

## **PLANNING AND TRANSPORTATION COMMITTEE**

**Tuesday, 19 February 2019**

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

### **Present**

#### **Members:**

Christopher Hayward (Chairman)	Oliver Lodge
Deputy Alastair Moss (Deputy Chairman)	Alderman Nicholas Lyons
Randall Anderson	Deputy Brian Mooney
Peter Bennett	Sylvia Moys
Mark Bostock	Barbara Newman
Deputy Keith Bottomley	Graham Packham
Henry Colthurst	Susan Pearson
Marianne Fredericks	Judith Pleasance
Alderman Prem Goyal OBE JP	Deputy Henry Pollard
Graeme Harrower	James de Sausmarez
Deputy Jamie Ingham Clark	Oliver Sells QC
Alderman Gregory Jones QC	William Upton
Shravan Joshi	Alderman Sir David Wootton

#### **Officers:**

Gemma Stokley	- Town Clerk's Department
Joseph Anstee	- Town Clerk's Department
Jennifer Ogunleye	- Town Clerk's Department
Dipti Patel	- Chamberlain's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Alison Bunn	- City Surveyor's Department
Annie Hampson	- Chief Planning Officer and Development Director
David Horkan	- Department of the Built Environment
Carolyn Dwyer	- Director of Built Environment
Paul Monaghan	- Department of the Built Environment
Simon Glynn	- Department of the Built Environment
Ted Rayment	- Department of the Built Environment
Gordon Roy	- Department of the Built Environment
Rory McMullan	- Department of the Built Environment
Bruce McVean	- Department of the Built Environment
Michael Blamires	- Department of the Built Environment
Stephen Aznar	- Department of Markets and Consumer Protection
Robin Whitehouse	- Department of Markets and Consumer Protection

### **1. APOLOGIES**

Apologies for absence were received from Munsur Ali, Sir Mark Boleat, Peter Dunphy, Stuart Fraser, Christopher Hill and Natasha Maria Cabrera Lloyd-Owen.

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

Alderman Prem Goyal declared a personal interest in Items 7 and 8 by virtue of holding a tenancy in the Ward of Farringdon Within.

3. **MINUTES**

The public minutes and summary of the meeting held on 29 January 2019 were considered.

**MATTERS ARISING**

**Members' Declarations under the Code of Conduct in Respect of Items on the Agenda** (page 2) – Susan Pearson asked that the minutes of the last meeting be amended to read that she had “declared *that the Standards Committee considered that she had* a pecuniary interest in Item 10.....”. She added that she had made it clear at the last meeting that she did not consider that she had a pecuniary interest in a tree. The Town Clerk undertook to amend the minute accordingly.

**Dockless Bikes** (page 2) – The Chairman informed the Committee that he, together with a number of other Members and Senior Officers, had met with Freebike – a dockless e-bike hire operator. Freebike had proposed a service that has the potential to provide well-managed dockless cycle hire that is suitable for the City context. Members were informed that Officers were now developing options for a trial to allow operators meeting the necessary requirements to place bikes within the Square Mile. A report seeking approval for the trial would be put to the Committee at its 18 March meeting.

The Chairman explained that, subject to approval, the trial was expected to begin in May 2019. The trial would allow operators to place a limited number of bikes at appropriate locations within the Square Mile. Customers would also be required to leave bikes at these locations. This would allow the City Corporation to test the effectiveness of additional controls that are likely to become available should a London-wide byelaw be adopted. The results of the trial would be used to inform the City Corporation's long-term approach to dockless cycle hire and the application of any proposed byelaw within the Square Mile.

**Planning Appeal Decisions** (page 13) – A Member referred to a recent High Court case won by Westminster regarding telephone kiosks where a judge had ruled that such structures served a 'dual purpose' of both communications and advertising and therefore should not benefit from permitted development rights. The Member praised the efforts of Westminster on this matter and expressed disappointment that the City had not taken similar action. He went on to state that he hoped that this would, however, set a precedent from which the City could benefit going forward.

The Comptroller and City Solicitor clarified that the City had also raised this matter in previous appeals and were aware that Westminster were progressing this and so had awaited the outcome on the issue rather than duplicate efforts. The Committee were informed that the City currently had a number of cases

progressing at present and that further representations referring to this recent judgement had now been made.

A Member made a plea to Officers to ensure that existing telephone kiosks within the City were operational and that, if this were not the case, they were removed. She went on to refer to the fact that kiosks that were not operational were frequently used for other purposes.

**Committee Tour of the Bloomberg Building** (page 18) – A Member wished to thank Officers for the recent, superb, Committee Tour of the Bloomberg Building. The Chairman reported that a second visit had been organised for 20 February for those who had been unable to make the first.

**Questions on Matters Relating to the Work of the Committee** (page 19) – A Member questioned progress around works to the Thames Court Footbridge as he had been informed that these were to be the subject of further delays. He stressed the need to have the footbridge open to the public again as soon as possible.

The Director of the Built Environment reported that there had been some technical issues with the maintenance works and that an urgency report seeking further funding to rectify these would be sent to the Town Clerk in consultation with the Chairman and Deputy Chairman of the Planning and Transportation Committee amongst others for consideration. He added that this would, inevitably, lead to some sort of delay to the reopening of the footbridge but that it was hoped that this could be minimised by dealing with the matter under urgency.

In response to questions, the Committee were informed that the additional funding sought would be approximately £100,000.

The Chairman assured Members that he would do his utmost to continue to focus Officers on this matter and to help minimise any delay to the works where possible.

**RESOLVED** – That, subject to the amendment above, the public minutes and summary of the meeting held on 29 January 2019 be approved as a correct record.

4. **MINUTES OF THE STREETS AND WALKWAYS SUB COMMITTEE**

The Committee received the draft minutes of the Streets and Walkways Sub Committee meeting held on 22 January 2019.

**RECEIVED.**

5. **TERMS OF REFERENCE AND FREQUENCY OF MEETINGS**

The Committee considered a report of the Town Clerk relative to their terms of reference and frequency of meetings.

A Member referred to the fact that the Committee's 2017 terms of reference had referred, at paragraph (f), to its role as 'Lead Local Flood Authority'. He questioned the rationale behind the removal of this. The District Surveyor confirmed that he continued to sit on the flood risk authority and that he believed it to be correct that this continued to be part of the Committee's remit. The Town Clerk undertook to look in to this matter and report back to the Committee.

In response to the existing terms of reference and whether or not Officers were satisfied that these remained appropriate and minimised any 'overlap' with the work of other Committees, the Chairman clarified that much of what was captured were statutory responsibilities and also that there was some shared responsibility on certain matters with the Port Health and Environmental Services Committee. He added that whilst there shouldn't be any duplication, this Committee appointed two Sub Committees – Streets and Walkways and Local Plans – which dealt with the minutia of some of the issues that were brought to the grand Committee.

With regard to the frequency of meetings, Members were content to proceed with meetings taking place every 3 weeks. A Member questioned the timing of meetings going forward and suggested that it might be more appropriate for future meetings dealing with residential applications to take place in the late afternoon/evening so as to encourage and facilitate attendance from local residents themselves. The Chairman stated that this would be a matter for his successor to consider alongside Officers. Some Members objected to the suggestion stating that they frequently had other City Corporation related commitments in the evenings. It was also highlighted that evening meetings made travelling home difficult for those Members who did not live locally.

A Member clarified that residents were able to make written representations regarding applications and could supplement this by also attending meetings if they so wished. It was noted that resident attendance at daytime meetings at which they had an interest had never previously been an issue. It was further noted that rooms within the Guildhall complex were frequently hired externally during the evenings as a means of income generation.

Members requested that future terms of reference reports clearly identified any changes from the previous year. The Town Clerk undertook to action this going forward.

**RESOLVED – That:**

- a) Subject to clarification from the Town Clerk regarding the Committee's role as Lead Local Flood Authority (and the inclusion of this in the terms of reference submitted to the Court of Common Council if necessary), the terms of reference of the Committee, be approved;
- b) Any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman; and
- c) The Committee's frequency of meetings remain unchanged.

## 6. **OUTSTANDING ACTIONS**

The Committee received a report of the Town Clerk detailing outstanding actions since their last meeting.

Updates were provided as follows:

### Ludgate Circus

The Director of the Built Environment updated the Committee on the results of the recent survey at the junction.

He went on to report that a meeting had taken place between TfL, City Corporation Officers and the City of London Police on 15 February 2019 where it was reported that TfL had already put some actions in place based on the results of the survey. Options around further safety improvements were discussed including the use of apps, linked with google maps, for drivers approaching the junction, reducing the overall cycle time for passing through the junction, examining data around the effectiveness of coloured surfacing (such as that in place around Earl's Court) and enhanced enforcement measures. These options were now to be fully evaluated and costed with a follow up meeting scheduled for 5 March 2019. Members were informed that this would also be the subject of a future report to the Planning and Transportation Committee.

Members were also informed that a meeting was set to take place between the Commissioner of TfL, the Chair of the Policy and Resources Committee and the Chairman of the Planning and Transportation Committee next week where they would also take the opportunity to raise this matter at the highest level.

The Chairman reminded the Committee that the City Corporation had undertaken the survey of the junction and analysed the results after TfL had refused to do so. He added that he was disappointed in their seeming lack of urgency around this matter.

The Deputy Chairman highlighted that the statistics from the survey clearly demonstrated that this was a dangerous junction for the general public. He added that, whilst it was important to work collaboratively, TfL were the lead authority on this matter. He stated that the options being considered for improving safety here were pioneering and that there was no other junction like this in the UK in terms of usage and the stresses placed upon it. It was therefore essential that Officers got this right and managed expectations in terms of delivery. He concluded by assuring the Committee that the matter was in hand at both Officer and Member level.

A Member commented that he was of the view that the only sensible and serious solution here would be to raise the road creating an island. He added that he appreciated that pedestrianisation of the junction was not possible.

A Member for the Ward in which the junction was situated, stated that he had been pushing this matter for some time now. He stated that the analysis of the

survey results clearly demonstrated the seriousness of the situation and asked that details of this be sent to him directly. The Chairman asked that the details reported by Officers in terms of the survey analysis be circulated to all Committee members.

A Member stated that, given that all deaths at the crossing to date had involved HGVs, he was unclear as to how any of the options proposed would address this specifically.

Another Member referred to the long term project to transform Ludgate Hill/Fleet Street which had been put on hold for some time now. She suggested that this be looked at again as a means of improving and enhancing this whole area in terms of both pedestrian use and traffic flow. The Chairman was supportive of this suggestion. An Alderman referred to recent media reports around plans from Westminster concerning the pedestrianisation of The Strand and noted that this would have implications for any plans the City might have around Fleet Street.

The Director of the Built Environment reported that Officers were aware of initial plans around the pedestrianisation of part of The Strand – between Kings College and Somerset House but that further detail was now awaited from Westminster.

With regard to HGVs, Officers assured Members that they were continuing to work with all construction sites in the City regarding HGV safety and information for drivers. Some of the options being considered at Ludgate Circus, such as 3D road markings and app alerts for those approaching the junction were intended to make traffic aware of the unusual nature of the junction they were approaching and to reduce their speed.

Given the importance of this matter, the Chairman requested that the Director of the Built Environment now take personal oversight of this and continue to report back regularly to Members.

#### Committee Tour of the Bloomberg Building

Given that the Tours had now been arranged the Committee requested that this item be removed from the list of Outstanding Actions.

#### Daylight/Sunlight Training

The Chairman reiterated that this would be organised once the new membership of the Committee had been determined at the April 2019 Court of Common Council meeting.

#### Finsbury Circus – Closure of Highway to Vehicle Access

The Chairman reported that a resolution would be sent back to the April meeting of the Open Spaces and City Gardens Committee setting out this Committee's support for their proposals here. It was also noted that this would be the subject of a future report to the Streets and Walkways Sub Committee in terms of the legal requirements around actioning this. The Committee therefore

requested that this item be removed from the list of Outstanding Actions as the Streets and Walkways Sub Committee would now continue to pursue.

#### Illegal Street Traders on the City's Bridges

Officers reported that Tower Hamlets had now agreed a Section 101 at their meeting on 7 February and that this was now subject to ratification by their legal department. This would give them the power to move on illegal traders to the north side of Tower Bridge.

Members were disappointed with the speed at which Tower Hamlets had addressed this matter and asked that Officers continue to apply pressure here.

In response to questions, Officers confirmed that they believed that the Section 101 powers, once in place, would also cover the peripheral areas of Tower Bridge such as the ramp down to the train station.

#### Discharge of Fumes on Pavements

A Member requested an update on this matter following a report to the Committee towards the end of 2018. Officers reported that, when this report was considered, the Planning and Transportation Committee had recommended that a new condition around proper maintenance of cooking and ventilation equipment be introduced and that this condition was now being attached to applications where appropriate.

In response to a question regarding enforcement around this issue, Officers reported that this would need to be explored further with Pollution Control Officers before reporting back to Members.

**RESOLVED** – That the list of outstanding actions be noted and updated accordingly.

*\*\*The Chairman left the meeting at this point and the Deputy Chairman took the Chair for the remainder of the meeting \*\**

#### **7. DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR**

The Committee received a report of the Chief Planning Officer and Development Director detailing development and advertisements applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since the report to the last meeting.

**RECEIVED.**

#### **8. VALID PLANNING APPLICATIONS RECEIVED BY THE DEPARTMENT OF THE BUILT ENVIRONMENT**

The Committee received a report of the Chief Planning Officer and Development Director detailing development applications received by the Department of the Built Environment since the report to the last meeting.

**RECEIVED.**

## 9. **PUBLIC LIFT REPORT**

The Committee received a report of the City Surveyor containing details of the five public escalators/lifts that were in service for less than 95% of the time.

The City Surveyor went on to provide the following updates:

### Speed House

Members were informed that the project to replace the lift had been brought forward and had now commenced. It was expected that the works would last for approximately 16 weeks with the lift returning to service at the end of June 2019. The City Surveyor undertook to keep Members informed of progress.

A Member stated that he was pleased to learn that this problem was finally being addressed more substantially. He went on to comment that he felt that the fundamental problem here was that the wrong lift had been installed from the outset. He questioned whether Officers could now offer any assurances that the new lift would be properly suited to this location.

The City Surveyor reported that Officers were now also looking at the issue of water ingress from the highwalk and that a total refurbishment would be carried out which they were confident would render the lift more fit for purpose.

### Millennium Inclinor

The City Surveyor reported that the inclinor was due to go out of service shortly for a three-week period from the 25<sup>th</sup> March to the 12<sup>th</sup> April to carry out essential works.

A Member commented that they were disturbed to learn that this was going to be out of service again. She added that the outages here were now far too frequent and long lasting.

Other Members supported this view. They referred to the frequent outages and questioned whether it was now possible to get on top of these issues as the current situation, given the number of people who used and were dependent on the inclinor, was unacceptable.

A Member questioned the timing of the proposed works and whether it would be more suitable for these to be carried out during the April half term/Easter break where they might have less impact.

Another Member questioned whether the inclinor should now be replaced entirely given the frequency of the problems encountered. A Member responded that this had already happened in 2012 where guarantees that it would not continue to fail were given.

The Deputy Chairman highlighted that Officers were clearly being diligent in terms of further planned essential works on the inclinor but he agreed with the point that they were clearly not getting things right given the repeated problems encountered. He recognised that there had been more investment in this, that a



more proactive approach was now being taken and that certain parts were being stockpiled in order to minimise the length and impact any future closures but there was clearly a need to now look more strategically at the matter. The Committee requested that a report on the Millennium Inclinator and recurring issues/progress made around these be brought back to a future meeting.

The City Surveyor stated that, given that the Millennium Inclinator was mechanical, there would always be a need to replace components of it which would, inevitably, lead to it being taken out of service for a period of time. She added that Officers had now adopted a 'cockpit analogy' whereby they were seeking to replace parts of the Inclinator before they failed. Following a project on this last year, breakdowns had been minimal and it was hoped that the further three weeks of work now taking place would lead to more improvements. With regard to the timing of the works, the City Surveyor confirmed that the Easter holidays were often one of the areas busiest times and that this would therefore not be a suitable solution. She added that it was not possible to carry out the works at night or in inclement weather.

A Member went on to refer to issues with the Tower Hill Car Park lifts which also seemed to experience constant problems and where there did not appear to be adequate communication with carpark staff and the need to report estate issues. She went on to question the maintenance service contract that the City currently held with lift providers.

The City Surveyor reported that Officers were working hard to build relations with staff at the City's carparks. The City's lift maintenance contract was also currently out to tender and it was hoped that a contractor would be appointed within the next six weeks with the new contract commencing in July 2019. The new contract would be more robust and hold the contractors more accountable going forward.

## **RECEIVED.**

### **10. 8, 9 & 13 WELL COURT LONDON EC4M 9DN**

The Committee considered a report of the Chief Planning Officer and Development Director seeking approval for the extension of the existing building to provide a proposed fourth, fifth and sixth floor of office (Class B1) floorspace plus removal of existing plant at fourth floor level, installation of plant and plant enclosures at sixth floor and roof level, a terrace at roof level and cycle parking at ground floor level. (436sq.m GIA).

The Assistant Director, Planning drew Members' attention to a correction at paragraph 19 of the report which should refer to paragraphs 10 and 11 of the NPFF and not paragraph 14.

The Committee were informed that 12 Well Court was currently a seven storey residential premises containing eight flats. Objections to these plans had been received from residents of this building and also from the freeholder. The Assistant Director clarified that the planned roof terrace would be for the use of

office workers within the building only. Members were also informed that the daylight/sunlight assessment within the report had been independently reviewed. The Officer recommendation on this application was that permission should be granted.

The Deputy Chairman invited the registered objectors to address the Committee. Grant Winton stated that he spoke on behalf of all residents of 12 Well Court, all of whom were opposed to this application and had jointly taken professional advice on the plans submitted which, to date, had already undergone five separate revisions yet still remained factually incorrect in a number of ways. Mr Winton went on to explain that 12 Well Court had been a residential building since 2011 and that these plans, should they be approved would result in an overbearing structure that was visually detrimental to residents living here.

Mr Winton went on to refer to the critical loss of residential sunlight and daylight should the application be granted. He referred to the fact that the BRE guidelines confirmed that there was clearly a negative impact on sunlight and daylight to his home, other residents and also the public walkway. He added that this was even more critical when considering winter sun. He highlighted that the proposals ignored the Eastern impact of 13 Well Court on morning light and used only favourable mirror imaging for 8-9 Well Court. He stressed that this had been raised with the applicant on multiple occasions and was yet to be addressed.

Mr Winton referred also to additional noise and light pollution from the proposed building once completed as well as unavoidable noise from demolition and construction works. Something which seemed to be in direct contravention with the City's Local Plan which highlighted a need to protect the homes of City residents.

Mr Winton informed the Committee that it was his view that the applicant had failed to fully consult on or discuss the plans with residents in a meaningful way. They did not, for example, seek the views of residents on their plans until their applications were submitted and it was too late to impact the proposal in any way.

Mr Winton concluded by stating that he felt that the proposals were incomplete, false and inaccurate and conflicted with multiple planning policy points in the City of London Local Plan and Adopted London Plan. He therefore asked that the Committee refuse this application.

Mr Mark Winton introduced himself as the freeholder of 12 Well Court. He agreed with the points already made and the fact that this application fell short in terms of the loss of daylight/sunlight and amenity. He went on to uphold the view that the information before the Committee was misleading. He referred to the BRE guidelines and the conclusion that the proposals would constitute a material impact on the light currently enjoyed by residents at 12 Well Court. The impact of an additional two floors at 13 Well Court had not been addressed at all despite objections from every one of the 8 flats in 12 Well Court about this.

There had also been no offer of compensation from the developer in recognition of the serious negative impact of the building.

The Deputy Chairman thanked the objectors for their contributions and invited questions from Members.

A Member questioned the photographs provided by the objector of the view from the master bedroom of flat 7, 12 Well Court. Mr Winton confirmed that the master bedroom was situated on the 5<sup>th</sup> floor of 12 Well Court and that the view depicted was of the plant room on the existing fourth floor of 8 and 9 Well Court. 13 Well Court was visible to the left of the photograph and both the southern and eastern impact of the additional height here had not been clarified. It was also unclear as to whether the view of the Church would be retained.

The Deputy Chairman invited those speaking in favour of the application to address the Committee. Peter Bovill of Montagu Evans, acting as agent for the developer explained that the application before Members had been through two rounds of pre-application discussions with Officers. Revisions to reduce the bulk and mass of the proposed extension had been made as a result and it was now intended that the windows of the new building would be fixed shut.

Ian McKenna of Malcolm Hollis spoke to clarify points raised around the impact on daylight/sunlight. He highlighted that BRE had looked at all of the revisions within the application a total of three times to date and had confirmed that these met the required guidelines. All windows within the new building would be opaque glass windows which was a protection not currently afforded to residents within the existing building.

Mr McKenna went on to state that BRE guidelines needed to be applied flexibly and pragmatically. He added that the City's own Local Plan also allowed for some reduction in daylight/sunlight. He stated that he believed that the reduction within the proposals submitted was not at an unacceptable level particularly after concessions had been made in terms of remodelling the upper floors and pushing these back further.

Members were informed that, in terms of daylight distribution, 32 windows had been assessed and all met the requirements with residual affects that were small in nature.

The Deputy Chairman thanked those speaking in favour of the application for their contributions and invited questions from Members.

A Member questioned whether consideration also needed to be given to the use of the rooms where windows would be affected by reduced day/sunlight. Officers responded that it was legitimate to consider the room use as permitted in the planning permission but that there was only one set of target criteria that had to be met and that it was a judgement call for Members in terms of whether or not they wanted to take into account room usage when considering the acceptability of any loss of daylight/sunlight.

A Member stated that he had visited the site last week and, after having spent some time in one of the second floor flats at 12 Well Court, he was surprised that the conclusion reached was that the impact here in terms of loss of daylight/sunlight would be minimal. He clarified that, as the top floors of the new building would now be set back, the reduction here would be within BRE tolerances as the skyline from the lower floors of 12 Well Court would be largely unchanged.

A Member questioned why there seemed to be some confusion and disagreement from objectors as to the fact that the assessment carried out had failed to cover the impact of 13 Well Court. Mr McKenna stated that he was unsure as to where the confusion had arisen as this matter had been clarified with residents weeks ago. He reiterated that 8 and 9 Well Court would impact the Southern Aspect of 12 Well Court and number 13 includes the whole site.

A Member highlighted that the report suggested that the level of impact on daylight/sunlight was not compliant with BRE guidelines. He asked if those speaking in support of the application disagreed with this point. Mr McKenna responded that there was full compliance in terms of mirror image of the existing building. He went on to refer to Appendix F of the BRE guide which suggested that the approach set out here was to be adopted where standard targets could not be met. It was worth bearing in mind that the targets had been developed for suburban settings. Against the standard BRE, existing guideline, the revised proposals put to the Committee were deemed to have only a minor adverse impact.

In response to questions around the points raised by objectors on the accuracy of the daylight/sunlight assessment and the inaccuracy of the plans in terms of building layout, Mr McKenna stated that the buildings had been modelled according to approved planning drawings.

The Deputy Chairman asked that Members move to debate the application.

A Member referred to the BRE guidance concept of a 'bad neighbour' and the suggestion within the report that 12 Well Court *could* be classified in this category. He questioned whether this had been determined either way as, if so, it was not clear within the report. The Member went on to question what alternative route would be used for fire evacuation as this was not made clear on the recent site visit and the plans also appeared to be vague on this.

Another Member questioned whether the approach adopted within the report whereby any loss of daylight/sunlight could be offset in terms of winter/summer sun was common practice. He also questioned what the overall impact would be without adopting this approach. The Assistant Director stated that with regard to impact on sunlight the BRE guidelines set out a target figure of 25% of sunlight across the whole year, 5% of which should be during the winter months. It was the intention that a flexible approach should be taken to this when calculating overall impact.

A Member highlighted that the conclusion had been reached that any loss of daylight/sunlight incurred as a result of the proposals would be marginal and that he therefore felt that the proposals should be accepted. He added that residents in the City chose to live in a crowded, compact, multi-purpose City environment.

A Member stated that the questions raised here around daylight/sunlight matters further highlighted the need for additional training for Members around this. She went on to state that it was difficult, from the plans submitted, to determine where the roof terrace would be situated. She also agreed that it was not clear where any alternative fire escape route might be. The Member added that she was disappointed to see just one small paragraph within the report on the accessibility of the building. She went on to highlight that, according to plans submitted, there were no toilets whatsoever available on the fifth floor and no disabled toilet provision on the sixth floor.

A Member referred to the ambiguous wording in the report under the heading 'Daylight and Sunlight Conclusions'. Within this section, Members were informed that any impact would be *mostly* minor in nature. He felt that this disguised the true impact of the proposals overall. He added that it was evident that BRE guidelines had not been met for all flats at 12 Well Court and that he was unconvinced that there was any significant commercial justification for the impact the new building would have.

The Member stressed that the Committee needed to be clear as to whether or not they would have regard to BRE guidelines in future regardless as to whether or not the application concerned was in a highly developed area.

Another Member referred to the fact that the proposals centred on the premise that 12 Well Court is a residential block. She stated that it should, however, be noted that this served as an office block until 2011. It was therefore situated in a mainly commercial area. The Member added that the proposed office building here would provide much needed accommodation for SME's. She referred to the points made by objectors regarding light pollution and stressed that this worked both ways. Residents overlooking office accommodation may also be able to see content on screens which could have implications in terms of data protection.

A Member stressed that whilst the area in question was not deemed to be residential it was very much a mixture of office buildings and residential units including many short-term lets. She went on to suggest that more information was required around the roof terrace and its proposed usage and opening hours.

A Member suggested that in terms of the daylight/sunlight standard Members were asked to apply, an application that resulted in minor, adverse losses should be resisted. He stated that this application seemed to be on the borderline in terms of meeting these standards. He added that he would be grateful for any further advice around the policy on daylight/sunlight and how an application such as this should be approached.

The Assistant Director clarified that the mirror image referred to within the report was an element of existing BRE guidelines around daylight and sunlight. Whilst this approach could be used in this case, it was not relied upon in the Officer assessment and it was therefore concluded that the minor adverse impact was considered to be acceptable.

Members were informed that, in terms of fire evacuation, a new escape ladder leading upwards to a newly built flat roof terrace and a second ladder leading down again from there would form the new escape route from 12 Well Court. The proposed route was therefore essentially the same as at present.

The Assistant Director clarified that it was intended that the roof terrace area would be for office use only. He was, however, uncertain as to the intended capacity. The hours of use of the terrace had been restricted so that it would not be in use or accessed between the hours of 23:00 on one day and 08:00 on the following day and not at any time on Sundays or Bank Holidays other than in the case of emergency. He added that this could be tightened further if it were the wish of the Committee.

In terms of the approach to be taken regarding loss of daylight and sunlight, Members were informed that the policy around this referred to unacceptable levels and not minor, adverse impacts specifically.

*At this point, the Deputy Chairman sought approval from the Committee to continue the meeting beyond two hours from the appointed time for the start of the meeting, in accordance with Standing Order 40, and this was agreed.*

A Member proposed that the hours of use for the roof terrace be further restricted so that it could not be in use or accessed between the hours of 20:00 on one day and 08:00 on the following day as it was felt that 23:00 was too late in terms of office use only. The proposal was seconded and unanimously supported by Members, should the application be granted.

Members then proceeded to vote on the recommendation, with 12 Members voting in favour of the recommendation and 13 Members voting against the recommendation.

**RESOLVED** – That, planning permission for the proposal be refused.

The Committee confirmed that the reason for refusal related to unacceptable impacts in terms of loss of daylight and sunlight and delegated authority to the Chief Planning Officer and Development Director to draft and issue reasons for refusal reflecting the Committee's confirmation regarding reasons, in consultation with the Chairman and Deputy Chairman.

## 11. TOWER BRIDGE RE-DECKING AND APPROACH VIADUCT WATERPROOFING PROJECT - OUTCOME REPORT

The Committee considered a report of the Director of the Built Environment regarding the outcome of the Tower Bridge re-decking and approach viaduct waterproofing project and seeking approval for this project to be closed.

The Director of the Built Environment reported on the success of this project which had been completed to scope/specification one week ahead of programme and within the project budget set at Gateway 5. He added that tackling illegal cycling here could be considered as a future project here.

In terms of lessons learned, the Director of the Built Environment noted that it was important to note that the main contracted works did not always represent the full extent of a project. He added that this report had been delayed due to things that were outside of the contracted works programme but nevertheless part of the project.

A Member congratulated Officers on the excellent work carried out on this project. Importantly, they had ensured that the Tower Bridge exhibition was kept fully open to the public throughout the works.

**RESOLVED** – That, Members approve the content of this Outcome Report, and that the Project will be closed.

**12. 5TH EUROPEAN CONGRESS OF LOCAL GOVERNMENTS - MEMBER TRAVEL APPROVAL**

The Committee considered a report of the Director of the Built Environment seeking approval for the Planning and Transportation Committee Chairman to attend the 5<sup>th</sup> European Congress of Local Governments, which will be held in Krakow, Poland on 8 and 9 April 2019.

**RESOLVED** – That, Members agree to Member travel to attend the 5<sup>th</sup> European Congress of Local Governments.

**13. BREXIT UPDATE**

The Committee received a report of the Director of the Built Environment updating Members on the potential implications of Brexit for the Department of the Built Environment.

**RESOLVED** – That, Members note this report and that further update reports will be made to subsequent meetings of the Committee as appropriate.

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

**Heathrow Airport Expansion Consultation**

A Member reported that Heathrow Airport was currently running a consultation on changes to the way it uses its runways and the surrounding airspace within the context of the proposed third runway. He stated that some of its proposals would result in a considerable increase in the number of aircraft passing directly above the City of London, often at low altitude.

He went on to state that high rise buildings would be particularly susceptible to aircraft noise and that there could also be an undesirable impact on public space in terms of noise pollution. He questioned, therefore, whether the City would be responding to this consultation which concluded on 4<sup>th</sup> March. He recommended that they should.

The Pollution Team Manager thanked the Member for his question. He informed the Committee that this was just a small piece of a more wide ranging consultation around the introduction of new flight paths for Heathrow Airport in 2026. He confirmed that the City would be making a collaborative response to this piece of consultation across the 10 authorities that made up the Cross London River Partnership.

The Officer went on to report that, at present, only flight arrivals to Heathrow passed over the City. There were 8 scenarios for future departures from Heathrow covering different geographical areas around Heathrow, some of which would overfly the City of London with between 0-17 aircraft per hour. Concerns over this had been raised in the City of London response to the consultation.

The Member thanked the Officer for confirming that the City would be responding to the consultation, He added that he had, however, understood that the issues, particularly around increased noise pollution would be more significant than described.

The Officer undertook to keep the Chairman, Deputy Chairman and the Member who had raised the matter informed of progress.

#### Daylight and Sunlight Matters

A Member stated that discussions around the application considered by the Committee today illustrated that daylight and sunlight matters was something that Members continually grappled with. He stressed that it was often difficult to get a grip of this and suggested that the City look to investigate and budget for the production of its own urban guidelines around this which would be more helpful than the BRE guidelines which existed at present and were mostly focused on suburban environments.

The Deputy Chairman stated that, whilst this was something that he and the Chairman could discuss further with the Chief Planning Officer and Development Director, judgement around these issues was often subjective. The Chief Planning Officer and Development Director stressed that it would be difficult to come up with alternative guidelines that would be applicable to everywhere in the City given that levels of density and occupation varied greatly even within the Square Mile.

A Member stated that today's case clearly illustrated a more urgent need for appropriate Member training around daylight and sunlight issues so that Members were more confident in terms of making better judgements and the degrees of acceptability around any loss of day or sunlight.



A Member seconded the proposal made around the City becoming a flagship authority and looking to create its own alternative guidelines around this as it was clear that there was some room for improvement. It was suggested that this be looked at further as part of the material for future Member training around this.

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

There were no additional, urgent items of business for consideration.

**16. 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 the Schedule 12A of the Local Government Act.

**17. GLA ROADS - LAND DISPUTE WITH TRANSPORT FOR LONDON**

The Committee received a joint report of the Comptroller and City Solicitor and the City Surveyor updating Members as to the property and financial implications of the recent decision of the Supreme Court regarding ownership of the GLA roads.

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

There were no questions raised in the non-public session.

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

There were no urgent, additional items of business for consideration in the non-public session.

**The meeting closed at 1.06 pm**

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Chairman

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