3) Officers be instructed to negotiate and execute obligations in respect of those matters set out in "Planning Obligations" under Section 106 and any necessary agreements under Section 278 of the Highway Act 1980.

### **7(C) CROSBY SQUARE STEPS EC2N**

The Committee considered a report of the Chief Planning Officer in respect of a planning application concerning Crosby Square Steps, London EC2N.

Members were advised that the application concerned works of hard and soft landscaping to the steps leading from Undershaft to Crosby Square, including the re-grading of the steps, installation of a public lift, provision of handrails and seating and the planting of new trees. It was noted that the lamp post which was currently positioned on the steps would need to be moved and a condition had been included requiring details of its repositioning. With regards to the creation of small terraces for seating alongside landscaping, advice had been received from Officers within the Open Spaces Department that this would be difficult to achieve due to insufficient space and the Chief Planning officer advised Members that the matter would be explored further and with conditions imposed where necessary.

**Resolved:-** That the Chief Planning Officer and Development Director be delegated authority to consider any objections received prior to the expiry of the consultation period and to grant planning permission in accordance with the details set out in the attached schedule subject to: (i) the Chief Planning Officer being satisfied there are no new considerations raised by any new objections; and (ii) any necessary S106 agreement.

### **8. UPDATE TO SCHEME OF DELEGATIONS**

The Committee considered a report of the Director of the Department of the Built Environment in respect of changes to the Scheme of Delegations in order to reflect minor modifications to legislation and responsibilities and to ensure the on-going facilitation and administration of various functions.

**Resolved:-** That –

- (i) the report be noted;
- (ii) the new and updated delegations to Chief Officers, as set out in the updated Scheme of delegations at Appendix A of the report, be approved for onward submission to and for approval by the Court of Common Council; and
- (iii) the Committee recommend that the Court of Common Council appoint the District Surveyor, and in his absence, the Assistant District Surveyors, and in the absence of the Assistant District Surveyors, the Director of the Built Environment, to be the "appointing officer" pursuant to the Party Wall etc. Act 1996 to exercise the power to select a third surveyor under section 10(8).



**9. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

A member of the Committee sought clarification in respect of the provision of alternative routes given possible on-going delays to the 21 Moorfields development. The Comptroller & City Solicitor advised Members that Officers were not aware of any delays to the scheme but, if they arose, section 106 provisions requiring adherence to a programme (subject to variation) would enable the City Corporation to secure an alternative route through the site.

A query was raised in respect of the increased traffic congestion on Lower Thames Street as a result of the East/West Super-cycle Highway works and also the closure of Tower Bridge. With reference to some concerns that had been raised by local businesses, clarification was sought as to whether revised traffic management solutions could be explored and implemented as an interim measure to allow eastern access. In response the Director of the Built Environment confirmed that the matter would be explored in discussion with Transport for London (TfL).

In response to a question regarding the public realm space at the Cheesegrater and what action was being taken to enhance public access, an Officer explained that planting at the site was currently being addressed.

A query was raised in respect of the new frontage at 55 Aldersgate (The Commander) and clarification sought as to whether the relevant planning consent had been sought, to which Officers confirmed that they would look into the matter.

NOTED.

**10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There was none.

**11. EXCLUSION OF THE PUBLIC**

**Resolved:** - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act: -

Item Nos.	Paragraph(s) in Schedule 12A
15 - 16	3

**Part 2 – Non-Public Agenda**

**12. NON-PUBLIC MINUTES**

The Committee considered the non-public minutes of the last meeting held on 25<sup>th</sup> October 2016.

**Resolved:-** That the non-public minutes of the last meeting held on 25<sup>th</sup> October 2016 be approved as an accurate record.13.

**13. REVIEW OF PUBLIC CAR PARK PROVISION IN THE CITY**

The Committee considered a joint report of the Director of the Built Environment and the Director of Market and Consumer Protection in respect of a review of public car park provision within the City.

**Resolved:-** That the report be approved.

**14. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were none.

**15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There was none.

**The meeting closed at 1.09 pm**

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Chairman

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