

PLANNING AND TRANSPORTATION COMMITTEE

Thursday, 10 March 2016

Minutes of the meeting of the Planning and Transportation Committee held at Livery Hall - Guildhall on Thursday, 10 March 2016 at 2.00 pm

Present

Members:

Michael Welbank (Chairman)	Gregory Jones QC
Marianne Fredericks (Deputy Chairman)	Deputy Alastair Moss
Oliver Lodge	Sylvia Moys
Randall Anderson	Graham Packham
Alex Bain-Stewart	Judith Pleasance
Alderman Peter Estlin	Deputy Henry Pollard
Deputy Bill Fraser	Angela Starling
George Gillon	Deputy James Thomson
Deputy Brian Harris	

In Attendance

Officers:

Amanda Thompson	- Town Clerk's Department
Simon Murrells	- Assistant Town Clerk
Deborah Cluett	- Comptroller and City Solicitor's Department
Carolyn Dwyer	- Director of Built Environment
Annie Hampson	- Department of the Built Environment
Alison Hurley	- Assistant Director Corporate Property Facilities Management
Iain Simmons	- Department of the Built Environment
Simon McGinn	- City Surveyor's
Steve Presland	- Transportation & Public Realm Director
Julie Smith	- Chamberlain's Department

1. APOLOGIES

Apologies for absence were received from Dennis Cotgrove, Revd. Dr Martin Dudley, Emma Edhem, Sophie Anne Fernandes, Deputy Bill Fraser, Alderman Timothy Hailes, Deputy Bill Harris, Deputy Henry Jones, Alderman Professor Michael Mainelli, Brian Mooney, Alderman William Russell, James de Sausmarez, Graeme Smith and Patrick Streeter.

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

Gregory Jones QC declared a personal interest in Agenda Item 9b) – North-South Cycle Superhighway – by virtue of being directly affected by the closure of Tudor Street.

3. **MINUTES**

RESOLVED - That the minutes of the meeting held on 23 February be approved.

4. **MINUTES OF THE STREETS AND WALKWAYS SUB (PLANNING AND TRANSPORTATION) COMMITTEE**

4.8 North-South Cycle Superhighway – Objections to the Associated Proposals and Additional Mitigation Measures.

Members questioned the accuracy of the technical description of the order which referred to the making of 'experimental Traffic Orders for a period not exceeding 18 months'. Members considered this to be misleading as agreement had been given to a 'temporary Traffic Order' with a review after 6 months'.

RESOLVED – That the minutes be received.

5. **TOWN PLANNING AND DEVELOPMENT APPLICATIONS**

The Committee received a report of the Chief Planning Officer and Development Director in respect of development and advertisement applications dealt with under delegated authority.

RESOLVED – That the report be noted.

6. **VALID APPLICATIONS LIST FOR COMMITTEE**

The Committee received a report of the Chief Planning Officer and Development Director which provided details of valid planning applications received by the department since the last meeting.

RESOLVED – That the report be noted

7. HISTORIC TELEPHONE KIOSKS ISSUES AND OPTIONS REPORT

The Committee received a report of the Chief Planning Officer advising of the current situation regarding the telephone kiosks located throughout the City, and also recommending a corporate approach and options for future use .

Members were advised that usage of them as public telephone facilities was extremely low and in many cases they had suffered damage, neglect and ill-usage.

Members raised a number of questions concerning the historic and design value of the K2 and K6 Kiosks, changes of use and required planning permissions, preservation and maintenance options, and health and safety issues.

A member suggested the new uses to be explored should include wireless as well as broadband infrastructure.

In response to questions the Committee was advised that operators of functional kiosks had obligations to maintain them under relevant legislation, and private owners of redundant kiosks were responsible for their upkeep. There was potential scope therefore for the City to require their proper maintenance under planning legislation where their condition adversely affected amenity.

Members were advised that many of the questions raised would be answered in the assessment proposed under Recommendation C.

A Member proposed an amendment to Recommendation 2 of the report and it was seconded that where possible all K2 and K6 kiosks should be retained, painted post-office red, and converted to accommodate Broadband/Wireless infrastructure.

The Comptroller advised that this request was covered in Recommendation 3 of the report, but would be reliant on the assessment and negotiation with kiosk operators.

A vote was taken and the proposed amendment to Recommendation 2 was Carried.

RESOLVED - That

- a) The City seeks the removal of all modern kiosks unless operationally required through negotiation with the operators;
- b) The City wishes to see in principle the retention of all K2 and K6 kiosks, and where necessary their repair and change of colour to post-office red, and convert to accommodate Broadband/Wireless infrastructure where possible;

- c) The City undertakes an assessment of the townscape/conservation area contribution and physical condition of each unlisted K6 kiosk, including their potential for conversion to new uses that comply with Local Plan policies. The assessment will form the basis for further discussions with kiosk operators and will yield recommendations for:
- Repairs and potential new uses;
 - Potential candidates for relocation;
 - Potential candidates for removal of unlisted kiosks.
- d) Following Member approval the City implements the recommendations of the assessment.

8. REPORTS RELATIVE TO PLANNING APPLICATIONS

8.1 1 Poultry

The Committee received a report of the Chief Planning Officer Planning regarding the refurbishment and alterations to 1 Poultry including the change of use from shop (A1) to create a new office reception (B1) and a flexible shop (A1)/office (B1) use.

The Chief Planning Officer advised that planning application had triggered a request for the building to be listed which was considered and refused by the Secretary of State in December 2015. However this decision was currently being challenged and the outcome awaited.

The Chief Planning Officer further advised that the principal issues in considering this planning application were:

- The impact of the proposed alterations to a non-designated heritage asset;
- The impact of the proposed alterations to the Bank Conservation Area;
- Loss of retail frontage and floor space in the Principal Shopping Centre

Committee Members raised a number of questions concerning the impact on the planning permission if the challenge was successful, the nature of the objections received, the scope for improvements to the arcade area, management of the existing open spaces and access to the top floor restaurant.

In response to a question concerning the maintenance of the public spaces, the Chief Planning Officer reported that this could be done by negotiation taking into account where respective boundary responsibilities started and finished.

RESOLVED - That

- a) Planning permission be granted for the development of 1 Poultry in accordance with the details set out in the schedule in the report; and
- b) The Town Clerk be authorised to approve a solution to the maintenance of the public spaces in consultation with the Chairman and Deputy Chairman.

8.2 **111 Cannon Street**

The Committee received a report of the Chief Planning Officer regarding a proposal for the construction of an 8 storey building for office and retail use at 111 Cannon Street.

The Committee noted that the London Stone and its current enclosure would be reinstated on the Cannon Street frontage within the new ground floor elevation at the height they were in St. Swithun's Church prior to its destruction in the Second World War. This would make it more prominent than was currently the case and would enhance the special architectural and historic interest of the London Stone.

RESOLVED – That

- (a) Planning permission be granted for the development at 111 Cannon Street in accordance with the details set out in the schedule in the report;and
- (b) Planning obligations and other agreements being entered into under Section 106 of the Town & Country Planning Act 1990 in respect of those matters set out in the report, the decision notice not to be issued until the Section 106 obligations have been executed.

8.3 **Redevelopment of 22 Bishopsgate - Potential Acquisition of Land for Planning Purposes - WITHDRAWN**

The Committee was advised that further to the receipt of correspondence in relation to this item, it had been withdrawn from the agenda by the Comptroller and City Solicitor and Chief Planning Officer to allow an opportunity for information gathering in relation to the issues raised in the correspondence.

The Committee noted that the report would be brought to the next meeting on 5 April 2016.

8.4 **Redevelopment of 21 Moorfields - Potential Acquisition of Land for Planning Purposes**

The Committee received a report seeking approval in principle for the potential acquisition of land for planning purposes at 21 Moorfields.

The Committee was also given time to read an additional supplementary report providing recent correspondence received from affected neighbours, the City's response, together with comments from the owner and an additional letter from an affected neighbour dated 10 March 2016 which was tabled.

The Committee was advised that the programme was now at risk due to the inability to settle and conclude legal agreements for this strategic development to be completed on the date of the Crossrail commencement in respect of a significant number of remaining rights of light claims, and the prospect that those enjoying the rights of light might be able to pursue injunctive relief.

The Owners had asked if the City would be prepared to consider intervening by utilising the powers under S227 to enable reliance on the powers in S237. For this to occur it would be necessary for the City to acquire an interest in the Redevelopment Site, and the City's compensation liabilities to be indemnified by the Owner.

A Member expressed concern that the Committee was being asked to intervene and act in the interests of the developer and exercise powers that should only ever be a last resort. Also there was no clear policy on when and how these powers should be utilised.

Members suggested that it would be helpful if there was an overall policy to provide clarity on the use of S237 powers to guide them in the future, and suggested that this be considered when as part of the Local Plan Review. The Comptroller advised that Court of Common Council had resolved in June 2011 that use of the powers be delegated to Planning and Transportation Committee and Policy and Resources to be considered on a case by case basis having regard to specified criteria.

RESOLVED - That

- (a) Planning and Transportation Committee and Policy and Resources Committee authorise acquisition of an interest in the Redevelopment Site by the City Corporation under S227 of the Town and Country Planning Act 1990 in order to engage powers under S237 for the planning purpose of facilitating the carrying out of the Development (in its current form or as it may be varied or amended) and subsequent disposal of that interest to the Owners (or an associated company) under section 233 of the Town and Country Planning Act 1990, subject to the Town Clerk determining in consultation with the Chairman and Deputy Chairman of Planning and Transportation Committee:-

- i. that adequate attempts have been made to remove injunction risks by negotiating release of affected rights of light by agreement and that those entitled to rights of light are not prepared, by agreement (on reasonable terms and within a reasonable time) to permit infringements of those rights in time to achieve the development programme; and
 - ii. that there is a suitable Indemnity in place; and
 - iii. the terms on which the acquisition and disposal referred to above are to be made.
- (b) following the Policy and Resources Committee's decision that appropriations such as this should in future be determined by Planning and Transportation Committee only, the appropriate delegation be sought from the Court of Common Council in April 2016 by way of an amendment to the Planning and Transportation Committee's terms of reference

8.5 Redevelopment of 120 Moorgate - Potential Acquisition of Land for Planning Purposes

The Committee received a short update from the Comptroller and City Solicitor on the redevelopment of 120 Moorgate.

The Comptroller reported that unfortunately, as a consequence of change of personnel in the affected freeholder's home country, and a resulting mix up, the freeholder had been working towards a 10 March settlement date, rather than the 23 February date originally proposed. The earlier date was to enable any relevant report to be prepared in time for the 10 March meeting. Rather than prepare an incomplete or unnecessary report officers sought confirmation of settlement no later than 10 March.

The City Property Team Manager advised that agreement had now been reached by both sides and would only come back to Committee if it appeared that the operation of Powers under Section 237 of the Town and Country Planning Act 1990 were necessary to facilitate the carrying out of the redevelopment.

RESOLVED – That the update be noted.

9. REPORTS OF THE DIRECTOR OF THE BUILT ENVIRONMENT

9.1 Revised Statement of Community Involvement for Public Consultation

The Committee received the draft Statement of Community Involvement (SCI) setting out how the City intends to consult when preparing planning policies and deciding planning applications.

The Committee noted that the current SCI was adopted in November 2012 and required some updating to coincide with the start of work on the Local Plan Review. The changes to the current SCI were relatively small and mainly focused on providing greater clarity for the reader as well as updating factual information. Reference had been added to consultations regarding Neighbourhood Plans and more emphasis given to the duty to cooperate with neighbouring boroughs and certain other bodies in the preparation of planning policies.

RESOLVED – That the draft revised Statement of Community Involvement be approved for public consultation.

9.2 North - South Cycle Superhighway between Stonecutter Street and King's Cross - The City's response to the public consultation

The Committee received a report setting out the City's proposed response to TFL's consultation regarding the North-South Superhighway which highlighted a number of concerns regarding safety, lack of improvements for pedestrians, and impact on local users.

Members questioned the reference to the closure of Tudor Street which related to another part of the Cycle Superhighway, and suggested that if this was to be included then the views of the City in relation to this should be expressed in much stronger terms to TfL.

RESOLVED – that the City's response to the consultation and concerns in relation to the closure of Tudor Street be expressed in much stronger terms and a revised letter be prepared by the Director of the Built Environment.

9.3 Pay & Display Machine Upgrade

The Committee received a report of the Director of the Built Environment concerning the options for the City's stock of Pay & Display machines which were now over 10 years old and were approaching the end of their useful life.

Members noted that although the majority of parking payments were now made through mobile phone payment technology, a significant minority were still made by cash direct at the machine. As a result, removing that facility would require a step change for those who still used it, which was likely to generate an adverse reaction and have an equalities impact. In addition, there was a risk to relying on just one method of payment, with 'mobile only' payment still vulnerable to issues around mobile phone coverage and system reliability.

Members were advised that on balance, the option of upgrading the current machines (rather than replacement or removal) would appear to be the best way of

addressing the issues of rising machine costs, a current demand by some customers to pay by cash, and limited available funding.

Members expressed a number of conflicting views in relation to either the retention or disposal of the machines and the options available.

RESOLVED - That

- a) Both cash and mobile phone payment methodologies are retained; and
- b) The number of P&D machines are rationalised and those that remain upgraded.

Deputy James Thomson asked that his vote against the retention be recorded in the minutes.

10. INCOME GENERATION - REPORT OF A CROSS-CUTTING SERVICE BASED REVIEW

The Committee considered a report of the Chamberlain concerning a cross-cutting review of opportunities for income generation.

RESOLVED - That

- a) the overall report be endorsed;
- b) the introduction of Planning Performance Agreements to increase income from Development Control services be considered; and
- c) options to maximise full deployment of capacity and increase charges to align with neighbouring authorities / NCP charges to increase income from off-street parking be reviewed.

11. PUBLIC LIFT UPDATE

The Committee received an update on the public lift service.

A Member raised a question in relation to London Wall Lift (West) being out of service on the 25th February but not appearing on the report submitted to the committee.

The City Surveyor undertook to look into the matter and come back to the member following the meeting.

12. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

14. EXCLUSION OF THE PUBLIC

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

15. NON-PUBLIC MINUTES

RESOLVED – That the non-public minutes of the meeting held on 23 February be agreed as a correct record.

16. NON-PUBLIC MINUTES OF THE STREETS AND WALKWAYS SUB (PLANNING AND TRANSPORTATION) COMMITTEE

RESOLVED - That the non-public minutes of the Streets and Walkways Sub-Committee held on 22 February be received.

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

There were no non-public questions.

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

There were no non-urgent items of business.

The meeting ended at 4.00 pm

Chairman

Contact Officer: Amanda Thompson
tel. no.: 020 7332 3414
amanda.thompson@cityoflondon.gov.uk