

PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 1 October 2019

Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 10.00 am

Present

Members:

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

Officers:

Gemma Stokley	- Town Clerk's Department
Priya Rane	- Media Officer
Alison Bunn	- City Surveyor
Mark Lowman	- City Surveyor
Deborah Cluett	- Comptroller and City Solicitor's Department
Annie Hampson	- Chief Planning Officer and Development Director
Carolyn Dwyer	- Director of Built Environment
Zahur Khan	- Department of the Built Environment
Gwyn Richards	- Department of the Built Environment
Paul Monaghan	- Department of the Built Environment
Beverley Bush	- Department of the Built Environment
Bruce McVean	- Department of the Built Environment
Rachel Pye	- Markets & Consumer Protection

The Chair took the opportunity to welcome new member John Edwards to the Committee and to thank Karina Dostalova for her time served.

1. APOLOGIES

Apologies for absence were received from Christopher Hayward (Deputy Chairman), Henry Colthurst and James de Sausmarez.

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

The Chair declared a non-pecuniary interest in agenda Item 6 stating that the premises in question was in close proximity to his business premises.

Graham Packham and Marianne Fredericks declared non-pecuniary interests in relation to agenda Item 7. Mr Packham clarified that he had sat on the Licensing Sub Committee hearing held in relation to this premises in July 2018 but clarified that the focus of that was solely licensing and not planning matters. Ms Fredericks declared that the premises in question was situated within her Ward and that she had spoken in objection to the licensing application. She clarified that her focus today would, however, be solely planning matters.

3. **MINUTES**

The Committee considered and approved the minutes of the meeting held on 10 September 2019 as a correct record.

MATTERS ARISING

Ocean Diva (page 2) – A Member questioned whether there was any further update on this matter. The Chief Planning Officer and Development Director reported that the further information requested from the applicant remained outstanding to date. She added that the need for further public consultation on this application was extremely likely.

Enforcement Monitoring Report (page 4) – A Member referred specifically to the issue of short-term lets and raised the issue of staff resources in terms of addressing and monitoring any issues arising. She added that conditions applied to short-term lets were pointless without enforcement.

The Member went on to refer to a recent decision by the planning inspector following a planning appeal involving a premises that had changed from restaurant to bar use and had, over a number of years, caused huge problems for both local residents and Environmental Health Officers who were repeatedly called out to deal with the noise issues and the impact on residential amenity. She praised the decision reached which was to time condition use of the drinking establishment and took the opportunity to congratulate the planning enforcement team for their dedication and hard work in bringing this problem to a satisfactory and pragmatic conclusion.

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

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

RECEIVED.

5. **OUTSTANDING ACTIONS**

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

RECEIVED.

6. **10 BOLT COURT, LONDON, EC4A 3DQ**

The Committee considered a report of the Chief Planning Officer and Development Director seeking approval for the replacement of the existing balustrading, installation of new decking and planting at roof level in association with the formation of a roof terrace for use by occupants of the building between 9am and 8pm with the exception of 15 times a year when this would be extended to 11pm.

The Chief Planning Officer reported that the premises in question was a small, red brick, office building situated within the Fleet Street Conservation Area. Proposals were around the use of a flat roof as a roof terrace. She drew Members' attention to a site plan of 10 Bolt Court and the location of 6 Bolt Court (where those residents who had objected to the application reside) which was immediately to the north of the site. Members were informed that there was a large deciduous tree between the two sites and that the proposals also sought to screen the proposed plant area at roof level. Planting was also proposed around the edge of the roof terrace which would become a decked area.

The Chief Planning Officer highlighted that a number of conditions were proposed to address the concerns raised by residents and that the 'Roof Terrace Management Plan' referred to therein would be as amended by conditions. Members were informed that details of any lighting to be used would be subject to approval.

The Chair thanked Officers for their introduction, introduced the registered objectors and invited them to address the Committee. Mr Toby Brown, a local resident, spoke first, highlighting that the area in question was currently a quiet space and that the existing office building was ordinarily vacated by 6.00pm. He expressed his concern that the original application had failed to even mention nearby residents and questioned the fact that the space referred to was already an existing roof terrace and not simply a flat roof.

Mr Brown went on to question Condition 2 which, as drafted, appeared to allow the use of the proposed terrace at weekends too. He added that the need for this space was, to his mind, unexplained, aside from use by any potential future tenants of the existing building. There was no suggestion that this building could not be let without the use of a roof terrace.

Mr Brown referred to the existing railings in place at roof level which he argued were perfectly adequate for its current usage which was limited to maintenance access for the plant. He concluded by highlighting how the proposals appeared to be in direct contravention to many of the City Corporation's own plans and policies with no rational explanation as to why these should be breached. Mr Brown referred specifically to the Local Plan – DM10.3, arguing that the proposals were not for a roof terrace of high quality and would also be out of character with the local area. He also cited DM.7 with regard to noise pollution and DM 21.3 which sought to protect the amenity of existing residents.

Dr Kirsty Mann addressed the Committee, reporting that she had lived in her current residence for a total of 9 years. She reported that no planning officers had ever visited her home to assess the true impact of these proposals. Dr Mann went on to state that whilst there was a deciduous tree in place between her home and the office building in question, this offered only partial screening at certain times of the year from her bedroom window. She too referred to the likely noise impact of the proposals highlighting that, as she resided in a listed building, the installation of double glazing was not an option to mitigate against this.

Dr Mann reported that she currently worked with extremely sick patients in intensive care and that it was therefore vital that she was able to sleep peacefully when required. As such, the restrictions placed around the hours of use for the proposed roof terrace were unhelpful to her personally. Dr Mann went on to state that it was plain to see that the terrace was intended to be used for entertainment purposes and would be advertised as such and that effective policing of this was unrealistic.

Dr Mann also took the opportunity to refer to the existing security light referred to at paragraph 28 of the report and highlighted that this had recently become an issue as it had been permanently left on and sat just 8 meters from her bedroom window. The Chief Planning Officer responded that this issue could be pursued by Environmental Health with the applicant who had now been made aware of the problem.

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

A Member stated that there appeared to be some confusion as to whether the roof area had been used as a roof terrace previously and questioned whether, to the best of the objectors' knowledge, this was the case. Dr Mann responded that, in the 9 years she had lived at Bolt Court, she had not seen the area used. She reiterated that residents had never been consulted on these plans and that her first knowledge of these was as a result of seeing workmen on the roof area. This had led to her visiting the office building on two separate occasions to question if any works were planned, only to be told, inaccurately, that there were not.

A Member questioned whether residents were already overlooked by windows below the proposed terrace and whether this was a privacy issue. Mr Brown stated that a number of residents were currently overlooked by office space but that this was very different to being overlooked by people standing on a roof terrace, socialising. He added that desks within the existing office space were positioned side on to the windows, therefore not looking directly through them. He added that, in any event, noise issues associated with indoor office use and outdoor use were very different.

A Member questioned Mr Brown's assumption that Condition 2, as currently drafted, would also permit some weekend use of the proposed space. Mr Brown stated that the condition restricting hours of use stated that this would be

“with the exception of 15 late nights annually” – this could, conceivably, permit its use for one weekend evening every Summer. A Member questioned if this condition would benefit from some amendment.

A Member questioned whether the proposal that restricted use of the terrace to a maximum of 12 members of staff at one time was of any assistance to residents. He also questioned whether this should be conditioned. Dr Mann responded by stating that she feared that the numbers accessing the terrace at any one time would be based on guess work and questioned how it was proposed that this be policed.

A Member questioned whether the use of black out blinds or the frosting of residents’ windows might be a way to overcome concerns around privacy. Dr Mann stated that she would have concerns around loss of light with this approach and added that it would do nothing to alter any noise pollution which remained a primary concern.

The Chairman invited those speaking in favour of the application to address the Committee.

Emma Conwell, Senior Planner, Icen Projects Ltd began by stating that proposals were around changes and design enhancements to an existing roof terrace that was an area accessible to the entire office building at present. She added that plans were intended to improve the use of the area for existing and future residents in an area where such space was highly sought after, making this a particularly special opportunity. She added that the plans were, in her view, in line with the City Corporation’s development plans and policies.

The Chair thanked Ms Conwell for her contributions and invited questions from Members.

A Member questioned whether the applicant had commissioned a noise assessment and, if so, what the findings of this were and why this had not been included within the information presented. Ms Conwell confirmed that such an assessment had been carried out and had formed part of the applicant’s first submission. The same Member also questioned how the applicant proposed to enforce the suggested conditions, were this application to be granted. Ms Conwell stated that this need to be explored with the building management.

A Member questioned if Ms Conwell could confirm whether the roof area had ever been used as a social space previously. Ms Conwell reported that she did not believe it had been but that the area was ancillary to the office space.

In response to a question regarding the likely use of this space, Ms Conwell responded that it would be primarily for existing and future occupiers of the office building as opposed to clients.

A Member questioned how large, in square meters, the roof terrace area would be once the plant area had been discounted. She also questioned disabled access to the roof terrace. Ms Conway confirmed that it would be a limited

space which was why it had been suggested that a maximum of 12 people occupy the terrace at any one time. In terms of accessibility, the office building currently had a lift but access beyond this to the roof terrace area would need to be given further consideration.

A Member questioned whether the existing flat roof formed part of the office building's fire escape route. Ms Conway responded that she would need to explore this further with her client.

In response to questions on the proposed planting around the edge of the roof terrace, Ms Conway stated that this would reach the middle bar of the existing railings in terms of height but that the depth of any planters would need to be looked at so as not to heavily impact on the available floor space.

A Member referred to the wording within Condition 2, which would permit extended use of the area for "15 late nights annually". She questioned whether there were any specific, immediate plans around its use in line with this. Ms Conway reported that proposals for these 15 late nights would centre around Summer months only and would involve events such as presentations for existing workers up to 11pm.

The Chair asked that Members now move to debate the application.

The Chair began by posing some questions of the Chief Planning Officer and Development Director seeking to ascertain what precisely the works that required planning permission were here and also whether temporary consent had been considered.

Another Member questioned Officers as to what powers the City Corporation had if conditions were violated. A third Member questioned how much reliance the Committee should place on the proposed 'Roof Terrace Management Plan', whether it could be altered at any time and if this might be conditioned. He went on to express concern that Condition 2, as drafted, would permit late night use of the space on both weekends and bank holidays, whereas paragraph 23 of the report seemed to state that the agent's own Management Statement excluded use at any time on Saturday, Sunday or Bank Holidays.

The Chief Planning Officer and Development Director took the opportunity to respond to these questions and to further clarify some of the issues raised earlier. She began by stating that, if the existing office building was considered in its entirety, the roof was arguably an ancillary space. She added, however, that she did not think it was the case that the area had previously been extensively used, particularly as the current railings were not believed to be compliant with building regulations. It was the proposed alterations to these that required planning permission.

The Chief Planning Officer and Development Director confirmed that temporary consent had not been considered as this is not what had been applied for. She went on to report that the violation of any conditions imposed would be subject

to enforcement action although it was fair to say that such action would not be instant and would require supporting evidence.

The Chief Planning Officer stated that she did not believe that the flat roof was part of the fire exit route. She clarified that the Management Plan sought to limit the impact of the proposals and that this was also conditioned. With further reference to conditions, the Chief Planning Officer apologised for the drafting of Condition 2 which she agreed could be wrongly interpreted. She therefore sought the leave of the Committee to tighten this, should the application be approved, and clarify that the 15 days of annual late-night use would be for weekdays only.

Policy-wise, Members were informed that other roof terraces existed in the City that were adjacent to residential premises. It was not, therefore, inappropriate but there were different constraints around this in residential areas.

The Chief Planning and Development Director reported that Officers had no record of a noise assessment having been submitted by the applicant and neither had this been requested of them. With regard to questions around access, Members were informed that a small lift was installed within the building but that it was step access only to the roof area rendering it inaccessible to wheelchair users.

A Member opened debate by stating that the Committee had a statutory function to take account of relevant planning considerations and to look at relevant policies, assessing applications against these. He went on to state that CS1 of the Local Plan policies, and the provision of additional offices was a golden thread running throughout, as these plans were not around an office but merely a roof terrace, it would appear to fall at the first hurdle. He argued that the roof space was not necessarily ancillary to the existing office building given that many other office buildings did not have roof terrace areas.

The Member went on to refer to DM 10.3 of Local Plan Policies stating that the plans were in contravention of this in that the area would immediately overlook residential premises, regardless of the angle that occupiers would be looking at. He added that this was also a conservation area and that, according to the City Corporation's own policies, development here should only be permitted if it preserved and enhanced the area. He offered the view that the proposed use of tensile wires and artificial plants were far from in keeping with Georgian architecture. He questioned why there was no report from the Conservation Advisory Committee on the proposals.

In summary, the Member stated that whilst he recognised that a balance needed to be struck in terms of development and protecting residential amenity and that this was not a majority residential area, it was difficult to argue that the development policy was applicable here. He was of the view that the proposals materially breached many of the City Corporation's policies and was therefore opposed to granting this application.

Another Member spoke of the difficulties in enforcing conditions such as those proposed given current resources. She added that, whilst music could be conditioned, the noise emitted from those standing and talking could not. She questioned what real powers the organisation could therefore be expected to have here. She agreed with the point made that none of the City Corporation's policies appeared to be in favour of these proposals.

A Member spoke to state that he found it very troubling that the applicant had chosen not to liaise with residents at any stage and that the report to Committee appeared to be misleading in its suggestion that plans were around formalising the use of the roof as a terrace when this appeared not to have been used as such previously. He agreed that the application clearly failed to satisfy DM10.3 and suggested that it would be incredulous to describe this as a high-class roof terrace. Access was also clearly an issue. The Member went on to refer to DM 21.3 and stated that no mitigation seemed to have been proposed on this. He added that the proposed conditions were disturbingly silent in terms of capacity and alcohol consumption and that he found the applicants assurances on these points unconvincing.

Finally, the Member referred to the agent of change principle, adding that the local residents had lived on this site for some 12 years, the applicants were therefore the agents of change and, as such, should be providing mitigation. Whilst Members could move that conditions were put in place around maximum capacity and alcohol consumption, these would be difficult to enforce in reality and, for this reason, he intended to also vote against the application.

A Member stated that the application did not deal with an office space and did not, therefore satisfy the objective of CS1. All objectors had remarked on the particular character of the area which seemed to go against guidance under DM12.2 concerning development in conservation areas. Finally, the Member remarked that suggested use of the area for 15 late nights annually could potentially amount to once a week until as late as 11pm during the summer months. For these reasons, she too would seek to reject the application.

A Member sought clarification around what the status of the existing area would be if permission were not granted today and how the existing railings here might be made compliant with building regulations.

Another Member commented that he lived in a similar Conservation Area and was of the view that roof terraces were incompatible with mixed office and residential space.

The Chair noted that no Member had yet spoken in favour of granting the application.

The Chief Planning Officer and Development Director clarified that the Conservation Advisory Committee had considered the application and had no objections. She also clarified that the planning application sought was to facilitate the use of the flat roof as a terrace and not technically a change of use as it was ancillary to the office space. She added that Officers could tighten the

conditions as proposed for the applicant to agree around maximum capacity and alcohol consumption.

The Chair highlighted that Officers were of the view that the application could be approved and was compliant with policy. He added that the roof space could currently be used, unconditioned, although the fact that the existing railings did not meet building regulations could render such use non-compliant with building control. He stated that, if the application were refused, the Committee would forego any planning control over this area; if it were to be granted, certain conditions could be applied.

A Member highlighted that the opening line of the report clearly stated that the application was around the *formation* of a roof terrace. Another Member added that elsewhere in the report it was made clear that the application sought to formalise the use of the roof as a terrace. She added that, at present, however, it seemed to be utilised for maintenance only and questioned whether the continuation of this might be conditioned so that office workers and the public were unable to use the area, even with replacement balustrades.

The Comptroller and City Solicitor reported that the roof was part of the office planning unit and as such, in planning terms, it could be used as a roof terrace in association with the office use. However, the new balustrades would address safety/building control issues and therefore facilitate the intensified use of this space as a roof terrace.

MOTION: A Member moved that the application for the replacement of the existing balustrades be approved but that access to the roof area continue to be restricted to maintenance purposes only. He added he would withdraw this motion if the Committee could be provided with further information as to the consequences of rejecting this application in its entirety.

The Chief Planning Officer and Development Director clarified that the applicant could appeal any rejection and that it would then be for the planning inspector to consider the matter as well as any appropriate conditions. However, it was unlikely the area could currently be used beyond maintenance given that the existing railings did not meet building regulations.

The Member withdrew his motion.

The Chair asked that Members move to the vote. The Town Clerk clarified that six of the Members still present, following the earlier departure of two, were unable to vote, given that they had not been present for the full discussion of the Item. Members proceeded to vote on the recommendation, with 2 Members voting in favour of the recommendation and 18 Members voting against the recommendation. There was one abstention. The application was therefore refused.

RESOLVED – That planning permission be refused due, primarily, to concerns around the protection of residential amenity and development within a Conservation Area. The final wording of the refusal was delegated to the Chief

Planning Officer in consultation with the Chair of the Planning and Transportation Committee

7. **26A SAVAGE GARDENS & 9A-9B CRUTCHED FRIARS, LONDON, EC3N**

The Committee considered a report of the Chief Planning Officer and Development Director seeking approval for the change of use of part ground floor from betting office (sui generis) to a mix of restaurant and drinking establishment (sui generis) (110sq.m) and works comprising:

- (i) replacement of shopfront on Crutched Friars;
- (ii) replacement of first floor windows on Crutched Friars and Coopers Row;
- (iii) installation of first floor window on Savage Gardens;
- (iv) replacement of first floor rear doors and windows fronting rear yard with new doors and glazing under the arches and installation of an external green screen;
- (v) replacement of door and installation of windows to the rear at ground floor;
- (vi) extension of external walkway on first floor rear elevation and replacement of external stairs for use as a means of escape;
- (vii) installation of a fence between the external walkway and neighbouring residential properties; and
- (viii) replacement of extract flue on rear elevation.

The Chief Planning Officer also highlighted that some amended wording for Conditions 4, 5, 8 and 9 had been tabled.

Members were informed that the application concerned a site situated to the east of the City, the majority of which was underneath railway arches. As some Members had alluded to at the opening of the meeting, under Item 2, it was correct to say that Planning and Licensing considerations were quite separate although many of the planning conditions proposed mirrored those already set by Licensing. The Chief Planning Officer and Development Director confirmed that the first-floor use was already sui generis a restaurant/bar area and that the proposed changes sought to remove access to the premises from the nearby residential area and improve access for all.

The Chair thanked the Chief Planning Officer and Development Director for their introduction, introduced the registered objector and invited her to address the Committee.

Jayne Evans introduced herself as a full-time mother and local resident to the site. Ms Evans expressed concerns around the proposed timber clad fencing, gate and fire escape to the rear of the premises which directly adjoined residential bedrooms. She commented on the fact that there were also communal refuse bins situated directly underneath this wooden structure which could have severe consequences in terms of smoke and toxic fumes for the residents directly above if a fire were to break out within the bins. Ms Evans stated that she had seen no reference to any fire assessment having been carried out within the documents presented.

Ms Evans went on to speak of concerns around loss of light, stating that the only windows were to the rear aspect of residential properties here with no other sources of natural light. Ms Evans also referred to the proposed green screen to conceal the windows, for which retrospective planning permission was now being sought, and which were situated just feet away from her and other residents' homes.

The Chair thanked Ms Evans for her contributions and invited questions from Members.

A Member questioned whether Ms Evans' main concerns were around the rear access to the building and any resulting loss of light. She further questioned whether there were any concerns around the proposed change of use of the premises from a betting shop to a bar/restaurant. Ms Evans confirmed that she had no concerns around the proposed change of use but was concerned about safety around the rear access and noise emitting from the walkway here.

A Member stated that, following concerns around the use of the rear courtyard raised by the Licensing Hearing Panel for this premises, this was now to be utilised for emergency access only. He therefore questioned what noise Ms Evans would anticipate from here. Ms Evans reiterated that the rear access was just feet away from nearby residential windows and that her main concern was around this being a fire hazard. Another Member probed whether there was concern as to the proposed walkway here being used as a smoking area.

At this point, the Chair 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 questioned whether the noise of the existing plant was an issue for residents. Ms Evans stated that it was generally not an issue. She added that residents also endured limited noise from the nearby railway but noted that this was time limited.

The Chair invited those speaking in favour of the application to address the Committee. The Applicant, Mr Anthony Thomas, spoke to provide Members with a history of the current site. He reported that the Savage Gardens entrance to the first-floor restaurant and bar area had been in existence since 1969 and, to the best of his knowledge, the premises had always had the same use. The application for use of the current ground floor Ladbroke's site had been granted in 1962. In 2017, the applicant had taken the lease from Network Rail and had been granted a licence that same year with no objections. Unfortunately, a licence review followed, and the operation was therefore yet to get underway since 2017.

Mr Thomas clarified that the main objective of this application as to relocate the entrance to the premises. He added that the rear yard area had always been part of the unit and that the applicant had no intention to use this area aside from for deliveries, staff access only and as a means of fire escape. He went on to state that a rear staircase was already in existence and that the applicant

now sought to make this structure compliant. He added that, if desired, this structure could be moved away from the wall.

Mr Thomas reported that the windows referred to by the objector were currently obscured. He added that his premises had no plant and that existing plant belonged to Bierschenke who currently occupied the basement below all three existing units.

The Chair thanked Mr Thomas for his contributions and invited questions from Members.

A Member questioned whether the fire brigade had been consulted on the proposals given the concerns raised around fire safety. Mr Thomas responded to state that this consultation would take place at the appropriate time and that the applicant would work to make the rear access compliant.

A Member commented on what were, in his view, ambitious plans and questioned how the applicant proposed to stop staff use of the yard for smoking for example. The applicant reported that the operator ran 46 units across London, many of which were often closely neighboured by residential properties. They were therefore not unfamiliar with managing such situations. He added that any staff using the yard inappropriately would face disciplinary action.

A Member stated that the Committee had already heard that the proposed change of use was of no concern to residents. To her mind, the issue here had always been around use of the rear yard and the intrusion of privacy caused by the installation of the window arches. She noted that, prior to the installation of these, there had been a blank wall in place which had never caused any concern to residents previously. She went on to state that it was fair to say that many of the works now applied for had already been carried out and had always been contentious.

Mr Thomas drew Members' attention to a photograph depicting what had been inherited by the applicant. He added that this was not, as the Member suggested a solid wall and had always been a historic access point. He added that the applicant felt that the previous offering was unattractive.

The Member went on to question the proposed screenage and whether it was necessary for this to be fixed to the wall as this was also causing concern to residents. Mr Thomas reiterated that the staircase itself did not have to be fixed to the wall. The Member went on to highlight that the proposed screening/fencing would effectively screen off residential bedroom windows and questioned whether the applicant might instead consider the use of frosted glass or the scaling back of this entirely.

Mr Thomas clarified that planning consent would not be required for a reconfiguration of the premises. He added that use of the unit had not, historically, been conditioned. However, in an attempt to improve the overall impact of the premises, the applicant was now seeking to move the entrance to

the front, away from residential properties, and to also make various changes to the rear in an attempt to 'mop up' all historic changes and issues.

A Member questioned whether works at 26A Savage Gardens had commenced without prior approval and had to be subsequently halted. Mr Thomas reported that one of the windows referred to was a historic opening and confirmed that no demolition had taken place on site.

A Member questioned whether the fact that restaurant users would be able to see the outside space from the rear windows installed would incentivise its usage. She also questioned privacy around this and whether the applicant would consider that the installation of frosted glass here would be effective and proportionate. The applicant commented that this had already been considered but not pursued. He underlined the need to strike a balance here and reminded the Committee that usage of these units pre-dated any nearby residential use. Mr Thomas added that conditions requiring double glazing would sufficiently limit any noise nuisance to residents from inside the premises.

The Chair asked that Members now move to debate the application.

A Member who had also sat on the Licensing Hearing for this premises and was therefore well aware of its history, praised officers for heavily matching the licensing conditions imposed within their proposed planning conditions. He added that he failed to see how residents' concerns had not been addressed by the applicant and, for that reason, would be supporting the application.

Another Member reiterated that residential concerns around noise and loss of privacy, particularly from bedroom windows situated just feet away, remained. This, in her view, had been caused by the removal of what had appeared to be a solid wall structure. She went on to state that she was concerned to hear that planning permission was being sought retrospectively for some of the works. The Member also questioned why no assessment as to the likely impact on daylight/sunlight had been carried out given that the proposed screenage would clearly affect this for some. She stated that the easiest compromise here would be to ensure that rear windows were frosted if there were no proposals to reinstate a more solid structure. The Member concluded by highlighting that the Fire Brigade may still object to the proposals around screening which would lead to more issues around loss of privacy. She stated that, in her view, the application was lacking and prompted more questions than answers.

A Member spoke to suggest that the use of frosted glass was not always a good technical solution but that other options existed that would have the same effect.

A Member stated that she understood and shared residential concerns and also felt that many questions were unanswered.

Another Member, who had also been involved with this premises as Licensing level, stated that he was of the opinion that the applicant had really gone the extra mile in terms of addressing concerns. He added that certain issues raised

by Members during debate were not for this Committee and that they could not, for example, second guess what the views of the Fire Brigade may be. He added that use of the back-yard area was already heavily conditioned and that he was fully supportive of the application.

Another Member also spoke in support of the proposals. He reported that he had attended a site visit here last week and felt that the works carried out had already improved the courtyard area and therefore the value of the newer surrounding residential units. He agreed that the limitations as to how the rear area could be used were clear.

A Member revisited the issue of the rear windows and questioned whether a compromise might be reached here that would satisfy all parties.

Having listened to the arguments advanced by Members, the Chair suggested that, if Members were minded to support the application, a condition requiring appropriate treatment of the rear windows could be added. He commented that he would also be keen to see a condition around the need for the applicant to self-certify that their plant ventilation was compliant on an annual basis included.

With the addition of these two conditions, Members proceeded to vote on the recommendations, with 26 Members voting in favour of the recommendation and 1 Member voting against the recommendation. There were no abstentions.

RESOLVED – That, with the addition of two conditions around the need to appropriately treat the rear windows to the premises and for the applicant to self-certify, on an annual basis, that their plant ventilation was compliant, planning permission be granted for the above proposal in accordance with the details set out in the attached and tabled schedules.

8. **TOWER BRIDGE HV SYSTEM REPLACEMENT AND INCREASING ELECTRICAL RESILIENCE**

The Committee considered a report of the City Surveyor setting out the Outline Options Appraisal relative to the Tower Bridge HV System Replacement and Increasing Electrical Resilience.

RESOLVED – That the Planning and Transportation Committee:

1. Approve recommended Option B;
2. Approve a budget of £303,000 to reach the next Gateway;
3. Note the revised project budget at £5.8m (excluding risk);
4. Note the Costed Risk Provision in the total sum of £2,600,000;
5. Note the revised project timeline changes from GW 1-2.

9. **WIND MICROCLIMATE GUIDELINES**

The Committee considered a report of the Chief Planning Officer and Development Director setting out the City Corporation's Wind Microclimate Guidelines, produced as a result of officers working alongside the Wind

Engineering community to establish a more robust and rigorous methodology for Wind assessments accompanying planning applications for new schemes.

The Chair thanked Officers for this piece of work which showed that the organisation was very much leading the way in this area.

A Member questioned why testing could not be done in situ, looking at existing scenarios, as opposed to within a wind tunnel. Officers responded that it was important to keep the number of anomalies down in test situations but that they would continue to work alongside the wind industry to look at how these might be reduced.

REOLVED – That the Planning and Transportation Committee endorse the Wind Microclimate Guidelines which established a more rigorous and robust approach to the methodology and techniques of Wind testing of proposed developments in the City and raised the benchmark of acceptable wind conditions.

10. DOCKLESS VEHICLE HIRE BYELAW

The Committee considered a report of the Director of the Built Environment asking Members to recommend to the Court of Common Council that it resolves to delegate to London Councils' Transport & Environment Committee (TEC) the authority to exercise the City Corporation's byelaw-making function for the purpose of regulating dockless vehicles on the highway and/or public places by way of an addition to the existing TEC constitution, as outlined within the paper.

A Member questioned whether this was the first time that the City Corporation had delegated byelaw-making powers to another party and, if so, whether this would set a significant precedent. He went on to question whether this would constitute passing open-ended permissions with regard to dockless cycles to the TEC or if there would be scope to withdraw these at any point if necessary. The Comptroller and City Solicitor reported that, to the best of her knowledge, this would be the first example of such powers being delegated to another party. She reassured Members that a delegation could be revoked.

A Member noted that the report suggested that detailed discussions around the wording of the byelaw were ongoing and questioned whether Members would have the opportunity to reassess the final version. The Comptroller and City Solicitor reported that the TEC included representatives from all 33 London Boroughs and that there would be further reference to TEC before the wording was finalised or further amended.

A Member sought clarification as to how this might impact on the City Corporation's ongoing dockless cycle trial and questioned whether this proposal was slightly premature given that this was yet to conclude. The Comptroller and City Solicitor noted that it was highly unlikely that the byelaw would be introduced ahead of the conclusion of the trial given that it required the delegation of all London boroughs to proceed. She envisaged that the byelaw would not be made before Spring 2020 at the earliest and reiterated

that it was dependent upon a pan-London approach and agreement by all London Boroughs.

A Member spoke in support of the proposals which would hopefully result in a pan-London approach. She added that many using dockless vehicles were unaware of when they were crossing boundaries between one local authority and another. Finally, she questioned if there would be scope to include electric scooters within this work and also whether some consideration might be given to microchipping vehicles going forward.

A Member recognised that, whilst the byelaw would be in the same terms for all London local authorities, enforcement matters would be left to individual authorities. He therefore questioned whether the City Corporation would have any discretion around altering the level of fine beyond £500 for those breaching the byelaw. The Comptroller and City Solicitor clarified that, whilst site specific matters would remain with relevant local authorities, the maximum fine level was fixed by the byelaw and the fine (up to the maximum) to be imposed following prosecution would be a matter for the Magistrate's Courts.

The same Member went on to question how this would be policed and whether, in the case of the byelaw being breached, it was the operator or the user who would be issued with a fine. The Comptroller and City Solicitor responded to state that the offence would be committed by the operator and that this was linked to the apparatus requirement in paragraph 4 of the draft byelaw. It was envisaged that this would be a largely self-managing system.

Another Member questioned the likely costs of enforcement. She questioned whether, eventually, London might move to a licensing system for dockless vehicles in common with other cities. With regard to the parking of dockless bicycles, the Member stated that users would be encouraged to park more responsibly in virtual stations but noted that sufficient space would be required to accommodate these. She questioned whether some of the City's existing car parking spaces might be considered for this purpose going forward.

A Member stated that she endorsed this approach and the positive impact it would hopefully have in terms of clean air and the wider environment. She added, however, that there was a need for the scheme to be user-friendly in order to promote its use as widely as possible.

The Chair reiterated that this matter would also require the consent of the Court of Common Council and that, equally, all authorities would require the consent of their full councils. A Member suggested that the report to the Court of Common Council be amended to include the points raised today around the scope of the delegation of powers and that this was also the first time that such delegation had taken place.

RESOLVED – That, Members recommend to the Court of Common Council that it resolves to delegate authority to London Councils' Transport and Environment Committee to exercise the following functions by way of an

addition to the Part 3(D) Functions in the LC TEC agreement, inserting a new paragraph 2(c) as follows:

"(c)(i) the making of byelaws under section 235 of the Local Government Act 1972 (and, in respect of the City of London Corporation, under section 39 of the City of London (Various Powers) Act 1961) for the purpose of regulating dockless vehicles on the highway and/or public places (including by making it an offence for a dockless vehicle operator to cause or permit their dockless vehicle to be left on the highway or public place other than in an approved location), including taking all related steps to promote, make, amend and revoke any such byelaw.

(c)(ii) The exercise of powers under Section 1 of the Localism Act 2011 for the purposes of giving effect to (i) above, including but not limited to oversight and management of the arrangements (but excluding prosecution or other enforcement).

11. PIPE SUBWAYS OF HOLBORN VIADUCT AND SNOW HILL OVER THAMESLINK

The Committee considered a report of the Director of the Built Environment relative to a Detailed Options Appraisal for the Pipe Subways of Holborn Viaduct and Snow Hill over Thameslink.

RESOLVED – That, the Planning and Transportation Committee:

- 1) Approve the additional budget of £225,000 for GW4 to reach the next Gateway, including scope change for inclusion of structure supporting the carriageway of Snow Hill;
- 2) Note the revised cumulative project budget of £481,000 (excluding risk);
- 3) Note the total estimated cost of the project at £2.666m (excluding risk)
- 4) Approve a costed risk provision of £75,000 (to be drawn down via delegation to Chief Officer); and
- 5) Note that Gateway 4C Detailed Design is to be approved via Planning and Transportation Committee.

12. WEST SMITHFIELD AND CHARTERHOUSE STREET (THAMESLINK) BRIDGES REMEDIAL WORKS

The Committee considered a report of the Director of the Built Environment detailing issues relating to the West Smithfield and Charterhouse Street (Thameslink) Bridges Remedial Works.

RESOLVED – That, the Planning and Transportation Committee:

- 1) Agree proposals to include additional waterproofing and re-surfacing of Charterhouse Street Bridge over Railtrack Sidings (Structure No. 33/23) as detailed in the plan at Appendix 2, which is an increase in the scope of similar work;
- 2) Agree a project budget increase of £160,000 for the increase in scope to a total of £844,000. The increase of £160,000 to be funded from the Additional Capital Funds for City Fund Properties Programme; and

- 3) Approve a Cost Risk Provision of £70,000 over and above the £160,000 (to be drawn down via delegation to Chief Officer).

13. **MILLENNIUM INCLINATOR MAINTENANCE UPDATE REPORT**

The Committee received a report of the City Surveyor updating Members on the current situation in relation to the maintenance of the Millennium Inclinor.

A Member stated that, whilst he welcomed this report and the progress being made, he had been made aware that the Inclinor had broken down again only this morning. This underlined the fact that, ultimately, a more robust approach to its maintenance was required.

RECEIVED.

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

The Committee considered 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.

15. **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.

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

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

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

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

There were no questions.

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

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

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 the non-public minutes of the meeting held on 10 September 2019 and approved them as a correct record.

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 22 July 2019.

22. TOWER BRIDGE - REPLACEMENT OF HEATING SYSTEM SERVING THE HIGH-LEVEL WALKWAYS AND TOWERS

The Committee considered and approved a report of the City Surveyor providing outcomes from the Tower Bridge project – Replacement of Heating Systems Serving the High-Level Walkways and Towers.

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

A Member raised a question relative to Extinction Rebellion's planned protests in London.

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 additional, urgent items of business for consideration in the non-public session.

The meeting closed at 1.12 pm

Chairman

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