



## Planning and Transportation Committee

**Date:** TUESDAY, 30 JULY 2019  
**Time:** 11.00 am  
**Venue:** LIVERY HALL - GUILDHALL

**Members:**

Deputy Alastair Moss (Chairman)	Alderman Robert Hughes-Penney
Christopher Hayward (Deputy Chairman)	Deputy Jamie Ingham Clark
Munsur Ali	Shravan Joshi
Rehana Ameer	Oliver Lodge
Randall Anderson	Natasha Maria Cabrera Lloyd-Owen
Peter Bennett	Andrew Mayer
Mark Bostock	Deputy Brian Mooney
Deputy Keith Bottomley	Sylvia Moys
Henry Colthurst	Barbara Newman
Karina Dostalova	Graham Packham
Peter Dunphy	Susan Pearson
Alderman Emma Edhem	Judith Pleasance
Sophie Anne Fernandes	Deputy Henry Pollard
Marianne Fredericks	James de Sausmarez
Alderman Prem Goyal	Oliver Sells QC
Tracey Graham	William Upton QC
Graeme Harrower	Alderman Sir David Wootton
Christopher Hill	

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**NB: Part of this meeting could be the subject of audio visual recording**

**John Barradell**  
Town Clerk and Chief Executive

# **AGENDA**

## **Part 1 - Public Agenda**

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**  
To agree the public minutes and summary of the meeting held on 9 July 2019.  
  
**For Decision**  
(Pages 1 - 18)
4. **OUTSTANDING ACTIONS**  
Report of the Town Clerk.  
  
**For Information**  
(Pages 19 - 20)
5. **DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR**  
Report of the Chief Planning Officer and Development Director.  
  
**For Information**  
(Pages 21 - 38)
6. **VALID PLANNING APPLICATIONS RECEIVED BY THE DEPARTMENT OF THE BUILT ENVIRONMENT**  
Report of the Chief Planning Officer and Development Director.  
  
**For Information**  
(Pages 39 - 42)
7. **PUBLIC LIFT REPORT**  
Report of the City Surveyor.  
  
**For Information**  
(Pages 43 - 44)
8. **DAYLIGHT AND SUNLIGHT GUIDANCE**  
Report of the Chief Planning Officer and Development Director.  
  
**For Decision**  
(Pages 45 - 60)

9. **REVIEW OF PROJECTS WITHIN THE BUILT ENVIRONMENT DIRECTORATE**

Report of the Director of the Built Environment.

**For Decision**  
(Pages 61 - 78)

10. **WARDMOTE RESOLUTION FROM THE WARD OF FARRINGDON WITHIN / CODE OF CONDUCT FOR CYCLE TOUR GROUPS USING NARROW LANES AND STREETS**

Report of the Director of the Built Environment.

**For Decision**  
(Pages 79 - 82)

11. **DOCKLESS CYCLE HIRE UPDATE**

Report of the Director of the Built Environment.

**For Information**  
(Pages 83 - 92)

12. **DEPARTMENT OF THE BUILT ENVIRONMENT: 'BREXIT' UPDATE**

Report of the Director of the Built Environment.

**For Information**  
(Pages 93 - 94)

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

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

15. **EXCLUSION OF THE PUBLIC**

MOTION – 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.

**For Decision**

**Part 2 - Non-public Agenda**

16. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 9 July 2019.

**For Decision**  
(Pages 95 - 96)

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

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

**Any drawings and details of materials submitted for approval will be available for inspection by Members in the Livery Hall from Approximately 9:30 a.m.**

## PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 9 July 2019

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

### **Present**

#### **Members:**

Deputy Alastair Moss (Chair)  
Rehana Ameer  
Randall Anderson  
Peter Bennett  
Mark Bostock  
Deputy Keith Bottomley  
Henry Colthurst  
Karina Dostalova  
Peter Dunphy  
Marianne Fredericks  
Alderman Prem Goyal  
Tracey Graham  
Graeme Harrower  
Christopher Hill

Deputy Jamie Ingham Clark  
Shravan Joshi  
Andrew Mayer  
Deputy Brian Mooney  
Sylvia Moys  
Barbara Newman  
Graham Packham  
Susan Pearson  
Judith Pleasance  
Deputy Henry Pollard  
James de Sausmarez  
Oliver Sells QC  
William Upton QC

#### **Officers:**

Gemma Stokley	- Town Clerk's Department
David Farnsworth	- Town Clerk's Department
Simon Latham	- Town Clerk's Department
Amelia Ehren	- Town Clerk's Department
Chandni Tanna	- Town Clerk's Department
Dipti Patel	- Chamberlain's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Nicholas Welland	- City Surveyor's Department
Annie Hampson	- Chief Planning Officer and Development Director
Carolyn Dwyer	- Director of the Built Environment
Zahur Khan	- Department of the Built Environment
David Horkan	- Department of the Built Environment
Paul Beckett	- Department of the Built Environment
Paul Monaghan	- Department of the Built Environment
Bruce McVean	- Department of the Built Environment
Samantha Tharme	- Department of the Built Environment
Gordon Roy	- Department of the Built Environment
Craig Stansfield	- Department of the Built Environment
Ruth Calderwood	- Department of Markets and Consumer Protection

#### **Also Present:**

Simon Hart, Pringle Richards Sharratt Limited

1. **APOLOGIES**

Apologies for absence were received from Christopher Hayward (Deputy Chairman), Alderman Emma Edhem, Alderman Robert Hughes-Penney, Oliver Lodge and Natasha Lloyd-Owen.

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

Alderman Prem Goyal declared a standing, personal interest in agenda items 6, 7 by virtue of holding a tenancy in the Ward of Farringdon Within.

The Chair declared an interest in agenda item 10, reporting that he had acted in a professional capacity with regard to the original planning application and was therefore intending to withdraw from the meeting whilst this report was considered.

3. **MINUTES**

The Committee considered and approved the public minutes of the meeting held on 18 June 2019 as a correct record.

**MATTERS ARISING**

**Ludgate Circus** (page 2) – A Member clarified that right turns from Fleet Street into New Bridge Street were banned.

**10 Bolt Court** (page 2) – A Member commented that he had been informed that work had already commenced on site, on the roof terrace but that neither he nor local residents had seen a planning application relating to this.

The Chief Planning Officer and Development Director stated that revised drawings had not been received to date and that she would investigate the current situation on site before reporting back to the Member on this matter.

**Telephone Kiosk – Fleet Street** (page 10) – In response to a question on progress on this matter, the Chief Planning Officer and Development director confirmed that discussions with the legal department on this matter were ongoing.

**Bow Lane Traffic** (page 11) – The Member who had originally raised this question at the last meeting thanked Officers for their response on this but questioned when the work here would be undertaken given that it was an ongoing health and safety risk. Officers undertook to report back further to the Member.

**Yellow Line on Coopers Row** (page 11) – The Member who originally raised this query at the last meeting referred also to several near misses at the junction with Pepys Street and asked that the possibility of introducing traffic calming measures also be investigated here. Officers undertook to report back to the Member on this additional point.

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

The Committee received the draft public minutes of the Streets and Walkways Sub Committee meeting held on 28 May 2019.

**MATTERS ARISING**

**Museum of London Public Realm Project** (page 15) – A Member reported that he had attended a consultation meeting on the Museum of London project last week and was concerned that there were no proposals for Public Realm, pedestrian movement and road closures within the presentation. He added that, to his mind, this was an essential part of the project and sought reassurance from Officers that it was therefore being properly integrated. The Director of the Built Environment undertook to update Members on this matter in writing.

**Dockless Bikes** (page 14) – A Member questioned progress around the dockless bike hire trial and asked how many bikes from operators not participating in the trial had been confiscated by enforcement officers to date. She went on to question how this message was being communicated to those operators not selected to form part of the trial.

The Transportation and Public Realm Director reported that there were currently 30 bikes in store and that talks were being held with the relevant operators around how they might retrieve these and also ensure that their bikes are not operating within the City boundaries going forward. He confirmed that no fees had been charged for the recovery of the bikes to date and that Officers were placing more emphasis on reducing the presence of other operators in the City at present.

A Member questioned who was deemed to be at fault (the hirer or the operator) if a bicycle was hired outside of the City but then left here after a journey had been completed.

Another Member stated that the vast majority of people were unaware of where the City boundaries were and to therefore only permit two bicycle operators to operate within the City was, in his view, a problem of the organisation's own making.

The Chairman reported that a report providing Members with a full update on the trial to date, alongside enforcement and other related matters would be submitted to the next meeting of this Committee.

5. **OUTSTANDING ACTIONS**

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

**RECEIVED.**

6. **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 advertisement 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.**

7. **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.**

8. **DEPARTMENT OF THE BUILT ENVIRONMENT: 'BREXIT' UPDATE**

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

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

9. **DARK HOUSE WALK CITY WALKWAY ALTERATION**

The Committee considered a report of the Director of the Built Environment relative to Dark House Walk, City Walkway Alteration.

The Transport Planning Manager reminded Members that this report had been deferred from the 24 May Planning and Transportation Committee meeting. The re-submitted report now included a more detailed plan including dimensions of the walkway area that would remain alongside some proposal alterations.

The Chair welcomed Simon Hart of Pringle Richards Sharratt Limited – the architects acting on behalf of the applicant - to the meeting and asked him to address the Committee on the proposals.

Mr Hart referred to the fact that the existing area of walkway concerned was in a poor state, it was a secluded and segregated slot with a lack of seating provided and where there was evidence of some misuse. He added that the width of walkway here presented a great opportunity to add to and improve this area of river walkway.

Mr Hart went on to state that the applicant had been working closely with the City Corporation's Open Spaces team and intended to retain a lot of the greenery in the existing location. In addition, seating would be incorporated and most of this would be river facing. Members were informed that the pavilion itself would be set back allowing for a more open and free flowing space.

Mr Hart invited comments and questions from the Committee.



A Member stated that, whilst he was content with the proposals regarding the pavilion, he was concerned about how the external seating area here would be properly managed so that dining furniture was not taken on to the public walkway. Mr Hart responded by stating that a row of timber posts/bollards in front of the seating area would clearly mark out public seating and restaurant furniture.

A Member questioned whether the addition of these bollards might restrict access for the emergency services. Mr Hart assured the Member that this was not the case. He commented that emergency vehicles were already unable to access this area of river walkway but assured Members of the arrangements in place.

A Member questioned why the external seating area could not be managed by way of a tables and chairs licence which would not necessitate the 'handing over' of an area of public walkway in this manner. Mr Hart stated that this was an important location and highlighted that anyone operating here was almost certain to want some external space to manage. The Transport Planning Manager responded that the nature of the external, private seating required for dining only was very different to a café style approach where tables and chairs licenses operated quite successfully. The granting of a tables and chairs licence here would mean that the seating becomes a public amenity whereas the restaurant required exclusive use of the furniture on the City walkway. He added that it was also not possible to operate a table and chairs licence on private land and that the use of the proposed timber bollards was therefore felt to be more appropriate.

A Member commented favourably on the proposals but questioned ownership of 10 Lower Thames Street, plans for the future of this building and whether or not these might be disruptive to the erection of a pavilion. Mr Hart clarified that the pavilion would be a timber structure and would not therefore affect any future development of the building. He clarified that he was not aware of any plans for the building at present and that the current owners held a 2,000-year lease over the Wharf.

A Member sought clarification around what appeared to represent a permanent change and loss of control of walkway for commercial use. He agreed that the proposals for the area would enhance it but expressed concern over a loss of control in terms of the management of the area which would then fall to landowners. Mr Hart referred once more to the fact that this was a very generous part of the riverside walkway which was currently not in use. He reiterated that these proposals would alter that. The Comptroller and City Solicitor confirmed that City walkways were not public but granted public rights of access only.

A Member, also currently serving as Chairman of the Licensing Committee, stated that he felt that it was likely that this matter would also, in time, be the subject of a licensing hearing given the location and concerns raised. He added that there were many conditions that could be placed upon a licence to address specific concerns around outside drinking such as the serving of alcohol up to a

particular time or only whilst patrons were seated/eating. He therefore encouraged the applicant to engage with the relevant officers as soon as possible on this matter.

A Member commented that planning consent had been granted for a café/restaurant/bar but that she could not find reference in the brief to the request for extra external space for tables and chairs. She went on to question why this could not be amalgamated on the roof of the building. Mr Hart confirmed that, at one stage, plans had incorporated a balcony on the upper level for this purpose, but it was felt, after discussions with planning officers, that this would dominate the space and was therefore not appropriate. He reminded Members that the area of walkway requested for this purpose was 2.4m only and concurred that, whilst the official description ought to have made proper reference to the external tables and chairs required, planning permission had been granted on this.

A Member commented that the proposals, which were within his Ward, seemed very encouraging in terms of the vibrancy they could bring to the location. He added that, should these proposals be approved today, the matter would then be considered by the Corporate Asset Sub Committee.

Members proceeded to vote on the recommendation before them and votes were cast as follows:

- IN FAVOUR – 25 Votes
- OPPOSED – 2 Votes
- ABSTENTIONS - None

**RESOLVED** – That, the Committee resolve to vary the resolution of the Court of Common Council made on 25 April 1991 by making a resolution in the form appended to this report as Appendices 2A and 2B and delegate to the Transport Planning Manager authority to insert into the resolution an appropriate date for the coming into force of the variation.

**10. CITY FUND HIGHWAY DECLARATION - 43 GOLDEN LANE, EC1**

The Committee considered a report of the City Surveyor seeking approval to declare a volume of land and airspace totalling 81 square foot (7.5 square metres) of City Fund Highway land at Golden Lane, EC1 to be surplus to highway requirements to allow its disposal to provide 99 residential dwellings at 43 Golden Lane, EC1.

*The Chair withdrew from the meeting whilst this item was considered. It was moved and unanimously seconded that past Chairman Barbara Newman take the chair for this item.*

The City Surveyor opened by clarifying that the works received full planning permission from this Committee in 2017 as opposed to under delegated powers as suggested within the report.

A Member tabled an email which she had also sent to the Committee electronically outlining her concerns around these proposals. She drew Members' attention to Appendix 2 and 3 of the report which did not show a large lime tree situated on the site in question. She added that the space overlapped by the tree fell within the area that the Committee were now being asked to declare surplus. The Member highlighted that the Chief Planning Officer and Development Director had assured her that the tree would be protected during the construction phase of the development, but no such assurances were made thereafter.

The Member continued by stating that the tree in question was a large, mature tree and, apart from providing visual amenity, it also served the important role of reducing air pollution and cleaning the air in a residential area with schools situated directly opposite. It was therefore plainly not 'surplus'.

Another Member agreed with the case made and noted that, whilst airspace was ordinarily uncontroversial, in this case the space in question was occupied by a large, mature tree. He went on to state that the development in question had no public benefit and had been sold to a developer to develop a number of luxury flats and sought assurances that, if the land/airspace were to be declared surplus, the tree would still remain.

A Member stated that the Committee needed to be clear in terms of the decision they were being asked to make – not a decision stating that the tree was surplus, but simply that it would require cutting back at high level. A second Member questioned whether this would also involve an ongoing requirement to keep the trees branches out of the airspace in question.

The City Surveyor confirmed that there were no plans to remove the tree in question. This was a question of clarifying ownership of the airspace and was brought to Officers attention by the developer towards the end of 2018. There was no change to the approved plans. He added that something could be added to the airspace lease stipulating that access for the purpose of maintaining the tree was to continue.

A Member questioned the pocket park which featured in the original application. The Chief Planning Officer and Development Director confirmed that this would not be impacted by these proposals.

Another Member questioned whether a condition could be added stating that the health of the tree was not to be compromised. The City Surveyor reiterated that he would seek to insert a suitable clause within the lease around the tree's health/ongoing access.

A Member questioned whether, in light of the concerns expressed, it would be possible to place a tree protection order (TPO) on the tree. The Chief Planning Officer stated that she believed that this would have to be advertised and notice served on the owner (in this case the City Corporation). Typically, the organisation did not serve TPO's on itself but that she would look to initiate this as a separate process if that was the wish of Members.

Members questioned the current height of the tree. The City Surveyor reported that, at present, the second-floor balconies of the development protruded out into the tree's branches. This was as per the original plans. A Member noted that, at present, the tree reached up to the fifth floor of the development and questioned whether it would therefore be cut out in the outline of the second floor balconies or cut down to below the second floor and how this might affect the tree's stability.

A Member agreed that whilst the health of the tree was important this was something that could be discussed with the developer and adequately conditioned. It should not, therefore, affect the decision to be taken today regarding surplus land/airspace. Another Member supported this point and noted that the tree had already been trimmed back. He suggested that Members therefore agree to this very small area being declared surplus whilst noting that the tree itself would remain on the highway which would ultimately remain under the ownership of the City Corporation. He also noted that the balconies on the development were stepped and not situated one above the other.

The Committee proceeded to vote on the proposal before them. Votes were cast as follows:

- IN FAVOUR – 16 Votes
- OPPOSED – 7 Votes
- ABSTENTIONS – 3

**RESOLVED** – That Members declare a volume of City Fund highway land measuring a total of 81 square foot (17.5 square meters) situated in Golden Lane, EC1 to be surplus to highway requirements to enable its disposal upon terms to be approved by the Corporate Asset Sub Committee and subject to the City Corporation retaining ownership of the highway and the continuing highway functions.

#### 11. **CITY OF LONDON HOUSING DELIVERY TEST ACTION PLAN**

The Chair re-joined the meeting at this point.

The Committee considered a report of the Director of the Built Environment detailing the City of London Housing Delivery Test action plan.

The Policy & Performance Director reported that, as the City of London had not met the housing delivery requirements set out within the first set of Government Housing Delivery Test figures, the organisation was required to produce an action plan setting out how it will improve new housing delivery to meet targets and apply a 20% buffer to its 5 year housing land requirement to provide greater flexibility to developers in bringing housing sites forward. He went on to clarify that, at present - no further action was required in addition to implementing our Local Plan policies, as projections showed that sufficient new

housing would be constructed consistent with those policies to meet housing delivery targets up until 2022.

In response to questions, the Policy & Performance Director clarified that this was a national approach to housing delivery and that there were no exceptions made for local circumstances.

**RESOLVED** – That, Members approve publication of the City of London Housing Delivery Test Action Plan, attached at Appendix 1.

**12. CITY OF LONDON TRANSPORT STRATEGY DELIVERY PLAN 2019/20 TO 2021/22**

The Committee received a report of the Director of the Built Environment covering the draft Transport Strategy 3-year Delivery Plan 2019/20 – 2021/22.

The Strategic Transportation Officer indicated that a separate report focusing on Section 106 allocations would be submitted to the next meeting of the Streets and Walkways Sub Committee and then to this Committee. A final delivery plan would then also be brought back to this Committee at the conclusion of the Fundamental Review and reviewed by Members annually thereafter.

The Chair underlined that the delivery of the transport strategy was a political priority for he and the Deputy Chairman to pursue. He added that it was clear that action could be taken on some issues now and some projects delivered by the end of the year, whereas other issues had been paused pending the outcome of the Fundamental Review which was set to conclude in the Autumn. He underlined that the organisation was very much leading the way with this transport strategy and it would also have wider effects beyond the City.

A Member made reference to the Riverside Walkway Project and underlined that what was needed here was completion of the project. The Group Manager Strategic Transportation reported that it was made clear throughout the strategy itself that the aim was to achieve the completion of the Riverside Walkway.

A Member expressed concern around the Fundamental Review which, in his opinion, would not only hold up many large Capital Project proposals but would also risk vital work like this becoming stalled or unnecessarily slowed down. He was of the view that the strategy should be pursued as soon as possible. He encouraged all Members of the Committee to also push this corporately. He concluded by stating that he personally considered that there were too many large Capital Projects being pursued and that this was at the cost of vital public services such as St Paul's Gyrotory which was currently on hold awaiting the outcome of the fundamental review.

A second Member agreed with this point and stated that he hoped that the pause around the Fundamental Review was just that and not a long delay.

A Member congratulated Officers on this report but underlined the need for Capital Projects to be properly developed and not in siloes. He referred once

more to the Museum of London project as an example and reiterated the need to integrate work here in terms of public realm and, in this case, work alongside the London Borough of Islington. The Director of the Built Environment undertook to respond to Members in full on this matter but assured the Committee that work here was being undertaken alongside Islington on the borough boundary.

The Chair stated that he was surprised to see that some of the end dates were relatively close.

A Member referred to the budget stated in relation to the Smithfield Area Public Realm and Transport Measures and also commented that the end date stated seemed to be too late.

The Group Manager Strategic Transportation stated that, in some cases, there were elements of a project that could be brought forward and delivered in phases within the delivery times stated. Finsbury Circus was a working example of such an approach. He added that some timescales were ambitious and were based on Member feedback. He recognised that these may need to change as work progressed. Having said that, there was widespread support for the Transport Strategy including from TfL who were willing to try and accelerate any elements of projects that they could to help deliver it.

The Chair highlighted that an update on various Capital Projects would be brought to the Committee at the conclusion of the Fundamental Review. A Member questioned whether the Committee would be presented with competing projects to prioritise as an outcome of the Fundamental Review. The Director of the Built Environment clarified that it was her understanding that some projects, including All Change at Bank, met the criteria to continue whilst the Fundamental Review progressed. Thereafter, it was thought that it would be for the Resource Allocation Sub Committee to prioritise projects corporately. Any grand Committee oversight of this process was still to be clarified. Members were of the view that it would be preferable to present Committees with choices as opposed to recommendations going forward. A Member also stated that the consequences of any projects that were to be potentially halted as a result of the Fundamental Review were widely known given that many could have a ripple effect.

The Chair stated that he was fully aligned with the principles of the Fundamental Review and that the outcome of this process should be awaited before this Committee then decided on any response to that.

Members questioned whether it would be appropriate for the Chair of this Committee to attend this weekend's Resource Allocation Sub Committee Awayday where the first information on the Fundamental Review would be shared with Members and asked that he pursue this further with the Town Clerk.

**RESOLVED** – That, Members note the draft Transport Strategy Delivery Plan 2019/20-2021-22 (Appendix 1).

**13. DISTRICT SURVEYORS ANNUAL REPORT 2018/19**

The Committee received a report of the Director of the Built Environment updating Members on the workings of the District Surveyor's office which reports to it for the purposes of building control, engineering services for the City's major infrastructure and to provide resilience to buildings and businesses within the square mile that may be affected by environmental hazards.

The District Surveyor & Environmental Resilience Director reported that financial statements for the year were due to be issued shortly and would show an increase in income for the year which was to be applauded in a very competitive market in which many were still choosing to use the District Surveyor's Office for works in the City.

He highlighted that, whilst 2016 had seen a pause in construction in the City, numbers had risen consistently since this time. He assured Members that the Building Control Team was currently fully staffed.

Members were informed that, following the Grenfell tragedy, much work had been done and would continue to be done around Building Regulations and Fire Safety.

A Member questioned the introduction, for the first time this year, of a Building Control Apprentice. The District Surveyor & Environmental Resilience Director reported that Local Authority Building Control (LABC) had set up a new Building Control degree qualification and that the City Corporation had secured a slot on the course. At least 3 A-Levels were required of applicants who were also required to sit a University entrance interview.

A Member questioned whether those who chose not to use the District Surveyor's Office did so because other private firms sought to undercut them. She also questioned how often, in these cases, the District Surveyor's Office were called upon to later unravel any difficulties.

The same Member also referred to the ongoing training and development being offered to staff and commended the division on this.

A Member questioned whether data on market share, the costs of running the service and fee income was available. The District Surveyor & Environmental Resilience Director reported that the cost of running the service would be published within the trading statement which he was happy to share with the Member. He clarified that the building regulation side of the work had to be cost neutral over 3-5-year period and was regularly monitored by the Chamberlain to ensure that this was the case.

A Member questioned whether feedback was sought in cases where the division bid for work unsuccessfully and whether such feedback revealed that this was attributable to fees only and, if so, what could be done about this in terms of overheads and the like. The District Surveyor & Environmental Resilience Director reported that fees were predominantly not an issue and that

those choosing not to use the services of the District Surveyor tended to be outlets such as Costa Coffee or Starbucks who tended to work with one contractor nationally.

**RESOLVED** – That, Members note the report as information.

14. **PARK STREET BRIDGE WATERPROOFING - GATEWAY 6 - OUTCOME REPORT**

The Committee considered a Gateway 6 outcome report of the Director of the Built Environment on Park Street Bridge waterproofing.

A Member questioned why work on this project, originally initiated on 2007, had not commenced until 11 years later. Another Member highlighted that the report referred to water main leakage that had delayed the commencement of the works alongside protracted discussions with Thames Water on these. The Member went on to question whether this remained a problem.

The Assistant Director, Engineering reported that Thames Water had now made some repairs and that preparations for the next phase were commencing imminently after the City Corporation had managed to identify the leak for them.

A Member questioned the consequences of delaying the second phase of the works by 2 years. The Assistant Director, Engineering assured Members that the design and the tendering of the works were progressing so that costs could be fixed at this stage and minimise any risk in that respect. Work would then commence as soon as practicably possible.

**RESOLVED** – That, Members approve the content of this Outcome Report and approve that the project be closed, subject to successful verification of the final account by the Chamberlain's Financial Services Division.

15. **AIR QUALITY STRATEGY 2019 - 2024**

The Committee received a report of the Director of Markets and Consumer Protection setting out the City Corporation's Air Quality Strategy 2019 – 2024.

The Air Quality Manager highlighted that the Strategy was overseen by the Port Health and Environmental Services Committee and had been out to consultation for a period of eight weeks from March 2019.

The Strategy had been well received with the GLA, who oversee the organisation's work in this area, stating that they felt it was an excellent, ambitious plan which demonstrated leadership. It was also stated that some of the work being undertaken here, including work taking place as part of the planning process, went above and beyond minimum requirements.

In response to questions, the Air Quality Manager reported that Officers across the organisation had always worked very closely in terms of minimising any impact on local air quality and would continue to do so.



**RESOLVED** – That Members of the Planning and Transportation Committee note the content of the Air Quality Strategy 2019-2024 and continue to provide support for improving air quality and reducing the impact of poor air quality on public health.

16. **EMISSIONS REDUCTION BILL UPDATE**

The Committee received a joint report of the Director of Markets and Consumer Protection and the Remembrancer providing an update on action taken since the approval given by the Port Health and Environmental Services and the Policy and Resources Committee to develop a Private Members bill to deal with emissions from combustion plant.

The Air Quality Manager reported that it was hoped that the proposals were such that they could be adopted by any London local authority. It was hoped that the Bill could be introduced in the next parliamentary session in September 2019.

A Member congratulated Officers on this piece of work but questioned whether the Air Quality Manager was content with the language used around this within the draft City Plan. The Air Quality Manager stated that she was pleased with the way that the draft City Plan was being developed on this point and also with the way that the London Plan addressed the matter.

Another Member echoed the congratulations offered to Officer but went on to question whether it demonstrated a lack of ambition to state that the limits imposed in respect of gas boilers, solid fuel burners and combined cooling heat & power plants would not affect existing installations. He pressed Officers as to why this was the case. The Air Quality Manager reported that this issue had been discussed at length with the Remembrancer who had cautioned that Officers should look to give the Bill as much opportunity as possible to be discussed and not risk it being pushed out on this one issue. She undertook to seek further feedback and clarification on this point.

The Chair agreed with the point made and asked that this Committee's views on the matter be fed back to the Port Health and Environmental Services Committee underlining that they were of the view that aspirations here should be higher. He also questioned what powers the City Corporation might have to deal with the matter if the organisation were looking to lead the way on this.

Another Member referred to proposals to increase fines from £40 to £150 for unnecessary vehicle engine idling and underlined that the problem here at present was around a lack of enforcement. He questioned who was to lay these on the spot increased fines going forward. The Air Quality Manager reported that the issue of fines and enforcement were to be the subject of consultation by the Department of Transport over the Summer and it was hoped that this would result in some improvement here.

*At this point, the 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 referred to diesel cars/taxis and questioned whether any mechanism requiring their maintenance might also be introduced.

**RESOLVED** – That Members note this report.

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

**Barbican and Golden Lane Conservation Area**

A Member stated that he had recently questioned when Members could expect to see the Management Strategy Supplementation Planning Document for the Barbican and Golden Lane Conservation Area, which was registered on 31 October 2018. He reported that he had been advised that this had been delayed due to resource constraint and expressed his disappointment at this which, in his view, should be regarded as a priority.

The Chief Planning Officer and Development Director agreed that the current position was regrettable and undertook to look at how this matter might be advanced.

**London City Airport Masterplan Consultation**

A Member referred to London City Airport plans to expand from 75,000 to 151,000 aircraft flights a year by 2035. He reported that their Masterplan was currently out for consultation until 20 September 2019 and questioned whether the City Corporation was planning to respond on this and, if so, whether Members could see a draft of the response before it was sent.

The Policy & Performance Director reported that a response would be co-ordinated by the deadline and that this would be considered by the appropriate Committees which would depend on the nature of the response but would probably include Port Health and Environmental Services. He also undertook to keep the Member informed of progress on this.

**Ludgate Circus – RTA**

A Member referred to a road traffic accident at Ludgate Circus that had taken place just yesterday, the details of which were communicated by another elected Member. He asked for further details on the incident.

The Transportation and Public Realm Director confirmed that a small van had lost control and run into a signal pole at the junction and that Officers had requested further details around this. He added that he believed that no one had been hurt as a result of the incident but that this highlighted the many problems with this dangerous junction. He undertook to keep the Committee informed of any further details once these were available.

Another Member questioned when TfL improvement works were due to commence here. The Transportation and Public Realm Director reported that a meeting to discuss progress on this was set to take place next week and that he currently had no reason to believe that the works would not go ahead according to plan.

### **Millennium Inclinor**

A Member reported that the Millennium Inclinor had, once again, been out of service since this Committee had last met and requested further information on this latest outage.

The Chair clarified that a public lift report as well as an update on the Millennium Inclinor would be brought to the next meeting of this Committee on 30 July 2019.

### **Ocean Diva**

A Member questioned whether Officers were able to update further on proposals around the Ocean Diva.

The Chief Planning Officer and Development Director reported that the additional information requested from the applicant of Swan Lane Pier around the Ocean Diva had not been received to date.

The Member requested that Officers now proactively chase this information on what he felt was a major issue coming forward.

### **Coopers Row and Pepys Street junction**

A Member referred to two-way cycling at this unclear, undefined junction. She also questioned traffic speeds here and asked that Officers consider what steps could be taken to improve visibility and slow traffic here.

Officers undertook to respond to the Member directly on these points.

### **Conservation Area Advisory Committee for the City of London (CAAC)**

A Member referred to an email that all Members of the Planning and Transportation Committee had recently received from the Chairman of the CAAC expressing concern at the fact that he believed that the City Corporation would no longer be supporting the work of this Committee. The Member questioned whether this was the case.

The Chief Planning Officer and Development Director underlined that this was not directly related to the Fundamental Review and had been raised as a result of staffing/resources issues. The Chair added that the City Corporation very much valued the outputs from this Committee but that, equally, there was a balance to be struck here in terms of resources.

Another Member stated that he had been made aware of this last month and was disappointed to note the current situation. He added that the CAAC met each month and was of enormous value. The Chair underlined that this Committee fully valued the work of the CAAC.

The Director of the Built Environment reported that the Chairman of CAAC had also written directly to her and the Chief Planning Officer and Development Director on this matter and that they were set to respond clarifying that there

was no intention at this stage to withdraw any resources from the CAAC. The Director undertook to share the response with Members.

**Construction noise/disturbance**

A Member referred to the many construction sites within her Ward that were causing noise/disturbance issues by way of things such as alarms being set off on site or works commencing too early. She asked if officers could look at how this matter might be improved and more effectively controlled and questioned whether any restrictions could be placed on construction when applications were first approved/granted consent.

The Chair reiterated that Members had also requested, at the last meeting of this Committee, that Officers consider what powers, if any, might be used with regard to construction time periods and how construction in any given area might 'dovetail'.

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

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

**19. 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.

**20. NON-PUBLIC MINUTES**

The Committee considered and approved the non-public minutes of the meeting held on 18 June 2019.

**21. NON-PUBLIC MINUTES OF THE STREETS AND WALKWAYS SUB COMMITTEE**

The Committee received the draft non-public minutes of the Streets and Walkways Sub Committee meeting held on 28 May 2019.

**22. BRIDGE HOUSE ESTATES STRATEGIC REVIEW - UPDATE TWO**

The Committee received a report of the Town Clerk & Chief Executive providing Members with an update of the work that has been undertaken as part of the Bridge House Estates (BHE) strategic governance review since the last report to Members in December 2018.

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

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

**24. 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 12.57 pm**

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Chairman

**Contact Officer: Gemma Stokley**  
**tel. no.: 020 7332 3414**  
**[gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)**

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## **PLANNING AND TRANSPORTATION COMMITTEE – OUTSTANDING ACTIONS**

<b>Item</b>	<b>Date</b>	<b>Action</b>	<b>Officer responsible</b>	<b>To be completed/ progressed to next stage</b>	<b>Progress Update</b>
1	18 March 2019 2 April 2019 30 April 2019 24 May 2019 18 June 2019 9 July 2019	<b>Daylight/Sunlight – Alternative Guidelines</b> A Member argued that the Committee should separate out the desire for Member training and the desire for alternative guidelines on daylight/sunlight, and requested that a report be brought to Committee setting out how the City of London Corporation would go about creating alternative guidelines, including timescales, and the legal implications.	Annie Hampson	30 July 2019	UPDATE: The Chief Planning Officer and Development Director reported that this would now be the subject of a report to the 30 July 2019 meeting of this Committee, given that training had taken place ahead of the June 2019 meeting.
2	18 June 2019 9 July 2019	<b>Construction Works</b> A Member referred to the many construction sites within her Ward that were causing noise/disturbance issues. She asked if officers could look at how this matter might be improved and more effectively controlled and questioned whether any	Annie Hampson	Autumn 2019	

		<p>restrictions could be placed on construction when applications were first approved/granted consent.</p> <p>The Chair reiterated that Members had also requested, at the last meeting of this Committee, that Officers consider what powers, if any, might be used with regard to construction time periods and how construction in any given area might 'dovetail'.</p>			
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<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation	<b>30/07/2019</b>
<b>Subject:</b> Delegated decisions of the Chief Planning Officer and Development Director	<b>Public</b>
<b>Report of:</b> Chief Planning Officer and Development Director	<b>For Information</b>

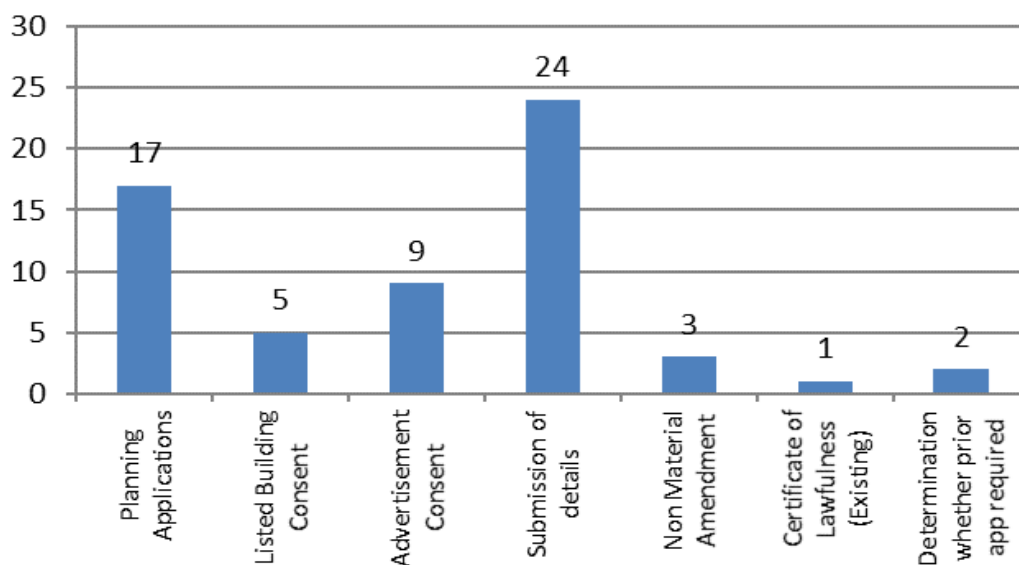
## Summary

Pursuant to the instructions of your Committee, I attach for your information a list detailing development and advertisement applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since my report to the last meeting.

In the time since the last report to Planning & Transportation Committee Sixty-One (61) matters have been dealt with under delegated powers.

Twenty-four (24) relate to conditions of previously approved schemes .Five (5) relate to works to Listed Buildings. Two (2) Determination whether prior app required applications were both refused .Three (3) applications for Non-Material Amendments and Nine (9) applications for Advertisement Consent which One (1) was refused. Seventeen (17) full applications which One (1) was refused, including Two (2) Change of Use and 22sq.m floorspace created.

**Breakdown of applications dealt with under delegated powers**



Any questions of detail arising from these reports can be sent to [plans@cityoflondon.gov.uk](mailto:plans@cityoflondon.gov.uk).

### Details of Decisions

<b>Registered Plan Number &amp; Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision &amp; Date of Decision</b>	<b>Applicant/ Agent</b>
19/00066/FULL Aldgate	65 Fenchurch Street London EC3M 4BE	Installation of a new entrance on the eastern elevation.	Approved 09.07.2019	Lenti International Investment Ltd
19/00067/ADVT Aldgate	65 Fenchurch Street London EC3M 4BE	Installation and display of; one externally illuminated fascia sign measuring 0.3m high by 2.5m wide located at a height of 2.9m above ground floor level; ii) one externally illuminated roundel projecting sign measuring 0.4m located at a height of 2.9m above ground floor level.	Approved 09.07.2019	Lenti International Investment Ltd
19/00068/ADVT Aldgate	65 Fenchurch Street London EC3M 4BE	Installation and display of one internally illuminated fascia sign measuring 4.3m high by 0.3m wide located at a height of 10.65m above ground floor level.	Refused 09.07.2019	Lenti International Investment Ltd
19/00520/CLEUD Aldgate	Site Bounded By 19-21 & 22 Billiter Street, 49 Leadenhall Street, 108 & 109-114 Fenchurch Street, 6-8 & 9-13 Fenchurch Buildings London EC3	Certificate of lawful existing use or development to determine whether the works of demolition so far carried out constitute the lawful implementation of planning permission (application no. 13/01004/FULEIA) dated 29th May 2014.	Grant Certificate of Lawful Development 04.07.2019	Vanquish Properties (UK) Limited Partnership

19/00525/ADVT Aldgate	Retail Unit 115 Houndsditch London EC3A 7BR	Installation and display of: (i) two internally illuminated fascia signs each measuring 0.98m high by 1.13m wide at 2.32m above ground floor level and (ii) two non-illuminated projecting signs measuring 0.7m high by 0.7m wide at 2.62m above ground floor level.	Approved 27.06.2019	Black Sheep Coffee
19/00632/MDC Aldgate	11 - 12 Bury Street London EC3A 5AT	Details of a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects pursuant to condition 2 of planning permission 19/00217/FULL dated 23/5/2019.	Approved 11.07.2019	Textel Holdings Limited
19/00539/ADVT Broad Street	8 Angel Court London EC2R 7HP	Installation and display of i) one internally illuminated fascia sign measuring 0.12m high by 1.59m wide at a height above ground of 2.76m and ii) two internally illuminated building numbers measuring 0.48m high by 0.27m wide at a height above ground of 2.76m.	Approved 09.07.2019	Sun Life Assurance Company of Canada Ltd
19/00580/FULL Broad Street	60 London Wall London EC2M 5TQ	Application under S73 of the Town and Country Planning Act 1990 (as amended) to remove condition 40 of planning permission dated 27.04.17 (16/00776/FULMAJ).	Approved 27.06.2019	Lesalle Investment Mangement

19/00614/MDC Bridge And Bridge Without	London Bridge London EC4R 9AN	Details of any additional measures that would be required to mitigate the potential for glare and light spillage pursuant to condition 4 and notification of the completion of the interim lighting scheme pursuant to condition 6 of planning permission dated 7th September 2018 (18/00451/FULEIA).	Approved 09.07.2019	Illuminated River Foundation
19/00180/NMA Bishopsgate	100 Bishopsgate London EC2N 4AG	Application under Section 96A to make a non - material amendment to application 12/00129/FULL, to incorporate all drawings approved by way of: conditions approvals, S96A approvals, or amended owing to non-material internal and external alterations which have occurred during construction into Condition 42.	Approved 11.07.2019	100 Bishopsgate Partnership
19/00418/MDC Bishopsgate	100 Liverpool Street & 8-12 Broadgate London EC2M 2RH	Details of the provision within the facades for the inclusion of street lighting pursuant to condition 23 (i) of planning permission 17/00276/FULL dated 5 June 2017.	Approved 27.06.2019	Bluebutton Properties UK Ltd
19/00526/ADVT Bishopsgate	19 - 33 Liverpool Street London EC2M 7PD	Installation and display of i) one non-illuminated hoarding advertisement measuring 2.44m high by 18.38m wide; ii) one non-illuminated hoarding advertisement measuring 2.44m high by 26m wide; iii) one non-illuminated hoarding advertisement measuring 2.44m high by 8.67m and iv) one non-	Approved 09.07.2019	Bluebutton Properties UK Ltd

		illuminated hoarding advertisement measuring 2.44m high by 35.6m wide associated with the development.		
19/00562/NMA Bishopsgate	1 Finsbury Avenue London EC2M 2PF	Non-material amendment to planning permission 17/00831/FULL dated 21 September 2017 to enable (i) the use of part of basement level 2 for a flexible use of either Class A1, A2, A3 or A4 (53sq.m); and (ii) the reconfiguration of the layout of the approved Class D2 use at basement level 2.	Approved 04.07.2019	Bluebutton Properties UK Ltd
19/00367/FULL Bread Street	St Nicholas Cole Abbey 114 Queen Victoria Street London EC4V 4BJ	The installation of one GPS antenna and associated development.	Approved 25.06.2019	Cornerstone
19/00442/MDC Bread Street	St Paul's Cathedral School 2 New Change London EC4M 9AD	Submission of a Construction and Environmental Management Plan, Construction/Deconstruction Logistics Plan and a Desk Study and Ground Investigation Report pursuant to conditions 3 (scheme of protective works), 4 (demolition logistics plan), 8 (contaminated land), 9 (construction logistics plan) and 10 (traffic arrangements) of planning permission 16/00850/FULL.	Approved 11.07.2019	Mr Martin Kiddle

19/00447/FULL Bread Street	St Paul's Cathedral School 2 New Change London EC4M 9AD	Installation of an air conditioning unit to the roof of the entrance reception.	Approved 11.07.2019	Mr Martin Kiddle
19/00448/LBC Bread Street	St Paul's Cathedral School 2 New Change London EC4M 9AD	Installation of an air conditioning unit to the roof of the entrance reception.	Approved 11.07.2019	Mr Martin Kiddle
19/00591/MDC Bread Street	St Paul's Cathedral School 2 New Change London EC4M 9AD	Particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces pursuant to condition 11a (in part) of planning permission 16/00850/FULL and condition 3a (in part) listed building consent 16/00851/LBC.	Approved 04.07.2019	Mr Martin Kiddle
19/00624/MDC Bread Street	St Paul's Cathedral School 2 New Change London EC4M 9AD	Submission of details of a standing building survey, a programme of archaeological work and foundation design and piling configuration pursuant to conditions 5, 6 and 7 of planning permission dated 8 December 2016 (application number 16/00850/FULL) and details of a Standing Building Survey pursuant to condition 2 of the Listed Building Consent dated 8 December 2106 (application number 16/00851/LBC).	Approved 11.07.2019	Mr Martin Kiddle

18/01208/MDC Billingsgate	10 Lower Thames Street London EC3R 6EN	Submission of details of materials, pursuant to condition 3 of planning permission 18/00380/FULL dated 28.06.2018	Approved  11.07.2019	The Gym Group Ltd
19/00469/MDC Billingsgate	10 Lower Thames Street London EC3R 6EN	Details of a scheme for protecting nearby residents and commercial occupiers during construction pursuant to condition 6 of planning permission dated 19th February 2019 (ref: 18/01105/FULL)	Approved  09.07.2019	Northern & Shell
19/00509/MDC Billingsgate	10 Lower Thames Street London EC3R 6EN	Details of investigation of site contamination pursuant to condition 4 of planning permission 18/01105/FULL dated 19.02.2019	Approved  09.07.2019	Northern & Shell
19/00172/ADVT Castle Baynard	10 Godliman Street London EC4V 5AJ	Installation and display of four sets of internally illuminated individual lettering measuring 0.25m high by 6.25m located at a height of 5.2m above ground floor level (2 sets on the Godliman Street elevation, 1 set on the Carter Lane elevation and 1 set on the New Bell Yard elevation)	Approved  27.06.2019	Queensgate GEM LLH SPV 2 Limited
19/00219/MDC Castle Baynard	St Paul's Cathedral St Paul's Churchyard London EC4M 8AD	Submission of the following details pursuant to condition 2 (a), (b), (c) in part, (d), (e), (g), (h), (j), (k), condition 3 and condition 4 of planning permission 17/00790/FULL dated 14.11.17: method statement for the temporary dismantling of the north-west	Approved  27.06.2019	Mrs Emma Davies

		<p>Churchyard gates and railings and storage details.</p> <p>method statement for the reinstatement of the north-west Churchyard gates and railings.</p> <p>details of the temporary removal and storage in the Churchyard, of the 'People of London' memorial.</p> <p>details of all new landscaping, including levels, planting areas, paving materials and reuse of paving.</p> <p>details of alterations to the medieval well including new capping.</p> <p>details of new fixing to support the new ramp and stair structure.</p> <p>details of the proposed infill grille and paving at the junction of the Cathedral and the new ramp and stair structure.</p> <p>details of new bench seating at the base of the new ramp and stair structure.</p> <p>details of new balustrade, handrail and lighting</p> <p>details of paving to the proposed steps and ramp including materials and access.</p> <p>archaeological "watching brief" to monitor development</p> <p>groundworks and to record any archaeological evidence revealed.</p> <p>details of the extent of pruning and all other works to trees in the Churchyard.</p> <p>Submission of the</p>		
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		<p>following details pursuant to condition 4 (a) and (b) of Listed Building Consent 17/00791/LBC dated 14.11.17:</p> <p>method statement for the temporary dismantling of the north-west Churchyard gates and railings and storage details.</p> <p>method statement for the reinstatement of the north-west Churchyard gates and railings.</p>		
19/00227/FULL Castle Baynard	14 New Bridge Street London EC4V 6AG	Alterations at roof level comprising: the formation of a new access enclosure and lift overrun, formation of a new terrace, refurbishment of existing cupola, replacement of part of the roof with a retractable roof and the installation of new rooflights.	Approved 27.06.2019	Left City Limited
19/00228/LBC Castle Baynard	14 New Bridge Street London EC4V 6AG	Internal and external alterations comprising the formation of a new access enclosure and lift overrun (with an associated lift shaft), formation of a new roof terrace, refurbishment of existing cupola, installation of new roof lights and associated internal alterations.	Approved 27.06.2019	Left City Limited
19/00263/FULL Castle Baynard	Millennium Sundial Paul's Walk London EC4	Installation of an artwork fixed over the river wall for a temporary period of 6 months	Approved 27.06.2019	Mr Wolfgang Buttress

19/00386/MDC Castle Baynard	St Paul's Cathedral St Paul's Churchyard London EC4M 8AD	Details submitted pursuant to the following conditions of planning permission 18/01116/FULL: Details of a scheme of work for the reinstatement of the land (condition 1). details of the reinstatement of the stonework, including a method statement, to the west gateway to the South Transept (condition2)	Approved 09.07.2019	Registrar, St Paul's Cathedral
19/00480/LBC Castle Baynard	College of Arms 130 Queen Victoria Street London EC4V 4BT	Proposed repairs and alterations to the East Drive elevation and driveway	Approved 27.06.2019	College of Arms
19/00563/FULL Castle Baynard	College of Arms 130 Queen Victoria Street London EC4V 4BT	Proposed repairs and alterations to the East Drive elevation and driveway	Approved 27.06.2019	College of Arms
18/01322/MDC Cripplegate	Former Bernard Morgan House 43 Golden Lane London EC1Y 0RS	Details of the materials to be used on all external faces of the building pursuant to condition 18(a) (in part) of planning permission dated 30th August 2017 (planning reference 16/00590/FULL).	Approved 02.07.2019	Taylor Wimpey UK Limited
18/01323/MDC Cripplegate	Former Bernard Morgan House 43 Golden Lane London EC1Y 0RS	Details of a typical detail of a balcony bay, a Juliet window bay, a bay which returns on two elevations, and a roof level bay pursuant to condition 18(b) of planning permission dated 30th August 2017 (planning reference 16/00590/FULL).	Approved 02.07.2019	Taylor Wimpey UK Limited

18/01329/MDC Cripplegate	Former Bernard Morgan House 43 Golden Lane London EC1Y 0RS	Details of the doors to the service area, substation and refuse store pursuant to condition 18(h) of planning permission dated 30th August 2017 (planning reference 16/00590/FULL).	Approved  02.07.2019	DP9 Limited
19/00274/MDC Cripplegate	Former Richard Cloudesley School Golden Lane Estate London EC1Y 0TZ	Details of the boiler and associated infrastructure to allow for future connection to any neighbouring heating and cooling network pursuant to condition 21 of planning permission dated 19th July 2018 (planning reference 17/00770/FULL).	Approved  02.07.2019	ISG
19/00369/MDC Cripplegate	Former Bernard Morgan House 43 Golden Lane London EC1	Sample panel photographs and details of external materials pursuant to condition 19 of planning permission dated 30th August 2017 (planning reference 16/00590/FULL).	Approved  02.07.2019	Taylor Wimpey UK Limited
19/00373/MDC Cripplegate	Former Bernard Morgan House 43 Golden Lane London EC1	Details of the treatment of glazing of the ground floor windows to ensure privacy pursuant to condition 18 (j) of planning permission dated 30th August 2017 (planning reference 16/00590/FULL).	Approved  02.07.2019	Taylor Wimpey UK Limited
19/00484/LBC Cornhill	Retail Unit 38 Threadneedle Street London EC2R 8AY	Internal alterations comprising removal of a modern bar, replacement of modern timber cladding at ground floor and mezzanine level with floor finishes.	Approved  25.06.2019	Piazza Italiana Ltd.

19/00354/FULL Cheap	Wax Chandlers Hall, Livery Hall Gresham Street London EC2V 7AD	Erection of an extension at fourth floor level (22sq.m); and the installation of plant at ground floor level within a lightwell at the rear.	Approved 25.06.2019	The Worshipful Company of Wax Chandlers
19/00531/FULL Cheap	1 St Martin's-le-Grand London EC1A 4AS	Installation of replacement entrance doors (including new revolving and pass doors) on the St Martin Le Grande elevation.	Approved 04.07.2019	HB Le Grand PTE, LTD
19/00057/FULL Dowgate	Cannon Bridge House 25 Dowgate Hill London EC4R 2YA	Upgrade of telecommunications equipment at roof level comprising the installation of twelve antennae and four transmission dishes mounted to a new tower, and associated ancillary development.	Refused 25.06.2019	EE Limited And Hutchinson 3G
19/00617/MDC Dowgate	Cannon Street Railway Bridge London EC4N 6AP	Details of any additional measures that would be required to mitigate the potential for glare and light spillage pursuant to condition 4 and notification of the completion of the interim lighting scheme pursuant to condition 6 of planning permission dated 7th September 2018 (18/00457/FULEIA).	Approved 09.07.2019	Illuminated River Foundation
18/01377/FULL Farringdon Within	69 Long Lane London EC1A 9EJ	Installation of a new timber shop front.	Approved 11.07.2019	Mr Cuma Balta
19/00527/MDC Farringdon Within	Fleet Building, 40 Shoe Lane, 70 Farringdon Street, Plumtree Court, 42 Shoe Lane,	Details of land between the existing building lines and the face of the proposed new building shall be brought up to street level, paved and	Approved 11.07.2019	Farringdon Street Partners Limited And Farringdon Street

	12 Plumtree Court And 57 Farringdon Street London, EC4A	drained pursuant to condition 27 of planning permission 12/00277/FULEIA dated 22 March 2013.		
19/00536/FULL Farringdon Within	Flat 9 & 10 23 Middle Street London EC1A 7AB	Conversion of the 4th floor rear flat roof space to a balcony, including addition of balcony railings, trellis screen and enlarging 8 of 9 windows at 4th floor level into balcony doors, in flats 9 and 10 on the front and rear elevations.	Approved 11.07.2019	Mr Richard Law
19/00542/DPAR Farringdon Within	81 Farringdon Street London EC4A 4BL	Application for determination under part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as to whether Prior Approval is required for the installation of a telephone kiosk.	Prior approval required & refused 12.07.2019	Infocus Public Networks Ltd
19/00543/DPAR Farringdon Within	Outside 26 - 30 Holborn Viaduct London EC1A 2AQ	Application for determination under part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as to whether Prior Approval is required for the installation of a telephone kiosk.	Prior approval required & refused 12.07.2019	Infocus Public Networks Ltd
19/00245/LBC Farringdon Without	Kings College Maughan Library Chancery Lane London WC2A 1LR	Installation of 8 secondary glazing units to the windows on the north elevation of the Library Reception room.	Approved 09.07.2019	King's College London

19/00260/FULL Farringdon Without	Kings College Maughan Library Chancery Lane London WC2A 1LR	Construction of a bin store, situated adjacent to the boundary wall at the rear entrance to the site.	Approved  27.06.2019	King's College London
19/00476/FULL Farringdon Without	Carpmael Building Middle Temple Lane London EC4Y 7AT	Change of use of part second floor from office use (Class B1) to a self- contained one bedroom apartment (Class C3) (70sq.m).	Approved  11.07.2019	The Honourable Society of The Middle Temple
19/00410/MDC Langbourn	120 Fenchurch Street London	Submission of details of telecommunications equipment pursuant to condition 29 of planning permission dated 14.02.2019 (ref: 18/00030/FULMAJ)	Approved  27.06.2019	Saxon Land BV
18/00864/MDC Lime Street	42 - 44 Bishopsgate London EC2N 4AH	Details of rainwater drainage from cladding system pursuant to Condition 2 of planning permission 17/00796/FULL dated 12.12.2017	Approved  11.07.2019	DP9 Limited
18/01030/MDC Lime Street	6-8 Bishopsgate & 150 Leadenhall Street London EC3V 4QT	Details of a scheme for the replacement of trees pursuant to condition 21 of planning permission (application no. 17/00447/FULEIA) dated 13th September 2018.	Approved  04.07.2019	DP9 Limited
19/00560/NMA Lime Street	6-8 Bishopsgate & 150 Leadenhall Street London EC3V 4QT	Non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) to planning permission 17/00447/EIA to amend the wording of Condition 21.	Approved  27.06.2019	MEC London Property (General Partner) Limited

19/00507/ADVT Portsoken	Duke of Somerset Public House 15 Little Somerset Street London E1 8AH	Installation and display of (i) one externally illuminated fascia sign measuring 0.34m high by 4.31m wide at a height above ground of 2.72m; (ii) one externally illuminated pole mounted sign measuring 1.36m high by 1m wide at a height above ground of 3.55m and (iii) one externally illuminated amenity board measuring 0.79m high by 1.3m high at a height above ground of 0.89m.	Approved 04.07.2019	Stonegate Pub Company
19/00312/FULL Queenhithe	Norfolk House 1A Trig Lane London EC4V 3QQ	(i) Alterations to the existing entrance and canopy; (ii) replacement of one set of windows at fourth floor level with new windows incorporating openable fanlights.	Approved 27.06.2019	Turnerbates Design & Architecture
19/00616/MDC Queenhithe	Millennium Bridge London EC4V 4AG	Details of any additional measures that would be required to mitigate the potential for glare and light spillage pursuant to condition 4 and notification of the completion of the interim lighting scheme pursuant to condition 6 of planning permission dated 7th September 2018 (18/00458/FULEIA).	Approved 09.07.2019	Illuminated River Foundation
19/00169/ADVT Tower	8 - 14 Cooper's Row London EC3N 2BQ	Installation and display of; i) internally illuminated individual lettering measuring 0.3m high by 6.7m wide located at a height of 4.3m above ground floor level; ii) internally illuminated individual lettering measuring 0.25m high by	Approved 27.06.2019	Queensgate GEM LLH SPV 2 Ltd.

		<p>3.8m wide located at a height of 4.3m above ground floor level; iii) internally illuminated individual lettering measuring 0.26m high by 5.8m wide located at a height of 6.6m above ground floor level; iv) internally illuminated individual lettering measuring 0.28m high by 6.2m wide located at a height of 2.8m above ground floor level; v) internally illuminated projecting sign measuring 0.6m high by 0.85m wide located at a height of 3.9m above ground floor level; vi) internally illuminated fascia sign measuring 0.75m high by 2m wide located at a height of 1.5m above ground floor level</p>		
19/00510/ADVT Tower	9 Crutched Friars London EC3N 2AU	<p>Installation and display of: (i) one internally illuminated fascia sign measuring 0.45m high by 2.83m wide at a height above ground of 2.6m; (ii) two internally illuminated fascia signs measuring 0.45m high by 3.83m wide at a height above ground of 2.6m; (iii) two internally illuminated fascia signs measuring 0.45m high by 3.2m wide at a height above ground of 2.6m; and one circular internally illuminated projecting sign measuring 0.6m in diameter at a height above ground of 2.5m.</p>	Approved 04.07.2019	Mr Gerry Hanratty



19/00514/FULL Tower	New London House 6 London Street London EC3R 7LP	Change of use of part of second floor from office (B1) to flexible use as office (B1) or a clinic (D1) (9sq.m).	Approved 09.07.2019	Doctap
19/00603/FULL Tower	Doubletree Tower of London 7 Pepys Street London EC3N 4AF	Application under Section 73 of the Town and Country Planning Act 1990 for the removal of condition 2 (construction management plan) of planning permission 17/00331/FULL dated 29/08/2017.	Approved 27.06.2019	Mrs Bhatia
19/00615/MDC Vintry	Southwark Bridge London EC4R 1BE	Details of any additional measures that would be required to mitigate the potential for glare and light spillage pursuant to condition 4 and notification of the completion of the interim lighting scheme pursuant to condition 6 of planning permission dated 7th September 2018 (18/00453/FULEIA).	Approved 09.07.2019	Illuminated River

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# Agenda Item 6

<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation	<b>30/07/2019</b>
<b>Subject:</b> Valid planning applications received by Department of the Built Environment	<b>Public</b>
<b>Report of:</b> Chief Planning Officer and Development Director	<b>For Information</b>

## Summary

Pursuant to the instructions of your Committee, I attach for your information a list detailing development applications received by the Department of the Built Environment since my report to the last meeting.

Any questions of detail arising from these reports can be sent to [plans@cityoflondon.gov.uk](mailto:plans@cityoflondon.gov.uk).

## Details of Valid Applications

<b>Application Number &amp; Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Date of Validation</b>	<b>Applicant/ Agent</b>
19/00668/FULL Aldersgate	1 London Wall, London, EC2Y 5EA	Reconfiguration of main entrance at ground floor level.	01/07/2019	One London Wall Limited
19/00674/FULL Bishopsgate	Sun Street Passage, London, EC2A 2EH	Installation of a Brompton cycle docking station for up to 8 x folding bicycles for hire.	01/07/2019	Bluebutton Properties UK Limited
19/00669/FULL Bishopsgate	17 St Helen's Place, London, EC3A 6DG	Change of use to part of fourth floor, from Use Class D1 (Medical Centre) to Use Class B1a (Office).	02/07/2019	Marble Range Limited
19/00496/FULL Broad Street	12 Throgmorton Avenue, London, EC2N 2DL	Installation of new external steel access ladders with protection cages and safety balustrades at levels 10, 11, 14, 15 and 16.	28/05/2019	Blackrock
19/00505/FULL Castle Baynard	5 Pemberton Row, London, EC4A 3BA	Installation of four condenser units, replacement of windows at front elevation, replacement of skylight,	02/07/2019	Rolfe Judd Planning

		installation of skylight, balustrade, staircase, bin store, lighting and new timber door.		
19/00477/FULL Castle Baynard	10 Gough Square, London, EC4A 3DE	Proposal to infill and enclose the existing exterior underpass and building overhang with a glass screen and new entrance door to create an enclosed lobby to the building (Total of 28sq.m of additional floorspace).	04/07/2019	Hexpark Properties Limited
19/00709/FULL Castle Baynard	1 - 2 Dorset Rise, London, EC4Y 8EN	Installation of emergency waste water storage tanks and timber housing within the basement lightwell to Bridewell Place.	09/07/2019	Premier Inn
19/00673/FULL Cheap	Abacus House , 33 Gutter Lane, London, EC2V 8AS	Change of use from Class B1 use to Class D2 use at part sub-basement level (163sq.m)	01/07/2019	Quant Golf Limited
19/00649/FULL Coleman Street	The Telegraph Public House, 11 Telegraph Street, London, EC2R 7AR	Relocation of the entrance doors on the Telegraph Street elevation	21/06/2019	Simple Simon Design Ltd
19/00651/FULL Coleman Street	Founders Court, Lothbury, London, EC2R 7HD	Replacement of balustrade on the fifth floor terrace with 1.1m high glazed balustrade, and refurbishment works to the flat roof.	02/07/2019	Brown Shipley & Co Ltd
19/00671/FULL Dowgate	100 Cannon Street, London, EC4N 6EU	Removal of existing ATM and replacement of glazing.	01/07/2019	Lloyds Banking Group
19/00613/FULL Farringdon Within	33 Black Friars Lane, London, EC4V 6EP	Change of use of the basement floor from ancillary A3/A4 (restaurant and bar) to sui generis (beauty spa and restaurant).	18/06/2019	Mr. Cheng Xin
19/00594/FULL Farringdon Without	7 Rolls Buildings, London, EC4A 1NL	Installation of 6 air conditioning units at roof level.	08/07/2019	Ministry of Justice

19/00662/FULL Langbourn	Leadenhall Market, Gracechurch Street, London, EC3V 1LT	Installation of 31 speakers to replace the existing fire alarm system.	04/07/2019	City of London Corporation
19/00637/FULL Portsoken	75 & 77 Middlesex Street, London, E1 7DA	Conversion of the existing two units at 75 & 77 Middlesex Street at ground & 1st floor levels into a single unit and change of use from shop (Class A1) use to a clinic (Class D1) use (220sq.m). Installation of a new shopfront.	01/07/2019	City of London Corporation
19/00535/FULL Portsoken	Granier Bakery Cafe, Aldgate House, 33 Aldgate High Street, London, EC3N 1DL	Creation of mezzanine (140sq.m) and change of use of part of the ground floor and mezzanine from Café as part of a Bakery (Class A1) to Restaurant (Class A3) (298sq.m).	02/07/2019	Granier Bakery Cafe

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# PLANNING AND TRANSPORTATION COMMITTEE REPORT

## Points to Note:

- There are 17 Public Lifts/Escalators in the City of London estate. The report below contains details of the four public escalator/lifts where the service is less than 95%.
- The report was created on 16th July 2019 and subsequently since this time the public lifts or escalators may have experienced further breakdowns which will be conveyed in the next report.

Location	Status as of 16/07/2019	% of time in service Between 21/06/2019 and 16/07/2019	Number of times reported Between 21/06/2019 and 16/07/2019	Period of time Not in Use Between 21/06/2019 and 16/07/2019	Comments Where the service is less than 95%
Millennium Bridge SC6459245	IN SERVICE	80.18%	1	96 hrs	01/07/2019 - Control component causing fault, return visit by specialist technician required. Technician attended and repaired fault and ran tested and left lift in service.
Wood Street Public Lift SC6458970	IN SERVICE	71.55%	1	136 hrs	25/06/2019 – Lift not levelling at ground floor. Lift switched off awaiting specialist technician to complete repair. Technician returned to site, reprogrammed controller and left lift in service.
London Wall West SC6458965	IN SERVICE	33.20%	1	321 hrs	21/06/2019 – Lift out of service due to flood in lift pit and motor room. Engineer returned to site following removal of water, ran tested and left lift in service.
33 King William Street SC6462850	IN SERVICE	94.77%	1	26 hours	04/07/2019 – Engineer attended site found main power dropped out and was reinstated.

*Additional information*

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<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation	30/07/2019
<b>Subject:</b> Daylight and Sunlight Guidance	<b>Public</b>
<b>Report of:</b> The Built Environment	<b>For Decision</b>
<b>Report author:</b> Annie Hampson, Chief Planning Officer and Development Director	

## Summary

Members have queried whether the City's current approach to daylight and sunlight is appropriate and whether there would be a case for having Guidelines specific to the City for daylight and sunlight.

## Recommendation(s)

Members are asked to:

- Maintain the City's present policy position as set out in the Draft Local Plan and support the preparation of further guidelines as to how the present policy will be implemented within the City. These Guidelines will be brought back to Committee for your consideration.

## Main Report

### Background

1. The impact of development on the daylight and sunlight to adjoining buildings and open spaces is a material consideration that needs to be taken into account in the determination of planning applications. It is of greater significance in relation to residential buildings and to public buildings and spaces where natural light is of importance. It is regarded as of lesser importance in workspaces where artificial light is widely used.
2. Daylight and sunlight considerations in relation to planning are separate to Rights to Light which are managed under different legislation. They could only become relevant to Planning when in very rare circumstances the City of London Corporation would intervene to enable a development, vital to the City of London, to proceed when negotiations on rights to light have failed.
3. The availability of sunlight to open spaces and to other amenity areas is an important planning consideration.
4. The City's dense urban fabric and street patterns as well as its policies to meet the needs of a growing world financial centre leads inevitably to further densification and increased building heights in places. Accommodating this objective and the City's approach to daylight and sunlight requires a careful balance.
5. Members have queried whether the City's current approach to daylight and sunlight is appropriate and whether there would be a case for having Guidelines specific to the City for daylight and sunlight.
6. Several Members received training on this subject in June 2019. A session was led by Gordon Ingram, a recognised expert in this field. A previous training

session for Members was led by Dr Paul Littlefair who is the author of the current Building Research Establishment (BRE) Guidelines.

## **Current Position**

### **The National Planning Policy Framework 2019**

7. The NPPF states at para.123 in relation to achieving appropriate densities that:
8. “local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
9. The City Corporation’s approach to daylight and sunlight is set out in the relevant Development Plan. The current relevant policies in the London Plan and the City Corporation’s Local Plan are set out in Appendix One.
10. The proposed policies in the draft London Plan and the draft Local Plan are set out in Appendix Two.
11. A number of comments have been received in response to consultations on the draft Local Plan in relation to daylight and sunlight from residents and from developers. Residents are on the whole seeking greater controls over loss of light whilst developers are seeking greater recognition of the urban context and flexibility in the application of daylight and sunlight policies.
12. All the relevant documents refer to the Building Research Establishment’s Guidelines published in 2011. These are titled:
  - Site layout planning for daylight and sunlight. A Guide to good practice.
13. The BRE Guide gives advice on site layout planning to achieve good sunlight and daylighting, both within buildings and in the open spaces between them. The document is widely used to provide advice during the planning and design stages of building development in the UK and is widely used by Local Authorities across the UK.
14. The BRE Guide’s primary purpose is to ensure adequate levels of daylight and sunlight in the development of new housing. However, it has relevance to the impact of development on existing housing. The Guidelines make it clear that levels of daylight and sunlight cannot be expected to be as high in dense urban locations as would be the case in suburban or rural ones.
15. It should be noted that whilst widely used, these are guidelines and they do not have a statutory or mandatory basis.
16. In 2019 the European Standard for Daylight and Sunlight has had an annex added following an EU Directive which requires more precise Europe-wide rules on assessing daylight and sunlight levels within new developments to be taken into account.
17. The new standard emphasises the importance of the health and well-being of the building’s users. They set out new ways to assess sunlight in buildings, daylight, glare and views. The new targets are comparable to the current ones but the approach to measuring them is more rigorous and systematic, covering all rooms

in a new building and are not as at present limited to habitable rooms. There is some flexibility in the new standard which would enable local authorities to adopt different daylight and sunlight targets for suburban and urban locations.

18. The new standard may lead to tensions with its continued pressure on the need to deliver more housing at greater density across our cities to meet the housing crisis.
19. The BRE is due to prepare new guidance which is expected to be in place in early 2020 subject to funding.
20. Local authorities are likely to expect new proposals to apply the new standard, particularly once the BRE has updated its guidance.

### **Measuring daylight and sunlight**

21. Factors that will influence the impact of development on daylight and sunlight will be:

- The amount of daylight and sunlight already received
- The direction that the windows face
- The windows' size
- The size of the rooms they serve
- The purpose of the rooms they serve
- Whether the room has more than one window and whether the windows face in different directions
- Are the windows impacted by balconies or another overhang on the affected property
- The cumulative impact of other developments permitted but not yet built, on the affected windows

22. Measuring the impact of development on daylight and sunlight can be carried out in several ways.

23. The BRE guidelines consider a number of factors in measuring the impact of development on daylight and sunlight on existing dwellings:

- **Daylight to windows:** Vertical Sky Component (VSC): a measure of the amount of sky visible from a centre point of a window. The VSC test is the main test used to assess the impact of a development on neighbouring properties. A window that achieves 27% or more is considered to provide good levels of light, but if with the proposed development in place the VSC figure is both less than 27% and reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable. VSC measurement has the disadvantage of taking no account of window size or room size variations.
- **Daylight Distribution:** No Sky Line (NSL): The distribution of daylight within a room is measured by the no sky line, which separates the areas of the room (usually measured in sq. ft) at a working height (usually 0.85m) that do and do not have a direct view of the sky. The BRE guidelines states that if with the proposed development in place the level of daylight distribution in a room is reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable. The BRE advises that this measurement should be used to assess daylight within living rooms, dining rooms and kitchens;

bedrooms should also be analysed although they are considered less important.

- **Sunlight to windows:** sunlight levels are calculated for all main living rooms in dwellings if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are considered less important although care should be taken not to block too much sun. The BRE explains that sunlight availability may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% APSH between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours as result of a proposed development; and has a reduction in sunlight hours received over the whole year greater than 4% of annual probable sunlight hours.

24. In addition to the usual VSC, NSL and APSH methodology there is the Average Daylight Factor (ADF) assessment. The average daylight factor (ADF) test is mainly used to assess light levels within new developments but may also be used to measure the effect on neighbouring properties if room details are known. The ADF is a measure of the light within a room, which is dependent on accurate knowledge of internal room layouts. The BRE guidance recommends an ADF of 5% or more, if there is to be no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided. The guidance sets minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
25. New computer modelling techniques are enabling new measures to be used.
26. Radiance in particular provides a measure of the amount of daylight and sunlight that penetrates the room. Developers are increasingly using radiance analysis alongside VSC and APSH to demonstrate that the impact of a development on existing residential development is acceptable. Radiance analysis requires access to affected rooms and results will vary according to room size, layout and decoration.
27. A further method of analysis used relates to retained light. Under this approach rather than looking at the loss of daylight and sunlight to a building as a result of development, the analysis considers whether levels of daylight and sunlight, with the development in place, are acceptable. The assessment is made on the basis of VSC, with benchmarks for acceptable levels suggested based on levels of daylight and sunlight enjoyed by residents in similar areas. Whilst the BRE guidelines recommend a target value of 27% VSC, that value is derived from a low density suburban housing model. In an inner city urban environment, the GLA have accepted retained VSC values in excess of 20% as reasonably good. The development industry has suggested that retained VSC levels in the mid-teens are also acceptable in a city centre context.
28. In assessing the impact of developments on daylight and sunlight it is normal for the applicant to provide an assessment prepared by an expert in accordance with a number of methodologies. In most cases the City would get these assessments independently assessed, often by BRE, at the cost of the developer to ensure their accuracy.
29. In making assessments a judgement is made as to the level of impact on affected windows. Where there is a less than 20% change in VSC the effect is judged as

to not be noticeable. Between 20-30% it is judged to be minor adverse, 30-40% moderate adverse and over 40% major adverse. All these figures will be impacted by factors such as existing levels of daylight and sunlight and on site conditions. The judgements that arise from these percentages do not form part of the BRE Guide and have become part of an industry standard utilised by Daylight and Sunlight specialists. It is for the Local Planning Authority to decide whether any losses result in a reduction in amenity which is or is not acceptable. This will depend on a whole number of circumstances.

30. Guidance from BRE requires a more flexible approach to daylight and sunlight assessment where there are balconies on existing buildings. Balconies cut out light to windows below and even a modest obstruction to daylight and sunlight from nearby development can have a greater impact on the light to such windows. BRE advice is that, where balconies are present, assessments should consider the impact on daylight and sunlight with the balcony in place and assuming there is no balcony. This will highlight whether any loss of daylight and sunlight is due to new development or the presence of an existing balcony.
31. BRE also address the situation where an existing development is built up to the edge of its site and daylight and sunlight to this building is potentially disproportionately impacted by new development on an adjoining site, reducing the scope for new development on the adjoining site. This is sometimes referred to as the concept of a 'bad neighbour' taking more than its fair share of light. To ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for windows could be set to those for a 'mirror image' building of the same height and size, an equal distance away from the other side of the boundary.

### **Options**

32. The options available to the City are:

- One: to maintain the City's present approach which is consistent with a city centre context and with the national approach to the efficient use of land.
- Two: to maintain the City's present approach whilst providing greater guidance on how the range of measurements will be considered and how the City's policy will be implemented
- Three: to prepare City specific Guidelines which may depart from the BRE approach.

### **Proposals**

33. Option one has enabled the City to have regard to the development of the City whilst taking into account residential amenity. It takes account of the very varied circumstance where the issue can arise from major new developments, to impacts where a building's own balcony is impacting on results and in tight historic contexts where narrow streets and tight light wells impact on the results. It is very rare for losses greater than 40% to a window to have been allowed except where there are multiple windows to a room or where existing levels of light are very low.
34. Option two would continue the City's present practice but would provide further Guidance as to the factors that would be taken into account in determining an appropriate level of amenity. It would provide guidance on how the range of

measurements will be considered, how the City's policy will be implemented when noticeable reductions are likely and where losses would normally be regarded as unacceptable except in the rarest of circumstances.

35. Option three is not recommended to you for the following reasons

- BRE Guidelines are to be updated shortly to take into account the new considerations and until that is in place it would be untimely to produce City specific guidelines
- If the City were to create a situation that was more restrictive than the BRE Guidelines the Government would be unlikely to support at appeal any criteria which would be more restrictive than the BRE Guidelines and which would prevent the delivery of city centre development including housing. It would be difficult for the City to obtain independent verification of developers' proposals and City-specific guidance would be likely to be challenged on a more regular basis without this wider verification process.
- The City would not wish to restrict further its ability to deliver the accommodation that would provide for the world financial centre provided acceptable living standards are created or maintained.

36. In the present circumstances it is considered that Option 2 would provide the City with the best mechanism to plan appropriately for its needs.

37. Whilst the primary issue with daylight and sunlight impacts relates to the impact of development on residential amenity, any approach adopted would also be applicable to impacts on other public service buildings and open spaces.

### **Corporate and Strategic Implications**

38. The policies of the Corporate Plan relevant to the consideration of daylight and sunlight are:

- People enjoy good health and wellbeing
- Communities are cohesive and have the facilities they need
- We are a Global Hub for innovation in financial and professional services, commerce and culture
- We inspire enterprise, excellence, creativity and collaboration

39. It is not considered that any of the City's corporate objectives are compromised provided that an appropriate balance between residential amenity and development is maintained consistent with a city centre context.

### **Conclusion**

40. It is recommended for the reasons set out that the City continues with its present policy approach as set out in the draft Local Plan and that the City prepares further guidance as to how that policy would be implemented.

### **Appendices**

- Appendix One Present City and GLA policy in relation to Daylight and Sunlight
- Appendix Two Draft City and GLA policy in relation to Daylight and Sunlight

### **Annie Hampson**

Chief Planning Officer and Development Director, Built Environment

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## Appendix 1: Daylight and Sunlight Policies

### City of London

#### Current Local Plan (2015)

#### Policy DM 10.7 (Daylight and sunlight) - See Policy CS10 Design

##### Policy DM 10.7 Daylight and sunlight

1. To resist development which would reduce noticeably the **daylight and sunlight** available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines.
2. The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of **daylight and sunlight**.

3.10.40 The amount of **daylight and sunlight** received has an important effect on the general amenity of dwellings, the appearance and enjoyment of open spaces and streets, and the energy efficiency of all buildings.

3.10.41 The Building Research Establishment (BRE) has issued guidelines that set out several methods of assessing changes in **daylight and sunlight** arising from new developments. The City Corporation will apply these methods, consistent with BRE advice that ideal **daylight and sunlight** conditions may not be practicable in densely developed city-centre locations. When considering proposed changes to existing lighting levels, the City Corporation will take into account the cumulative effect of development proposals. Where appropriate, the City Corporation will take into account unusual existing circumstances, such as development on an open or low-rise site and the presence of balconies or other external features, which limit the **daylight and sunlight** that a building can receive.

3.10.42 Planning considerations concerning **daylight and sunlight** operate independently of any common law rights and any light and air agreements which may exist. If a development is considered acceptable in planning terms and has planning permission but is not proceeding due to rights to light issues, the City Corporation may consider acquiring interests in land or appropriating land for planning purposes to enable development to proceed.

#### Other references:

- 1) See table on page 100:

Who will deliver		
How we will make it happen	Who	When
<b>Design</b> Requiring Design and Access Statements to accompany planning applications. Encouraging pre-application discussions. Using daylight and sunlight impact studies and wind tunnel impact studies, where applicable.	City Corporation- Developers- Historic England- Design Council- Conservation Area Advisory Committee	Ongoing

**2) Policy DM19.4 (Play areas and facilities) paragraph 3.19.21 - See Policy CS19 Open Spaces and Recreation**

*3.19.21: Play spaces should be appropriate in terms of size and scale, have natural **daylight and sunlight**, meet the needs of various age groups, be accessible to children with disabilities and provide for safe and secure environments incorporating natural surveillance.*

**3) Policy DM21.5 (Housing quality standards) - See Policy CS21 Housing**

**Policy DM 21.5 Housing quality standards**

All new housing must be designed to a standard that facilitates the health and wellbeing of occupants, and:

- takes account of the London Plan's space standards and complies with the London Plan's Density Matrix standards;
- provides acceptable **daylight** to dwellings commensurate with a city centre location;
- meets standards for Secured by Design certification;
- maximises opportunities for providing open and leisure space for residents.



## Mayor of London/Greater London Authority (GLA)

### Current London Plan (2016)

Reference to '**daylight and sunlight**' in the current London Plan is in the [Housing SPG](#) (2016) where reference is made to Policy 7.6Bd (Architecture):

#### ***Policy 7.6Bd (Architecture)***

*Buildings and structures should: not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings.*

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## Appendix 2: Daylight and Sunlight Policies

### City of London

### Draft City Plan 2036

#### Main Policy: Policy D8 (Daylight and sunlight)

##### Policy D8: Daylight and sunlight

1. Development proposals will be required to demonstrate that the **daylight and sunlight** available to nearby dwellings and open spaces is not reduced noticeably to unacceptable levels, taking account of the Building Research Establishment's guidelines.
2. The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of **daylight and sunlight** consistent with a city centre context.
3. The design of development should incorporate measures to mitigate adverse solar glare effects on surrounding buildings and public realm.

##### Reason for the policy

6.1.57. *The City is an urban centre with a very high density of buildings. The impact of this density on surrounding areas can be to reduce levels of **daylight and sunlight** in the surrounding area below that which would normally be expected. The City Corporation seeks to provide the best outcome in terms of **sunlight and daylight**, both for the development itself and the buildings in the vicinity, requiring design strategies that maximise the natural light potential.*

6.1.58. *The amount of **daylight and sunlight** received has an important effect on the amenity of dwellings, the appearance and enjoyment of the open spaces and streets of the City, and the energy efficiency of all buildings. Access to appropriate levels of **daylight and sunlight** is important for the mental health of workers and residents.*

##### How the policy works

6.1.59. *The Building Research Establishment (BRE) has issued guidelines in 'Site Layout Planning for **Daylight and Sunlight**' that set out a methodology for assessing changes in **daylight and sunlight** arising from new development. The City Corporation will apply these methods, consistent with BRE and NPPF guidance that ideal **daylight and sunlight** conditions may not be practicable in densely developed city-centre locations. Developers will be required to submit **daylight and sunlight** assessments in support of their proposals. The City Corporation may seek independent verification of these assessments at the developer's expense.*

6.1.60. *When considering proposed changes to existing lighting levels, the City Corporation will take account of the cumulative effect of development proposals, and existing levels of light if they are low. Where appropriate, the City Corporation will take into account unusual existing circumstances, such as development on an open or low-rise site and the presence of balconies or other 101 external features, which limit the **daylight and sunlight** that a building can receive.*

6.1.61. *Planning considerations concerning **daylight and sunlight** operate independently of any common law rights and any light and air agreements which may exist. If a development is considered acceptable in planning terms and has planning permission, but it is not proceeding due to rights to light issues, the City Corporation may consider acquiring interests in land or appropriating land for planning purposes to enable development to proceed.*

## Other references:

### 1) Policy S12 (Tall Buildings)

#### Strategic Policy S12: Tall Buildings

3. Where tall buildings are acceptable in principle, their design must ensure safe and comfortable levels of wind, **daylight and sunlight**, solar glare and solar convergence within nearby buildings and the public realm within the vicinity of the building. Tall buildings should not interfere with telecommunications and provide appropriate mitigation where this is not feasible. Consideration should be given to how the design of tall buildings can assist with the dispersal of air pollutants.

### 2) Policy H4 (Housing quality standards) paragraph 4.4.40 - See Policy CS21 Housing

*4.3.40. Amenity space for residents could include gardens, roof top gardens/terraces, private balconies and the provision of new sports and recreational facilities. Play space should also be included in line with the requirements in Policy D8. **Daylight and sunlight** to dwellings is addressed in the Design section of the Plan.*

### 3) Policy S8 (Design)

#### Strategic Policy S8: Design

The City Corporation will promote innovative, sustainable and inclusive high-quality buildings, streets and spaces, seeking design solutions that make effective use of limited land and contribute towards a zero emission City, through development which:

#### Experience

5. Optimises micro-climatic conditions, addressing solar glare, **daylight and sunlight** and uncomfortable wind conditions and delivering improvements in air quality, open space and views;

### 4) Policy S21 (City Cluster) paragraph 7.6.6

*7.6.6. The intensification of tall buildings will have cumulative environmental and transport impacts which need to be carefully managed. Individual proposals for new tall buildings will need to take account of these cumulative impacts, especially the need to maintain and enhance the provision of public open space around the building, to ensure safe and comfortable levels of wind, **daylight and sunlight**, solar glare and solar convergence, and to implement efficient servicing and deliveries arrangements.*

**Policy D4 (Housing quality and standards)**

**Part F and paragraphs 3.4.5A 3.4.12**

*F: The design of development should provide sufficient **daylight and sunlight** to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.*

*3.4.5A: A variety of approaches to housing typologies and layout of buildings should be explored to make the best use of land and create high quality, comfortable and attractive homes. For example, increasing ceiling heights and having bay windows can optimise **daylight and sunlight** and allow buildings to be closer together than can otherwise be achieved.*

*3.4.12: Other components of housing design are also important to improving the attractiveness of new homes as well as the Mayor's wider objectives to improve the quality of Londoners' environment. The Mayor intends to produce a single guidance document which clearly sets out the standards which need to be met in order to implement Policy D4 Housing quality and standards for all housing tenures, as well as wider qualitative aspects of housing developments. **This will include guidance on daylight and sunlight standards.** This will build on the guidance set out in the 2016 Housing SPG and the previous London Housing Design Guide.*

**Policy H2A (Small housing developments) paragraph 4.2A.6**

*4.2A.6: Small housing developments are envisaged to be within close proximity to existing homes. These should be carefully and creatively designed to avoid an unacceptable level of harm to the amenity of surrounding properties in relation to privacy, for example through the placement and design of windows and the use of landscaping. Environmental and architectural innovation should be supported and schemes should achieve good design and ensure that existing and proposed homes benefit from satisfactory levels of **daylight and sunlight**.*

*\*Please note the words 'daylight' and 'sunlight' are cited in other places of the draft London Plan but not referred to in above policies (see below for further information)*

**Wording in green – post sessions changes**

## Other references:

### 'Daylight'

#### Policy D4 (Housing quality and standards) Part E, paragraphs 3.4.3, 3.4.4, 3.4.5 and Table 3.2

E: Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Policy D1B Part B than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, **daylight** and privacy, and avoid overheating.

*3.4.3: To address the impacts of the urban heat island effect and the fact that the majority of housing developments in London are made up of flats, a minimum ceiling height of 2.5m for at least 75 per cent of the gross internal area is required so that new housing is of adequate quality, especially in terms of **daylight** penetration, ventilation and cooling, and sense of space. The height of ceilings, doorways and other thresholds should support the creation of an inclusive environment and therefore be sufficiently high to not cause an obstruction. To allow for some essential equipment in the ceilings of kitchens and bathrooms up to 25 per cent of the gross internal area of the dwelling can be lower than 2.5 m. However, any reduction in ceiling height below 2.5 m should be the minimum necessary for this equipment, and not cause an obstruction.*

*3.4.4: Dual aspect dwellings with opening windows on at least two sides have many inherent benefits. These include better **daylight**, a greater chance of direct **sunlight** for longer periods, natural cross-ventilation, a greater capacity to address overheating, mitigating pollution, a choice of views, access to a quiet side of the building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms.*

*3.4.5: Single aspect dwellings are more difficult to ventilate naturally and are more likely to overheat, and should normally be avoided. Single aspect dwellings that are north facing, contain three or more bedrooms or are exposed to noise levels above which significant adverse effects on health and quality of life occur should not be permitted. The design of single aspect dwellings must demonstrate that all habitable rooms and the kitchen are provided with adequate passive ventilation, privacy and **daylight**, and that the orientation enhances amenity, including views. It must also demonstrate how they will avoid overheating without reliance on energy intensive mechanical cooling systems.*

*Table 3.2 point iii: **The site layout, orientation and design of individual dwellings and where applicable common spaces should:***

*- provide privacy and adequate **daylight** for residents*

**Wording in red – minor suggested change text**

## **‘Sunlight’**

**Policy D7 (Public realm) Part I, paragraphs 3.5.5 (Policy D5), 3.1B.8 (Policy D1B) and 3.8.5 (Policy D8)**

*I: ensure that appropriate shade, shelter, seating **and where possible areas of direct sunlight are provided**, with other microclimatic considerations, including temperature and wind, taken into account in order to encourage people to spend time in a place.*

*3.5.5: The middle of a tall building has an important effect on how much sky is visible from surrounding streets and buildings, as well as on wind flow, privacy and the amount of **sunlight** and shadowing there is in the public realm and by surrounding properties.*

*3.1B.8: Buildings should be of high quality and enhance, activate and appropriately frame the public realm. Their massing, scale and layout should help make public spaces coherent and should complement the existing streetscape and surrounding area. Particular attention should be paid to the design of the parts of a building or public realm that people most frequently see or interact with in terms of its legibility, use, detailing, materials and location of entrances. Creating a comfortable pedestrian environment with regard to levels of **sunlight**, shade, wind, and shelter from precipitation is important.*

*3.8.5: The middle of a tall building has an important effect on how much sky is visible from surrounding streets and buildings, as well as on wind flow, privacy and the amount of **sunlight** and shadowing there is in the public realm and by surrounding properties.*

**Wording in blue – Further suggested change text (i.e. matter statements or prior to the session)**

## **‘Daylight’ and ‘Sunlight’**

**Policy D8C3a (Tall Buildings) and see above 3.4.4**

*Development proposals should address the following impacts:*

*Environmental impact - wind, **daylight**, **sunlight** penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building*

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<b>Committee(s)</b>	<b>Dated:</b>
<i>Corporate Priorities Board</i> <i>Corporate Projects Board</i>  Resource Allocation Sub Committee for decision Project Sub Committee for decision Streets and Walkways Sub for information Planning and Transportation Committee for decision	19 <sup>th</sup> June 2019 28 <sup>th</sup> June 2019  4 <sup>th</sup> July 2019 19 <sup>th</sup> July 2019 22 <sup>nd</sup> July 2019 30 <sup>th</sup> July 2019
<b>Subject:</b> Review of projects within the Built Environment Directorate	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer, Director of the Built Environment	<b>For Decision</b>
<b>Report author:</b> Simon Glynn, Assistant Director City Public Realm	

## Summary

This report provides the results of a review and proposed prioritisation of transportation and public realm projects within the Department of the Built Environment (DBE).

In December 2018, Members approved the outline methodology and approach for the DBE project prioritisation process, which would help to best deliver corporate priorities and support economic growth. The results were to include proposals to continue or stop those DBE projects under review and produce a complete funding strategy for those remaining projects.

Instead, so as not to impact on the outcome of the fundamental review, an updated approach has been taken. This makes use of the results of the DBE prioritisation exercise that has been completed along with consideration of criteria consistent with the agreed terms of the fundamental review. It is therefore proposed through this report to allocate S106 funds to priority projects that mitigate the impact of developments from which these funds were generated.

At the conclusion of the fundamental review, a further report on the DBE project portfolio including allocation of any remaining local funds will be produced, in support of the priorities and conclusions of the fundamental review.

## Recommendations

It is recommended that Members:

- a. Note the methodology and ranking of DBE projects set out in paragraphs 7-12

- b. Note those DBE projects funded centrally during the period of the fundamental review as set out in Appendix 2.
- c. Agree the allocation of £3,917,518 S106 funding to 4 projects to mitigate the specific developments from which the funds were generated, including the interest accrued.
- d. Authorise officers seek an extension of time to S106s with the relevant developer/building owner where applicable as set out in Appendix 4.
- e. Authorise officers to re-negotiate the use of any S106 deposits, not allocated in this report, that require a variation of scope, to seek their use in mitigating the impacts of the developments generating the deposits, consistent with corporate priorities.

## **Main Report**

### **Background**

1. A review of Department of the Built Environment (DBE) projects was initiated in September 2018 with the aim of prioritising available funds. In the report 'Review of DBE Projects' to Members in December 2018, all Transportation and Public Realm (including Highways Structures) projects listed on the Project Vision system were identified.
2. Members approved that the following project categories should fall outside the scope of the proposed review:
  - Projects fully funded by S278 agreement monies (17 projects)
  - Projects previously approved at Gateway 5 and fully funded (31 projects)
  - Highways Structures fully funded by the Bridge House Estate (4 projects)
  - Projects fully funded by S106 agreement monies (11 projects)
  - Pre-project proposals to be archived in the *Project Vision* system (43 proposals)
3. This left 40 projects to review and prioritise, together with the anticipated future projects (including those contained within the Transport Strategy and City Cluster Vision).
4. As part of the December 2018 report Members also agreed that £3.6M of S106 funds be allocated to fully fund 11 projects to completion that mitigate the specific developments from which these funds were generated. A further £7.3M across multiple S106 deposits remains unallocated.
5. The following next steps were set out in the report:
  - Review the current projects against the Local Plan, Corporate Plan, relevant policies and against corporate ambitions to deliver major capital projects over the next ten years.
  - Review emerging projects (such as those contained in the City Cluster Vision and Transport Strategy) against the Local Plan, Corporate Plan, relevant

policies and against corporate ambitions to deliver major capital projects over the next ten years.

- Identify those current projects (out of the 40) that are proposed to continue to completion (together with a complete funding strategy) and those which are proposed to be stopped (together with proposals for the reallocation of any unspent funds).
- Prepare a draft ten year plan of future Transportation and Public Realm Division projects (including Highways Structures), which will include those current projects which are proposed to continue. The proposed allocation of CIL, OSPR and remaining S106 funding will be identified against each project to produce a complete funding strategy for each project. This plan will be reviewed annually to ensure that it keeps pace with changing priorities.

## **Results of DBE Project Prioritisation**

### Methodology

6. The detailed methodology to prioritise DBE projects was developed between officers in DBE and in the Corporate Strategy and Performance Team within the Town Clerks Department. This was to ensure a correct and consistent assessment against the Corporate Plan outcomes would be undertaken. The additional benefit of this approach was that the agreed methodology could be readily transferable in similar assessments of other Department's projects in the future.
7. Firstly, those Corporate Plan outcomes that are supported by each individual project were identified, producing a list of typically four to five Corporate Plan outcomes per project (with the most relevant Corporate Plan outcome identified).
8. Secondly, each project was assessed on a five-point scale from 'very low' to 'very high' based on the strength of the individual project's support for each of the Corporate Plan outcomes. This assessment was based on the outcomes and benefits of each project and the relative impact of these benefits. The scores were agreed by an officer group and projects were given an initial ranking. However, this approach did not result in a sufficient disaggregation of scores between individual projects in order to produce meaningful results.
9. Following feedback from the Corporate Strategy and Performance team on this first set of results, a second set of criteria were added. This included the estimated cost of a project, the transformational impact of a project and its complexity, all using the same five-point scale. The intention was to undertake a more detailed cost/benefit analysis of each project by the officers working group and produce a more disaggregated set of results. The results were somewhat clearer but not conclusive. DBE officers presented the results to the Deputy Chamberlain for further advice.

10. Following feedback from the Deputy Chamberlain on this second set of results, an additional criterion was included, which was the extent to which each project mitigated a Corporate Risk on the current Corporate Risk Register. These final results produced a clearer disaggregation of projects. A summary of this methodology is provided in Appendix 1.
11. The results of the DBE prioritisation exercise are presented in Appendix 2. This includes Table 1 which summarises the ranking of each project assessed.

## **Interim and Fundamental Review**

12. In March 2019, Members approved a report on 'Fundamental Review: Design Principles and Governance'. The scope of the interim review relates only to schemes funded from central sources, which include the provisions for new schemes, On Street Parking Reserve, Community Infrastructure Levy (CIL), flexible external contributions and additional allocations from the general reserves of City Fund or City's Cash. Those DBE projects that are to be progressed using central funds during the period of the fundamental review are identified in Appendix 2.
13. Projects wholly funded from external grants, tenant /developer contributions e.g. under S278 agreements and most S106 deposits are excluded from the fundamental and interim review. On that basis, this report makes recommendations on the allocation of these local funds during the period of the fundamental review to allow priority projects which have been identified, to progress to completion.

## **S106 Spend Plan**

### Approach to Funding Allocation

14. The proposed principles of allocating these restricted S106 funds in this report are as follows:
  - i. Projects must mitigate the specific impacts of developments from which the funds were generated (noting the results of the DBE prioritisation exercise, which produced a ranking of DBE projects, will be used to prioritise the use of S106 funds).
  - ii. Projects in receipt of S106 funding shall be delivered (and therefore be fully funded) using a combination of S106 and other local funding sources, without future reliance on central funding.
  - iii. Projects can utilise local funding sources (s106 and/or S278 or specific TFL grant) as and when these funds become available, consistent with the budget profile for each project and these funding sources can be used in any combination
  - iv. The S106 funds to be allocated shall include any accrued interest, which is required to be treated as if it were part of the principal sum paid by the Developer.

- v. The projects that are recommended to be taken forward using the S106 funding include projects, pre-project proposals or complete phases of a larger programme or strategy that can be delivered in full with the allocated funding.

### Results of the prioritisation of S106 funds

- 15. Recommendations regarding the prioritisation of S106 funds are set out in Appendix 4. In summary:
  - i. Four projects and pre-project proposals are proposed to receive S106 funds. Individual project gateway reports will be submitted for Member consideration that detail the overall project budget and combination of local funding sources to be used.
  - ii. These are:
    - a. City Cluster Vision Phase 1 Implementation (incorporating City Cluster and Fenchurch Street Healthy Streets Plan).
    - b. Crossrail Urban Integration – Liverpool Street
    - c. Crossrail Urban Integration – Moorgate
    - d. Temple and Fleet Street Healthy Street Plan
  - iii. Of these four projects, one project, Temple and Fleet Street Healthy Street Plan is proposed to receive S106 funds that do require a further extension of time to that stipulated in the specific S106 agreements. It is recommended that officers be given authority to seek time extensions to the relevant agreements for the use of these funds.
  - iv. Note the projects and pre-project proposals (included in Appendix 3) that have been approved to continue using central funds during the period of the fundamental review by Resource Allocation Sub Committee, those that have been recommended for S106 funding in this report and those separately (and fully) funded by local or external funds. All other projects will remain on hold until the conclusion of the fundamental review and will be the subject of a future report on the overall DBE project portfolio.

### **Corporate & Strategic Implications**

16. The Corporate Plan, 2018-23 has been used as the strategic framework for this work.

### **Financial Implications**

17. The allocation of S106 funds as described in this report is in accordance with the agreed terms of the corporation-wide fundamental review and in support of the outcomes of the Corporate Plan. The use of funds is in accordance with the terms of the respective legal agreements to which the relevant S106 deposits relate.

### **Legal Implications**

18. Any S106 payments made and held for specific purposes will be spent on the purposes for which they are held or to address the impacts of specific developments, in accordance with the City's obligations under the relevant S106 Agreements unless these agreements are specifically re-negotiated with the relevant parties.

### **Public Sector Equality Duty**

19. Full analysis of the proposed allocation of S106 funds has been undertaken by officers to ensure due diligence in this regard.

### **Conclusion**

20. This report provides the results of both a review and proposed prioritisation of transportation and public realm projects within the Department of the Built Environment (DBE), which was initiated in 2018 in order to best utilise available funds, to deliver corporate priorities and support economic growth. The report describes how the DBE prioritisation exercise has been re-evaluated as a result of the corporation-wide fundamental review.

21. Following Member approval of a first S106 allocation plan in December 2018, this latest report seeks Member approval for a further allocation of S106 funds.

22. At the conclusion of the fundamental review, a further report on the DBE project portfolio and the allocation of any remaining local funds will be produced in support of the priorities and conclusions of the fundamental review.

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### **Appendices**

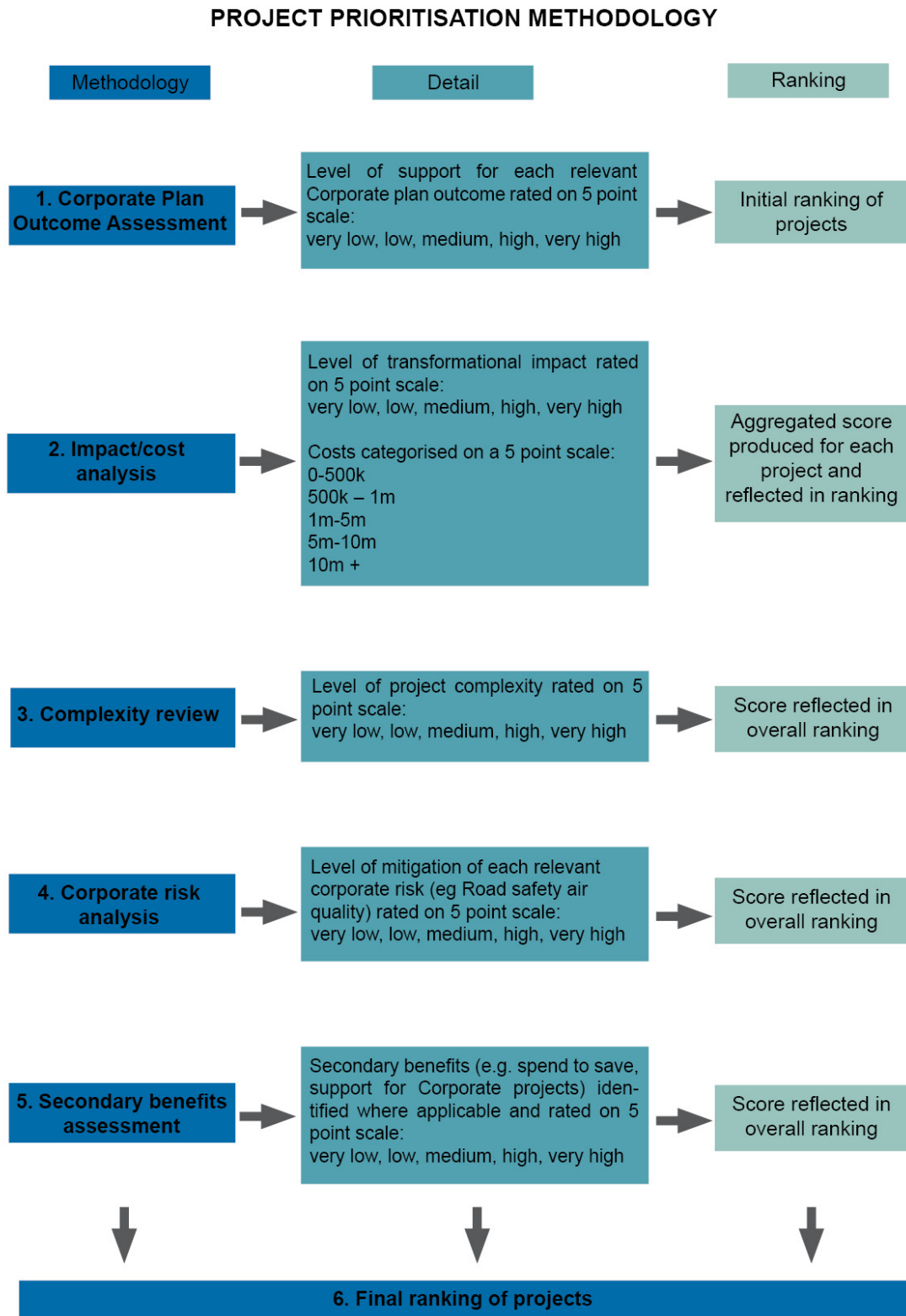
**Appendix 1 – Methodology of DBE prioritisation exercise**

**Appendix 2 – Results of DBE prioritisation exercise**

**Appendix 3 – Results of Project Eligibility for allocation of S106 funds**

**Appendix 4 – Details of S106 deposits to be allocated**

# Appendix 1 – Methodology of DBE prioritisation exercise



## Appendix 2 – Results of DBE prioritisation exercise

### Table 1

Actual Score	Rank	Project
8.54	1	St Pauls Gyratory (inc. Centre for Music) (11377)
9.12	2	Liverpool Street (Crossrail Urban Integration) (11375)
9.43	3	Bank Junction (All Change at Bank) (11401)
10.00	4	Healthy Street Plans – City Cluster and Fenchurch Street
10.00	4	Healthy Street Plans – Fleet Street and Temple
10.06	6	Moorgate (Crossrail Urban Integration) (11381)
10.60	7	City Cluster - Implementation of Vision Phase 2
10.781	8	London Wall Car Park - Joints and Waterproofing (12002)
10.787	9	Healthy Street Plans – Barbican & Smithfield
11.57	10	Healthy Street Plans – Bank and Guildhall
11.65	11	Culture Mile Implementation (Phase 1 - Culture Mile Spine / North South link ) (11955)
11.79	12	Healthy Streets Project - Barbican and Smithfield
11.79	12	Healthy Streets Project - City Cluster and Fenchurch Street
11.79	12	Healthy Streets Project - Fleet Street and Temple
12.38	15	City Cluster Vision Phase 1 Implementation (Temporary closures/installations & trials)
12.38	15	St Paul's External Lighting (9672)
13.22	17	Fleet Street (10846)
13.25	18	Puddle Dock Improvements (11733)
13.25	18	Moorgate Area Strategy (11697)
13.27	20	Bank by Pass Walk Route (10990)
13.27	20	Dominant House Footbridge (11788)
13.32	22	City Cluster Implementation of Vision Phase 3
13.41	23	Cycling Network
13.54	24	St Paul's Area Strategy - Culture Mile (10845)



13.54	24	Pool of London KAOC plan
13.56	26	Culture Mile Pop ups future years (11825)
13.84	27	Fleet Street Area Strategy (10846)
13.91	28	Culture Mile Implementation (Phase 2 - Wider Area)
14.83	29	Eastcheap and Philpot Lane (11378)
14.93	30	Vine Street North
14.95	31	Tudor St / New Bridge St
15.00	32	Temple Area Traffic Review (11959)
15.03	33	Guildhall Area Strategy Green Spaces (10681)
15.04	34	Guildhall Ponds (10681)

**Table 2. DBE Projects previously approved to continue using central funding during the period of the fundamental review**

Project	Project Description
HVM Security (11954)	Measures to mitigate the Square Mile against hostile vehicles
Bank on Safety (11599)	Measures to improve safety at Bank Junction
Pipe Subways - Holborn Viaduct / Snow Hill (9845)	Works to Pipe Subway adjacent to Annexe Building of Smithfield Market and above the Thameslink line.
West Smithfield Area (inc. Museum of London Public Realm) (11956)	Transportation and public realm improvements to accommodate anticipated changes in the area including the new Museum of London development
Fleet Street Area (inc. Central Criminal Courts Public Realm)	Transportation and public realm improvements to accommodate anticipated changes in the area including the new Central Criminal Courts development
Beech St Transportation and Public Realm (10847)	Transportation and public realm improvements in Beech Street

**Table 3. DBE Projects originally part of the prioritisation exercise but not ranked**

Project	Project Description	Reason that the project was not ranked
Thames Court Footbridge (11962)	Strengthening work to Thames Court Footbridge.	Project completed and bridge re-opened
West Smithfield Charterhouse Street bridge	Strengthening works to Charterhouse Street Bridge above Thameslink link and adjacent to West Smithfield Market buildings.	Project is separately funded by Cyclical Works Programme and therefore falls outside the DBE prioritisation review.
Street Lighting Strategy and Delivery Plan (9685)	Upgrade of City's street lighting network and Control Management System following adoption of the City's Street Lighting Strategy.	Project authorised to commence works at Gateway 5.

City Cluster Vision (10594)	Public Realm Vision document for the City Cluster Area.	Project completed and Vision adopted
City-Way-Finding Signage (11735)	Installation of Legible London way-finding signage across the Square Mile.	Project authorised to commence works at Gateway 5.
Sculpture in the City (9517)	Contemporary public art exhibition in the heart of the insurance and financial district around EC3.	Project authorised to commence works at Gateway 5 for 2019.
Drinking Fountains (12015)	Installation of 10 water refill points in support of the Plastic Free City Initiative.	Project authorised to commence works at Gateway 5.
Culture Mile Look and Feel Strategy (11780)	Public Realm Strategy document for the Culture Mile Area.	Project completed and Strategy adopted.
West Smithfield Strategy (10974)	Public Realm Strategy document for the West Smithfield Area.	Project superseded by Culture Mile Look and Feel Strategy
Eastern City Cluster Phase 2 (10719)	Implementation phase of Eastern City Cluster Strategy (2006)	Project superseded by City Cluster Vision Implementation phases.
51 Lime Street (9561)	Highway works in the vicinity of 51 Lime Street	Final phase superseded by 10 Fenchurch Avenue S278 works.
6 Bevis Marks (10680)	Highway works in the vicinity of 6 Bevis Marks	Funding re-directed to complete Aldgate project
S106 Bucklersbury House (9466)	Highway works in the vicinity of Bucklersbury House	Project superseded by Bloomberg S278 works.
Fenchurch Street (10986)	Transportation and Public realm improvements to Fenchurch Street	Project superseded by City Cluster Vision Implementation Phases and Healthy Streets Plan for City Cluster and Fenchurch Street.
RWE -Blackfriars Bridge Walkway (11493)	Public art installation on the riverside walk at Blackfriars Bridge.	Project superseded by Thames Tideway Tunnel public realm works.
Eastern City Cluster Security (9521)	Measures to mitigate the City Cluster against hostile vehicles	Project superseded by city-wide HVM security programme

**Table 4. DBE superseded and ‘on hold’ projects identified as part of the ranking exercise.**

(These projects will need to be formally closed via a separate Gateway 6 outcome report)

Project	Project Description	Reason for superseded status.
Fleet Street (10846)	Transportation and public realm improvements to Fleet Street	Superseded by the Fleet Street/Central Criminal Courts transportation and public realm project

Moorgate Area Strategy (11697)	A strategy to identify transportation and public realm improvements in the Moorgate area.	Superseded by Crossrail Moorgate project and Bank and Guildhall Healthy Streets Plan
St Paul's Area Strategy - Culture Mile (10845)	A strategy to identify transportation and public realm improvements in the St Paul's Cathedral area.	Superseded by Culture Mile Phase 1 and Museum of London/St Paul's Gyratory project
Fleet Street Area Strategy (10846)	A strategy to identify transportation and public realm improvements in the Fleet Street area.	Superseded by the Fleet Street and Temple Healthy Streets Plan
Eastcheap and Philpot Lane (11378)	A new pedestrian crossing over Eastcheap adjacent to Philpot Lane	Pedestrian movement including crossing points will be reassessed via the City Cluster and Fenchurch Street Healthy Streets Plan
Guildhall Area Strategy Green Spaces (10681)	A strategy to deliver urban realm improvements in the Guildhall area	On hold
Guildhall Ponds (10681)	The re-design of urban realm around and including the Guildhall Pond.	On hold

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## Appendix Three – Results of Project Eligibility for allocation of S106 funds

(All projects must mitigate the specific impacts of developments from which the funds were generated).

Rank	Project	Project Description	Project cost range (£M)	Project can be fully funded using local funding sources Y/N?	S106 funding can be allocated without a variation in the scope of the agreement Y/N?	Project eligible for allocation of S106 funds in this report Y/N?
1	St Pauls Gyratory (inc. Centre for Music) (11377)	Transportation and Public Realm improvements to St Paul's Gyratory including the integration of a potential Centre for Music development.	21-30	N	N/A	N
2	Liverpool Street (Crossrail Urban Integration) (11375)	Transportation and Public Realm works to safely integrate the additional pedestrians using the Crossrail station. Will include footway widenings, pedestrian crossing improvements, wayfinding and urban greening along Liverpool Street East, Old Broad Street, Blomfield Street and Wormwood Street.	1.4- 5.2	Y	Y	Y
3	Bank Junction (All Change at Bank) (11401)	Transportation and Public Realm works to improve safety and create a quality urban place at Bank Junction ahead of the Bank Underground Station Capacity Upgrade.	4-18	N	N/A	N*
4	Healthy Street Plans – City Cluster and Fenchurch Street (project proposal)	The Healthy Streets Plan will set out the traffic management changes required to provide a quality and safe public environment for workers, residents and visitors in the City Cluster and the area around Fenchurch Street station.	0.25 -0.35	Y	Y	Y
4	Healthy Street Plans – Fleet Street and Temple (project proposal)	The Healthy Streets Plan will set out the traffic management changes required to provide a quality and safe public environment for workers, residents and visitors in the Fleet Street and Temple area.	0.25 0.35	Y	Y	Y
6	Moorgate (Crossrail Urban Integration) (11381)	Transportation and Public Realm works to safely integrate the additional pedestrians using the Crossrail station. Will include footway widenings, pedestrian crossing improvements, wayfinding and urban greening along Moorgate, London Wall and Moorfields North.	1.1 - 2	Y	Y	Y
7	City Cluster - Implementation of Vision Phase 2 (project proposal)	Transportation and Public Realm works to deliver enhanced streets and spaces in the City Cluster, including	6.5	N	N/A	N

		Houndsditch, Leadenhall Street and St Mary Axe				
8	London Wall Car Park - Joints and Waterproofing (12002)	Waterproofing and replacing the joints to the remainder of the Highway Structure over the London Wall Car Park following the completed works funded by the developer to the eastern quarter.	2	N	N/A	N
9	Healthy Street Plans – Barbican & Smithfield (project proposal)	The Healthy Streets Plan will set out the traffic management changes required to provide a quality and safe public environment for workers, residents and visitors in the Barbican and Smithfield areas	0.25 - 0.35	Y	N	N
10	Healthy Street Plans – Bank and Guildhall (project proposal)	The Healthy Streets Plan will set out the traffic management changes required to provide a quality and safe public environment for workers, residents and visitors in the Bank and Guildhall areas	0.25 - 0.35	Y	N	N
11	Culture Mile Implementation (Phase 1 - Culture Mile Spine / North South link ) (11955)	Transportation and Public realm improvements to the Culture Mile Spine between Farringdon Road and Moorgate and public realm improvements to the north-south link between Culture Mile and the Southbank.	4 -5	N	N	N
12	Healthy Streets Project - Barbican and Smithfield (project proposal)	A project arising from the Healthy Streets Plan as yet to be determined	1	N	N/A	N
12	Healthy Streets Project - City Cluster and Fenchurch Street (project proposal)	A project arising from the Healthy Streets Plan as yet to be determined	1	N	N/A	N
12	Healthy Streets Project - Fleet Street and Temple (project proposal)	A project arising from the Healthy Streets Plan as yet to be determined	1	N	N/A	N
15	City Cluster Vision Phase 1 Implementation (Temporary closures/installations & trials) (project proposal)	Implementation of the first phase of the City Cluster Vision to include Healthy Streets Plan, Area Wide Security design development, greening, street activation and trials of functional changes to streets.	1 -3	Y	Y	Y
15	St Paul's External Lighting (9672)	Replacement of the external lighting system at St Paul's Cathedral	1.8	Y	N	N***
17	Fleet Street (10846)	Transportation and Public Realm improvements to Fleet Street	5	N	N/A	N
18	Puddle Dock Improvements (11733)	A new pedestrian crossing connecting the Riverside Walk and Thames Pier to Puddle Dock. Fully funded by TfL grant.	0.2	Y	Y	Y**
18	Moorgate Area Strategy (11697)	A Strategy to identify improvements to Transportation and Public Realm in the Moorgate area. This is now superseded by the Moorgate (Crossrail Urban Integration) project.	0.1	Y	Y	Y**

20	L5-Bank by Pass Walk Route (10990)	Transportation and Public Realm improvements to secondary streets in the Bank Junction area.	1	Y	N	N
20	Dominant House Footbridge (11788)	Concrete repairs to free locked up bearing shelf, refurbishment and investigation of lift provision at Committees instruction	0.55	N	N/A	N
22	City Cluster Implementation of Vision Phase 3 (project proposal)	Transportation and Public Realm works to deliver enhanced streets and spaces in the City Cluster, including Bury Street and Creechurch Lane.	6.5	N	N/A	N
23	Cycling Network	Implementation of cycling network infrastructure across the Square Mile.	8	N	N/A	N
24	St Paul's Area Strategy - Culture Mile (10845)	A Strategy to identify improvements to Transportation and Public Realm in the St Paul's Cathedral area. This project is superseded by the Culture Mile Implementation Phase 1.	0.1	Y	Y	Y**
24	Pool of London KAOC plan (project proposal)	A Plan to identify improvements to Transportation and Public Realm in the Pool of London Key Area of Change.	0.1	N	N/A	N
26	Culture Mile Pop ups future years (11825)	Street activation and trials to deliver short term benefits to the Culture Mile area and to support the Culture Mile cultural programme.	0.75	N	N/A	N
27	Fleet Street Area Strategy (10846)	A Strategy to identify improvements to Transportation and Public Realm in the Fleet Street area. This is superseded by the Fleet Street and Temple area Healthy Street Plan	0.05	Y	Y	Y**
28	Culture Mile Implementation (Phase 2 - Wider Area) (project proposal)	Transportation and Public realm improvements to secondary streets, spaces and gardens in the Culture Mile area.	4 - 5	N	N/A	N
29	Eastcheap and Philpot Lane (11378)	A new pedestrian crossing over Eastcheap adjacent to Philpot Lane	0.2	N	N/A	N
30	Vine Street North (project proposal)	Public Realm improvements in the northern section of Vine Street to complement improvements arising from private development in the area.	0.65	Y	N	N
31	Tudor St / New Bridge St	Transportation improvements to Tudor Street and New Bridge Street.	2.5	N	N/A	N
32	Temple Area Traffic Review (11959)	Measures to improve traffic movement, access, egress and greenery	3	N	N/A	N
33	Guildhall Area Strategy Green Spaces (10681)	Strategy to deliver urban realm improvements to the Guildhall Area	0.2	Y	N	N
34	Guildhall Pond (10681)	Re-design of urban realm around and including the Guildhall Ponds	0.5	N	N	N

**Key:**

Shaded row indicates proposed allocation of s106 funding to named project

\*- S106 funding allocated in separate report to All Change at Bank project (providing partial funding only).

\*\* -Project is already fully funded from local sources (no requirement for further allocation).

\*\*\* Project being funded by external funding sources



## Appendix 4 - Details of S106 deposits to be allocated

Proposed S106 funding allocations					
			TOTALS	£3,917,517.78	£3,917,517.78
Suggested Allocation	HOT	Status	Development	Balance	Total additional funding
<b>City Cluster Vision Phase 1 Implementation – (incorporating City Cluster and Fenchurch Street Healthy Street Plan)</b>	LCEIW	No VAR	06/01123/FULEIA Pinnacle 30/11/2007	£257,531.00	£1,119,934.28
	LCEIW	No VAR	09/00450/FULMAJ Bevis Marks 6 25/06/2010	£53,000.00	
	LCEIW	No VAR	10/00904/FULEIA Broadgate 5 29/07/2011	£16,749.22	
	Transportation	No VAR	11/00332/FULEIA Bishopsgate 100 23/11/2011	£17,939.00	
	LCEIW	No VAR	06/01123/FULEIA Pinnacle 30/11/2007	£774,715.06	
<b>Crossrail Urban Integration - Liverpool Street</b>	Transportation	No VAR	10/00904/FULEIA Broadgate 5 29/07/2011	£7,733.64	£1,484,391.68
	LCEIW	No VAR	10/00904/FULEIA Broadgate 5 29/07/2011	£537,735.36	
	Transportation	No VAR	10/00904/FULEIA Broadgate 5 29/07/2011	£543,504.00	
	LCEIW	No VAR	10/00904/FULEIA Broadgate 5 29/07/2011	£56,400.00	
	LCEIW	No VAR	10/00904/FULEIA Broadgate 5 29/07/2011	£326,097.00	
	LCEIW	No VAR	05/00771/FULEIA Heron Tower 07/04/2006	£4,448.49	
	Transportation	No VAR	05/00771/FULEIA Heron Tower 07/04/2006	£4,096.35	
	LCEIW	No VAR	06/00240/FULL Dashwood House 12/12/2006	£4,376.84	
<b>Crossrail Urban integration – Moorgate</b>	Transportation	No VAR	03-3297AS Basinghall Street 35 10/02/2005	£3,281.71	£1,058,185.62
	LCEIW	No VAR	03-3297AS Basinghall Street 35 10/02/2005	£300.00	
	Transportation	No VAR	03-3297AS Basinghall Street 35 10/02/2005	£15,238.00	

	Transportation	No VAR	10/00832/FULEIA London Wall Place 26/08/2011	£118,892.04	
	LCEIW	No VAR	07/00092/FULL Telephone Exchange 29/06/2009	£519,545.66	
	Transportation	No VAR	07/00092/FULL Telephone Exchange 29/06/2009	£327,136.12	
	LCEIW	No VAR	07/00092/FULL Telephone Exchange 29/06/2009	£1,942.20	
	LCEIW	No VAR	12/00811/FULMAJ River Plate House 10/05/2013	£47,365.63	
	LCEIW	No VAR	04/00958/FULL Austral House 09/03/2005	£3,472.57	
	LCEIW	No VAR	14/01179/FULEIA Moorfields 21 25/11/2015	£20,028.00	
	LCEIW	No VAR	10/00832/FULEIA London Wall Place 26/08/2011	£983.69	
<b>Temple and Fleet Healthy Streets Plan</b>	Transportation	VAR - Time	08/00778/FULMAJ New Fetter Lane 12-14 19/06/2009	£145,606.00	£255,006.20
	Transportation	No VAR	06/00613/FULL Fleetway House 14/03/2007	£11,601.13	
	LCEIW	No VAR	06/00613/FULL Fleetway House 14/03/2007	£16,646.89	
	LCEIW	No VAR	06/00613/FULL Fleetway House 14/03/2007	£15,378.94	
	Transportation	VAR - Time	06/01060/FULL Rolls and Arnold Buildings 18/04/2007	£40,773.24	
	Transportation	No VAR	14/00266/FULMAJ 20 Farringdon Street 30/06/2014	£25,000.00	
<b>TOTAL</b>					<b>£3,917,517.78</b>

### Definitions

HOT – Heads of Terms

LCEIW – Local Community Environmental Improvement Works

No VAR- No variation of agreement required

VAR Time – A variation of time required

<b>Committee(s):</b> Planning & Transportation Committee	<b>Date(s):</b> 30 July 2019
<b>Subject:</b> Wardmote Resolution from the Ward of Farringdon Within / Code of conduct for cycle tour groups using narrow lanes and streets	<b>Public</b>
<b>Report of:</b> Director of the Department of the Built Environment	<b>For Decision</b>
<b>Report author:</b> Rory McMullan, Department of the Built Environment	

## Summary

At its 18 June 2019 meeting this Committee received a Wardmote Resolution from the Ward of Farringdon Within concerning cycle tour groups using narrow lanes and streets.

It is understood that this is a particular issue on Carter Lane, which cycle tour operators use as a route to St Pauls Cathedral that avoids Ludgate Hill and Queen Victoria Street.

The City of London does not licence cycle tour groups but has engaged with the main tour operators. Operators have shown a willingness to change the way tours are conducted and dismount when necessary.

It is proposed to formalise this approach through a code of conduct. This includes a requirement for cycle tour groups to dismount on Carter Lane, and on any other narrow street in the City which is congested with pedestrians, during week-day lunchtimes (12 -2pm), at peak commuting times (4pm – 6:30pm) and at any other time when the street is observed to be busy with pedestrians.

More generally, officers continue work in partnership with the City of London Police to promote safe and considerate cycling and compliance to the Highway Code through engagement, education and enforcement.

## Recommendation(s)

Members are asked to approve the proposed code of conduct for cycle tour groups.

## Main Report

### Background

1. At its 18 June 2019 meeting this Committee received the following Wardmote Resolution from the Ward of Farringdon Within.

*“This Wardmote notes the dangers caused by cycle tour groups in narrow, semi-pedestrianised areas of the City. Despite discussions with City of London representatives, the operators of such tour groups do not appear to have made any substantial changes. There are reports of cyclists colliding with residents, but such collisions have not been recorded. Cycle convoys are seen to travel at speed through narrow cobbled lanes and have been crossing busy roads at unsafe points with participants, including children, not wearing any safety protection.*

*There is a risk of serious injury to both participants and pedestrians and the Wardmote therefore urges the Planning and Transportation Committee to undertake an urgent review of the terms of licences for such tour groups and confirm the actions that will be taken to improve safety.*

*The Wardmote further urges the Committee to work with the City of London Police on enforcement measures against cyclists who contravene the Highway Code, to safeguard the interests of pedestrians and other road users.”*

2. It is understood that this is a particular issue on Carter Lane, which is a very narrow, semi-pedestrianised street running parallel to Ludgate Hill. Cycle tour operators use Carter Lane as a route to St Pauls Cathedral, and it can be very busy with tour groups in the summer.
3. The City of London does not licence cycle tour groups but has previously engaged with the main tour operator to ensure they had appropriate health and safety procedures and that full training was provided. The operator also agreed that they would ensure guides were aware of the need to maintain low speeds on Carter Lane, give way to pedestrians and if necessary, dismount and walk.
4. As this has not proved enough to address the issue of conflict between people walking and cycle tour groups it is proposed to take the more formal approach of agreeing a code of conduct with operators as outlined below.
5. Operators note that Carter Lane is used because Queen Victoria Street and Ludgate Hill can be busy with motor vehicles, including lorries, buses and tour coaches, and are considered high risk unpleasant places to cycle. In the longer-term the delivery of the City cycle network as outlined in the Transport Strategy will mean these streets can provide a safe and attractive alternative to Carter Lane.
6. More generally, officers continue work in partnership with the City of London Police to promote safe and considerate cycling and compliance with the Highway Code through engagement, education and enforcement.

## Proposals

7. It is proposed to ask cycle tour operators using Carter Lane and to adopt and adhere to the following code of conduct:

*Cycle tour companies will avoid riding on busy and narrow lanes and streets where a safe alternative route, that does not compromise the safety and enjoyment of their guests, can be found.*

*Cycle tour group guides will require their groups to dismount on Carter Lane, and on any other narrow street in the City which is congested with pedestrians, during week-day lunchtimes (12 -2pm), at peak commuting times (4pm – 6:30pm) and at any other time when the street is observed to be busy with pedestrians.*

*At all times, cycle tour group guides will require guests to cycle considerately and be ready to give way to pedestrians in the City of London.*

*Safety will be a priority; operators and guides will require all guests to show competence at controlling a bicycle before agreeing to take them on a tour.*

8. Following the Wardmote resolution officers have researched the market and contacted all the major bicycle tour operators that currently provide tours in the City.
  - The London Bicycle Tour Company
  - Brake Away Bike Tours
  - Tally Ho Bike Tours
  - Golden Tours
9. We have received positive responses from all four operators, agreeing to adhere to the proposed code of conduct. At the time of writing two operators are already in the process of implementing a change in the way they operate.
10. We will ensure Ward members are aware of the code of conduct and that infractions can be reported to [RDR@cityoflondon.gov.uk](mailto:RDR@cityoflondon.gov.uk) for follow up with the relevant tour operators. If images can be supplied, the companies will be able to identify the guide who broke the code for disciplinary action.
11. To encourage safe and considerate cycling across the Square Mile, officers will continue to work in close partnership with the City of London Police to engage with people who cycle, educate them about the law and implement enforcement campaigns to ensure compliance with the Highway Code. This includes engaging with City businesses and employees through the Active City Network.
12. Engagement activities will include messaging through the #BeBrakeReady campaign. This encourages everyone who drives and rides in the Square Mile to do so on a way that reflects the crowded nature of the City's streets, expect the unexpected and be ready to stop.

13. A Riders Forum has been established with the City of London Police, the to engage with groups representing City cyclists (and motorcyclists) and consider how best to improve the safety and behaviour of all people who travel on two wheels in the City.

### **Corporate & Strategic Implications**

14. The proposals support the delivery of the Road Danger Reduction and Active Travel Action Plan and the following Transport Strategy outcomes:
- The Square Mile's streets are great places to walk and spend time
  - People using our streets and public spaces are safe and feel safe

### **Conclusion**

15. Cycle tour operators have demonstrated a willingness to make changes to the way they conduct tours in the City to improve safety. It is expected that the code of conduct will be an effective way of addressing the issues of conflict between people walking and tour groups on narrow streets and lanes, such as Carter Lane.
16. Over time, the delivery of improved cycling facilities, together with continued education, engagement and enforcement, will help to create a relaxed cycling culture in the Square Mile, reducing conflict with people walking and the potential for injury.

### **Rory McMullan**

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<b>Committee(s)</b>	<b>Dated:</b>
Streets & Walkways Sub Committee Planning & Transportation Committee	<b>22 July 2019</b> <b>30 July 2019</b>
<b>Subject:</b> Dockless cycle hire update	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For information</b>
<b>Report author:</b> Bruce McVean, Department of the Built Environment	

## Summary

In March 2019 Members of the Planning and Transportation Committee agreed a six-month trial of a new approach to managing dockless cycle hire. Two operators – Freebike and Beryl – have been selected to take part in the trial, which launched on 12 June.

The trial seeks to assess the effectiveness of designating parking locations for dockless cycles, particularly in terms of user compliance and how operators respond to bikes left outside those locations.

All other operators have been requested to not include the Square Mile within their operating areas while the trial is underway. However, dockless cycle hire schemes do not require the express consent of the City Corporation to operate.

The City Corporation can remove bikes causing a danger, in accordance with the Highways Act 1980. TfL's *Dockless bike share code of practice* requires operators to remove bikes causing an obstruction within 120 minutes, or within the Highway Authority's emergency response time, whichever is the quickest; and within 24 hours for a bike reported as causing a nuisance. We have set an obstruction response time of 90 minutes to reflect the City's context.

TfL and London Councils are developing a London-wide byelaw that is likely to allow the City Corporation and the boroughs to control dockless cycle hire operators by designating approved parking areas. The byelaw is unlikely to allow the licencing or selection of individual operators.

## Recommendation(s)

Members are asked to note the report.

## **Main Report**

### **Background**

1. 'Dockless cycle hire' is a generic term for a short-term cycle hire scheme, similar to Santander Cycles, but with no on-street docking infrastructure. The schemes are commercially operated.
2. The fact that no on-street docking infrastructure is required offers users more flexibility and avoids the risk of not being able to end a ride due to a docking station being full. It also represents a challenge, as users can leave bikes anywhere, potentially obstructing pavements.
3. Five operators are currently active in London: Beryl, Freebike, JUMP, Lime and Mobike. Mobike has operated in the City of London, with the City Corporation's consent, since November 2017. This arrangement has been superseded by the current trial.
4. In March 2019, Members of the Planning & Transportation Committee agreed to trial a new approach to managing dockless cycle hire.
5. The trial seeks to assess the effectiveness of designating parking locations for dockless cycles, particularly in terms of user compliance and how operators respond to bikes left outside those locations.

### **Trial update**

6. Seven dockless cycle hire operators responded to the call to participate in the trial:
  - Beryl
  - Donkey Republic
  - Freebike
  - InMotion Ventures
  - JUMP
  - Lime
  - Mobike
7. Beryl and Freebike scored highest against the selection criteria and were selected to take part in the trial.
8. Under the terms of the trial, Beryl and Freebike are each allowed to have up to 150 bikes parked in the City. These bikes are to be left, either by the operator or customers, in agreed parking locations. Locations are identified in the operator's app and a programme of marking them out with symbols and white lines is underway. This is expected to be completed by the end of July.
9. The trial period started on 12 June when Freebike launched their scheme. Beryl delayed their launch until 9 July to allow some of the parking areas to be marked out.
10. All other operators have been requested to not include the Square Mile within their operating areas. However, dockless cycle hire schemes do not require the express consent of the City Corporation to operate.



11. Both JUMP and Lime have taken steps to discourage their customers from ending hires in the City. These include indicating in their apps that users should end hires in the City and conducting regular sweeps to collect bikes. The effectiveness of these measures is being monitored. Despite repeated requests, Mobike continue to include part of the City within their geofenced operating area. JUMP, Lime and Mobike do not directly deploy bikes in the Square Mile.
12. The trial is due to conclude in December 2019. It may be necessary to extend the trial period as poor weather and staff resourcing constraints delayed the making out of parking areas. A report providing a further update on the trial and, if necessary, seeking approval for an extension will be brought to this Committee in November.
13. The success of the trial will be assessed using the following metrics:
  - Parking compliance: the percentage of rides that end with a bike parked outside of bays.
  - Response time: the average amount of time the operator took to respond to an inappropriately parked bike.
  - Number of complaints: the total number of Beryl and Freebike complaints over the course of the trial.
  - Total ridership: the total number of Beryl and Freebike rides over the course of the trial.
14. A full review of dockless parking area locations in the City will also be undertaken. This review will take account of occupancy, usage and origin-destination statistics.

### **Powers to regulate dockless cycle hire**

15. Dockless cycle hire schemes fall outside the existing legislative framework and the City Corporation does not have powers to prevent dockless cycle hire schemes from operating in the City (see Appendix 1 for further details).
16. Bikes may be removed if they cause a danger, in accordance with the Highways Act 1980. TfL's *Dockless bike share code of practice* requires operators to remove bikes causing an obstruction within 120 minutes, or within the Highway Authority's emergency response time, whichever is the quickest; and within 24 hours for a bike reported as causing a nuisance. We have set an obstruction response time of 90 minutes to reflect the City's context.
17. TfL's Code of practice requires operators to cease operations and remove all bikes within four weeks of receiving an instruction from the relevant Highway Authority. CoMoUK's accreditation criteria require operators to never operate in an area where the local authority has not given permission. These are both voluntary.
18. The lack of powers to manage dockless cycle hire operators has been recognised by London Councils' Transport & Environment Committee (TEC) and Transport for London. In response, and following legal advice, TfL and London Councils have proposed introducing a pan-London operating and regulatory framework for dockless cycle hire, supported by a new byelaw. It is considered

that a London-wide regime is required because people want to make journeys irrespective of borough boundaries, meaning that separate borough by borough arrangements are not conducive to encouraging cycling.

19. While the precise wording is not yet finalised, the byelaw intends to allow the City Corporation and the boroughs to designate parking areas for dockless cycle hire and penalise operators whose bikes are left outside these areas. The byelaw is unlikely to allow the licensing or selection of individual operators.
20. Creation of a London-wide byelaw would require the City Corporation and the boroughs to delegate their byelaw-making functions on this matter to London Councils' TEC. TEC agreed at their June meeting to begin the process of delegating powers. London Councils are preparing the materials that the City Corporation and the boroughs will need to go through this process. The byelaw draft is being finalised and the most up to date version will be sent out as soon as possible after the delegation material has been circulated by London Councils.
21. Consultation is likely to occur in the autumn and with the aim of then enacting the byelaw as quickly as possible, but this is dependent on the powers being delegated, amongst other things, so no fixed timetable is available. Any delegation of powers to TEC would be the subject of a further report to the Planning & Transportation Committee.

## **Reporting arrangements**

22. If a dockless bike is deemed to be causing an obstruction or nuisance, the City Corporation's Street Environment Officers will notify the relevant operator and record the incident. In line with TfL's Code of practice, operators are expected to respond to a report of a nuisance within 24 hours and within 90 minutes for an obstruction. Bikes causing a danger can be removed without notice.
23. For the trial, Freebike and Beryl have agreed to the following additional requirement:
  - Operators must be able to accurately locate their bicycles at all times e.g. by GPS location and have redistribution processes in place to move or remove inappropriately parked bicycles within:
    - a. 90 minutes on Mondays to Fridays between 06:00 and 21:00
    - b. 4 hours at any other time
24. An inappropriately parked Freebike or Beryl bike is one that is not parked in an agreed dockless parking area or paused in an appropriate location (Freebike bike hires can be paused, which is indicated by the bike's lights flashing rainbow).
25. From April to the end of June, 125 bikes have been reported to the following operators:
  - Mobike: 88
  - Lime: 33
  - JUMP: 1 (launched late May)
  - Freebike: 3 (launched mid-June)
26. Regular updates on the number of bikes reported will be provided to the Streets & Walkways Sub Committee under outstanding references.

27. To date, resource constraints have limited the City Corporation's ability to respond to the relatively small number of bikes that have not been removed by the operator or re-hired within the notice periods. To address this, our cleansing contractor, Veolia, will be instructed by officers to collect bikes. A charge of up to £235 can be made to the dockless bike operator for each bike removed to cover the cost of removal, officer time, and administration of the process. This revenue will be credited to Cleansing Local Risk.
28. The space available to store bikes at Walbrook Wharf is limited to 20 bikes. It is expected that the responsiveness of operators to reports of bikes causing a nuisance or obstruction will limit the need to store large numbers of dockless bikes.

### **Corporate & Strategic Implications**

29. Well managed dockless cycle hire has the potential to support the Corporate Plan aims to contribute to a flourishing society, particularly promoting good health and wellbeing, and to shape outstanding environments, by enhancing the physical connectivity of the City.
30. The Transport Strategy (Proposal 28) sets out our approach to improving cycle hire in the Square Mile. This includes ensuring that dockless cycle operators restrict their users from parking outside designated areas and quickly remove cycles that are not parked in these areas.

### **Legal and financial implications**

31. Legal implications: There is a risk of legal action by operators if the City Corporation removes bikes without notice or in situations when they are not causing a danger.
32. Financial implications: Managing dockless cycle hire as outlined in paragraphs 22 – 28 places an additional requirement on Street Environment Officers to report and potentially arrange the removal of bikes.
33. Costs may be incurred if the City Corporation has to remove bikes in default of the operator removing them. Costs incurred in these circumstances may be recovered through a recovery fee of £235.
34. There is a risk that fees may not be recovered if an operator goes bankrupt, does not collect their bikes or disputes the grounds for removal.

### **Health Implications**

35. Well managed dockless cycle hire has the potential to encourage active travel within central London, and potentially shift journeys from short taxi, private hire and public transport trips, with associated benefits to air quality and public health.

### **Equality Implications**

36. The allocation of dedicated parking areas and the reporting and removal of bikes creating a danger, obstruction or nuisance will help mitigate adverse impacts for

vulnerable road users (e.g. visually impaired, wheelchair users). This is consistent with the public sector equality duty.

## **Conclusion**

- 37. Dockless cycle hire has the potential to enable more journeys to, from and within the Square Mile to be made by bike, and the City has proved to be a popular destination for users. It also represents a challenge, as users can leave bikes anywhere, potentially obstructing pavements.
- 38. The trial that is currently underway seeks to address this challenge by testing the effectiveness of designating parking areas for dockless bikes. The London-wide byelaw is likely to formalise this approach but is unlikely to allow the licensing or selection of individual operators.
- 39. A further update on progress with the trial and byelaw development will be brought to Committee in November. In the meantime, regular updates on the number of dockless bikes reported to operators as causing an obstruction or nuisance will be provided to the Streets & Walkways Sub Committee.

## **Appendices**

Appendix 1 – Legal implications: Advice from the Comptroller and City Solicitor  
Appendix 2 – Dockless cycle hire enforcement process

## **Background Papers**

Dockless Cycle Hire, Planning & Transportation Committee, 18 March 2019

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## **Appendix 1 – Legal implications: Advice from the Comptroller and City Solicitor**

### **Statutory duties**

The City Corporation has a duty under s.130 of the HA 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority.

It also has a network management duty under s.16 of the Traffic Management Act 2004. This requires it to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:

- a. securing the expeditious movement of traffic on the authority's road network; and
- b. facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

Under section 122 of the Road Traffic Regulation Act 1984 local authorities are under a duty to exercise functions conferred on them under that Act so far as practicable, having regard to matters specified in subsection (2), to secure the expeditious, safe and convenient movement of traffic (including pedestrians).

The City Corporation is also subject to the public sector equality duty under section 149 of the Equalities Act 2010. This means that in the exercise of its functions it must have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This includes removing or minimising disadvantages suffered by people due to their protected characteristics (such as visual or mobility disabilities).

An unmanaged proliferation of bikes on the highway arising from dockless bike hire schemes may compromise compliance with the above statutory duties.

### **Statutory powers to deal with bikes on highway**

Dockless cycle hire schemes which do not necessitate any infrastructure being placed on the highway fall outside the existing legislative framework and do not need the City Corporation's consent to operate in the City. However, there are some existing statutory powers available where bikes are left so as to cause an obstruction, nuisance or danger.

1. Section 137 HA 1980 – If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding Level 3 on the standard scale (currently up to £1000.00.)
2. Section 148(c) HA 1980– if, without lawful authority or excuse a person deposits anything whatsoever on a highway to the interruption of any user of

the highway he is guilty of an offence and liable to a fine not exceeding Level 3 on the standard scale.

3. Section 149 HA 1980 – if anything is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited there to remove it forthwith. In the event of non-compliance, a court order may be obtained authorising the removal and disposal of the offending item. If the highway authority has reasonable grounds for considering the item constitutes a danger (including a danger caused by obstructing the view) to users of the highway and ought to be removed without the delay of seeking a court order it can remove the item forthwith and, ultimately, seek a court order for its disposal.

### **Street trading and ‘waste’**

Consideration has been given to whether the provision of dockless cycles for hire is caught by local legislation which makes it unlawful for any person to engage in unauthorised street trading in the City. “Street trading” is defined in the City of London (Various Powers) Act 1987 to mean the selling or exposing or offering for sale of any article or thing in a street. However, dockless cycle hire schemes involve bikes being available on the highway (or on private land with the consent of the owner) for temporary hire by members of the public, with payment being made via an App, and no person in the street engaged in the hiring out of the bikes. As the 1987 Act prohibits a person from selling etc. items in the street, not the temporary hiring of bikes in the way proposed which is more in the nature of a service (and not dissimilar to the existing Santander cycle hire scheme except that there are no docking stations), the activity would not amount to unauthorised street trading.

Consideration has been given to whether definitions of “waste” or “litter” in legislation apply. It is considered that these terms are not intended to cover bicycles left temporarily on the highway and which are in use for the benefit of the operators and their customers and officers are not aware of any decisions on this point. It is not considered that this adds significantly to the City’s statutory powers to deal with bikes on the highway.

### **Regulation by making byelaws**

Government guidance states that byelaws are considered measures of last resort after a local council has tried to address the local issue the byelaw applies to through other means. A byelaw cannot be made where alternative legislative measures already exist that could be used to address the problem. Byelaws should always be proportionate and reasonable.

It follows that there is a risk that the case for making a byelaw to regulate dockless bike hire could be undermined if all bikes on City streets were to be classed as obstructions and removed under existing powers. This would not prevent the application of the Street Obstructions Policy as proposed.

In relation to the activities of other local authorities in this area, it is understood by City officers that action is proposed to be pursued through a proposed London-wide byelaw.

TfL and London Councils have proposed establishing a regulatory framework for dockless bike hire schemes by way of a London-wide byelaw as the Boroughs have power to make byelaws for good rule and government under section 235 of the Local Government Act 1972. This would necessitate each authority delegating their byelaw-making powers to London Councils' TEC. The byelaw would then be made by way of the new simplified procedure introduced by Regulations which replaced the requirement for Government confirmation of the byelaw.

(However, the City Corporation has a different power to make byelaws for good rule and government contained in the City of London (Various Powers) Act 1961 to which the new simplified procedure does not apply. The City Corporation's participation in London-wide byelaw arrangements may therefore require a separate byelaw (which would need to be confirmed by the relevant Secretary of State) to interface with the TEC byelaw as part of the London-wide controls).

## **Liabilities**

In the event of loss, injury or damage being caused by the cycles, the person responsible would depend on the circumstances of each case. For example, if a cycle had remained in a dangerous position for days without the highway authority taking steps despite complaints, some liability would be likely to rest with the highway authority. If an accident occurred a few moments after the cycle was left in a dangerous position and the highway authority had no reasonable opportunity to identify and remedy the danger, it is unlikely any liability would rest with the highway authority, and therefore would be more likely to rest with the user and/or operator. In addition, the steps proposed to secure the co-operation of operators in ensuring safe practises would help demonstrate that the City is taking reasonable measures consistent with its responsibilities.

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<b>Committee(s)</b>	<b>Dated:</b>
Planning & Transportation Committee – For information	30 07 2019
<b>Subject:</b> Department of the Built Environment: ‘Brexit’ Update	<b>Public</b>
<b>Report of:</b> Carolyn Dwyer, Director of the Built Environment	<b>For Information</b>
<b>Report author:</b> Richard Steele, DBE	

## Summary

This short report updates Members on the potential implications of Brexit for the Department of the Built Environment.

The report notes that risks are also being considered corporately and focusses on those issues which have a particular relevance for the Department. A key consideration is to ensure that the plans, strategies, projects and services being delivered by the Department can still be delivered during and after Brexit. The Department’s role in ‘shaping’ the future City will remain important to ensure that it remains a ‘vibrant and thriving City, supporting a diverse and sustainable London within a globally-successful UK’, as set out in the Corporate Plan.

## Recommendation(s)

Members are recommended to:

- Note this report and that further update reports will be made to subsequent meetings of the Committee as appropriate.

## Main Report

### Background

1. The UK Government’s commitment to the withdrawal of the UK from the EU will have wide ranging implications for the country, the City, the City Corporation and the Department of the Built Environment. It will create opportunities to be seized and risks to be mitigated. The opportunities and risks will depend on the detailed withdrawal arrangements which are yet to be agreed. Meanwhile a priority is to ensure that foreseeable risks have been mitigated where practical and that the service remains resilient in uncertain times.

## **Risks**

2. Risks which apply to all parts of the organisation are being addressed corporately, but these will still need to be mitigated to some extent at departmental level to ensure that the Department remains in a position to implement its business plan. Examples include the potential short-term and longer-term impacts on supply chains, staff retention, income streams and the demand for services. Such risks could affect delivery of the Department's projects and services if they were to constrain availability of staff and materials. They could also affect the Department's income streams and the demand for its services if Brexit were to lead to significant changes in behaviour. These risks affect all departments and the Director of the Built Environment represents the Department at the corporate working group.
3. Brexit will have short-term and long-term effects on economic and employment growth, in the City and elsewhere, depending on the detailed arrangements to be agreed. Whatever those arrangements, London's strong underlying strengths as a global business centre will remain, meaning it is necessary to plan for sustainable long-term growth.
4. Evidence so far suggests that there is a continuing strong demand to invest in and develop in the City. 565,000 square metres of new office stock have been completed since 2016, leading to a net increase in City office stock from 8.72 to 8.95 million square metres. Employment in the City has also increased from 484,000 to 513,000 during this period. There are another 1.21 million square metres of office floorspace under construction. Planning applications for large developments have continued to be received resulting in large committee agendas at times. Pre-application discussions are also continuing in relation to a number of major development projects.

## **Conclusion**

5. At this stage the Department considers that it will be able to deliver its services and implement its business plan during and after Brexit. However the uncertain wider situation means that further updates will continue to be provided by the Director in spoken or written form to subsequent committee meetings as appropriate.

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