

PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 23 May 2017

Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 9.30 am

Present

Members:

Christopher Hayward (Chairman)	Deputy Jamie Ingham Clark
Rehana Ameer	Paul Martinelli
Randall Anderson	Andrew Mayer
Alderman Sir Michael Bear	Deputy Brian Mooney
Mark Boleat	Sylvia Moys
Mark Bostock	Barbara Newman
Deputy Keith Bottomley	Graham Packham
Henry Colthurst	Judith Pleasance
Emma Edhem	Deputy Henry Pollard
Marianne Fredericks	James de Sausmarez
Graeme Harrower	Oliver Sells QC
Christopher Hill	Graeme Smith
Alderman Robert Howard	Deputy James Thomson

Officers:

Simon Murrells	-	Assistant Town Clerk
Amanda Thompson	-	Town Clerk's Department
Jennifer Ogunleye	-	Town Clerk's Department
Deborah Cluett	-	Comptrollers & City Solicitor
Carolyn Dwyer	-	Director of Built Environment
Annie Hampson	-	Department of the Built Environment
Steve Presland	-	Department of the Built Environment
Gwyn Richards	-	Department of the Built Environment
Peter Shadbolt	-	Department of the Built Environment
Craig Stansfield	-	Department of the Built Environment
Paul Wilkinson	-	City Surveyor

At the start of the meeting a minutes silence was held for those killed, injured and affected by the tragedy in Manchester the previous day.

1. APOLOGIES

Apologies for absence were received from Deputy Alastair Moss, Peter Dunphy, Alderman Gregory Jones, Alderman Vincent Keaveny, Oliver Lodge, Susan Pearson and Jason Pritchard.

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

There were no declarations of interest.

3. **MINUTES**

RESOLVED - That the minutes of the meeting held on 21 March 2017 be agreed as a correct record.

A Member expressed concern in relation to 11.1 Creed Court which she felt did not adequately reflect the long debate that had taken place or include sufficient details of all the questions and answers, which might need to be relied upon in court should the application go to appeal

The Town Clerk responded that the minutes were not intended to provide a verbatim account of proceedings but to provide a record of the decision-making.

In response to a question concerning the recording of meetings, the Town Clerk advised that this was not current practice.

The Chairman asked Members if this was something they wished to consider but there was no support for the proposal.

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

The Committee received a report of the Director of the Built Environment in relation to the temporary private footbridge across Upper Thames Street at Thames Court which was erected following an agreement reached in 1997 between the CoL Corporation and the owners of Thames Court. The agreement provided that the owners make the footbridge available for use by the public throughout its operating life.

The report advised that the Thames Court footbridge was now closed and its owners were in discussions with Transport for London, the current local highway authority for Upper Thames Street, about a road closure to allow the footbridge removal works to be undertaken. Although the footbridge was across Upper Thames Street, parts of the abutments and footings of the footbridge on either side were located on adjoining highways for which the CoL Corporation was the local highway authority.

There was a local desire for the footbridge to be retained although a wider public need for the footbridge had not been demonstrated. Transport for London (TfL) was willing, without prejudice, to consider having the footbridge vested in TfL as a highway structure in order to allow it to be retained if all parties considered this to be desirable.

Brian Mooney spoke in support of the retention of the footbridge and **MOVED** an Amendment to Recommendation 3 to state that if neither TfL

or the owner of the structure were willing to take over ownership then the CoL Corporation should do so.

The Amendment was **SECONDED** by Marianne Fredericks.

Discussion ensued and although Members were sympathetic to local residents and retaining the bridge, they sort further clarification on the financial implications of doing so and whether or not the CoL would still be able to take it down at a later date if it required.

The Director of the Built Environment advised that a further report on costs and the full implication would need to come back to the Committee for consideration.

Arising from the discussion a vote was taken on the amendment:

12 FOR
8 AGAINST

And the Committee **RESOLVED** that:

- 1) Transport for London be approached to have the Thames Court footbridge vested in it as a highway structure should the owner of the structure be willing to transfer it to Transport for London.

- 2) Should Transport for London and the owner of the structure be willing to have the footbridge vested in Transport for London as a highway structure the Director of the Built Environment be authorized to enter into any necessary agreements with Transport for London to enable to Transport for London to exercise the City's local highway authority functions in respect of those parts of the footbridge that are located on highways for which the City is the local highway authority.

- 3) Should Transport for London not be willing to accept the t vesting of the Thames Court as a highway structure, then the CoL Corporation should take over responsibility for its retention and maintenance. .

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

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. **REPORTS RELATIVE TO PLANNING APPLICATIONS**

7.1 **Barbican and Golden Lane Estates - Proposed Conservation Area**

The Committee received a report of the Director of the Built Environment setting out the steps to be followed for consideration of a new conservation area following a request from Barbican and Golden Lane Estate Residents Association who had requested that a new conservation area be designated by the City to include the Barbican and Golden Lane Estates and surrounding area.

In response to a question concerning what the likely costs and timescales would be, the Chief Planning Officer advised that it would take about four months and a full report including the costs would be brought to the Committee in the Autumn.

RESOLVED – To

- 1) Note the report
- 2) Agree that assessment and analysis of the proposed area would be carried out in accordance with policy and national guidance; and
- 3) Consider the results of this work and if a conservation area should be designated.

7.2 **Bernard Morgan House 43 Golden Lane London EC1Y 0RS**

The Committee received a report of the Chief Planning Officer (CPO) in respect of the redevelopment of the site for 'Demolition of existing building, retention of existing basement and construction of new residential building to provide 99 dwellings, together with ancillary car parking, hard and soft landscaping and associated works'.

The development comprised the demolition of the existing building and the construction of a new residential building. The height of the proposed building would range from ten storeys opposite Cripplegate House to six/eight storeys opposite Bowater House, and would reduce in height along Brackley Street from ten storeys to four storeys in the southwest corner. Of the 99 private flats proposed ten would be studio flats, 41 would be one-bedroom flats (including two duplex flats), 39 would be two-bedroom flats (including ten duplex flats) and nine would be three-bedroom flats (including two duplex flats).

The CPO reported that the Committee's resolution in respect of the previous Item, to agree the carrying out of an assessment as to whether a conservation area should be designated to include the application site, was material to the consideration of the application. However, the CPO advised that it should be given limited weight as the matter was in very early stages of consideration, and it did not affect the evaluation and recommendation.

The CPO reported that in addition to the representations referred to in the report, a number of other representations had been received subsequently and had been circulated to Members. In addition, an email had been received from solicitors acting for the Bernard Morgan House Liaison Group requesting an adjournment of the Committee's consideration so that omissions in the Daylight, Sunlight and Overshadowing evaluation (which it was thought missed out consideration of some windows) could be considered and addressed. The CPO advised that the City, having received advice from its appointed Daylight and Sunlight expert, Paul Littlefair of the Building Research Establishment, did not consider there was any omission, or that windows which should have been considered had not been taken into account. She stated that Paul Littlefair would address the Committee and comment on the concern expressed regarding the perceived omission, and that it was not considered an adjournment was required.

Paul Littlefair clarified that the concerns about perceived omissions arose due to inconsistent labelling between different analysis, but that all relevant windows had been analysed to establish the impacts of the application. He also reported on his independent review of the Applicant's Daylight, Sunlight and overshadowing assessment of the impacts of the application, and. Reported that while there would be some impacts these were generally minor in nature and acceptable given the densely built up urban nature of the site.

Mark Campbell, Emma Matthews and Fred Rodgers (Bernard Morgan House Liaison Group), Tim Godsmark (Golden Lane estate Residents Association) Mai Le Verschoyle (Cobalt Building), Mary Durcan and William Pimlott (Court of Common Council Members, Cripplegate ward) spoke in objection to the proposals, including concerns that they did not meet the CoL Corporation's planning policy, were an over-development of the site, would have a negative impact on its surroundings, including neighbouring dwellings, church, school and park in terms of over-shadowing, over-looking and over-domination. All without adequate contribution to the affordable housing supply.

Ingrid Osborne, Paul Henry, Lloyd Spencer and Nick Lane were heard on behalf of the applicant Taylor Wimpey.

Members raised a number of questions in relation to daylight/sunlight issues including the relevance of balconies in assessing impacts, compliance with the London Plan's Density standards, the contribution towards the provision of affordable housing including whether the applicant would be willing to make a greater contribution or agree a review of the contribution, and whether the viability assessment was out of date. Members also queried the impact on the community, transport, servicing and parking.

During consideration of this item, and in respect of Standing Order No. 40, the Chairman sought the Committee's consent to extend the meeting to allow the item to be considered.

In debating the issue Members' principal issues of concern included the contribution to social housing which did not follow the CoL's policy for on-site affordable homes and instead was replacing key worker housing with housing that was unaffordable to the majority of the local population and therefore would not benefit the public. Issues of concern also included impacts on daylight, sunlight and overshadowing and the methodology for assessing impacts. A Member questioned whether or not the CoL were achieving 'best value' as the applicant appeared to have underestimated selling prices and over-estimated the building costs. The site value should have equated to market value. Concern was also expressed that concessions appeared to have been made in evaluating the application which seemed in the Applicant's favour,

The CPO advised that the NPPF advised planning authorities that they should adopt a presumption in favour of sustainable development and the Local Plan needed to be looked at a whole. The proposals were considered to be appropriate, well served by public transport, and the density was considered appropriate.

Alderman Sir Michael Bear MOVED an Amendment to Recommendation 2 to make provision for an upward only review of the affordable housing contribution. .

The Amendment was SECONDED by Randall Anderson

Arising from the discussion a vote was taken on the amendment:

20 FOR
0 AGAINST
1 Abstention

A vote was also taken on the original recommendation

13 FOR
10 AGAINST

The AMENDMENT was CARRIED and the Committee **RESOLVED**:

- 1) That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule subject to: planning obligations and other agreements being entered into in respect of those matters set out in the report, the decision notice not to be issued until such obligations have been executed;
- 2) That your Officers be delegated to negotiate and execute obligations in respect of those matters set out in "Planning Obligations" under

Section 106 and that provision be made in the Section 106 Agreement for an upward only independent review of the affordable housing contribution which the Chairman and Alderman Sir Michael Bear will be consulted on; and

- 3) That you agree in principle that the land affected by the building which is currently public highway and land over which the public have right of access may be stopped up to enable the development to proceed and, upon receipt of the formal application, officers be instructed to proceed with arrangements for advertising and (subject to consideration of consultation responses) making of a Stopping-up Order for the area shown marked on the Stopping-up Plan annexed to this report under the delegation arrangements approved by the Court of Common Council.

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

In response to a question from a Member on the speed of response to developers in discharging planning conditions, particularly in light of all the conditions imposed on the previous application, the Committee heard that many conditions did not need to be discharged prior to implementation. Where they did, responses would be provided as soon as possible, but due to the information and input involved, it was not always possible to respond as swiftly as hoped for.

In response to a question from a Member on a policy approach relating to information on viability being made public, the Committee heard how the City Corporation's starting point, set out on its pre-Application website advice, was that all information provided in connection with planning applications (from pre-application stage onwards) was publicly available. However, there were statutory exceptions, and if the person providing the information felt this applied and the CoL Corporation agreed the information was not disclosed. Officers reviewed this on a case by case basis. Members were also advised that the approach to disclosure and to the viability test in assessing affordable housing contributions and changes of use were being reviewed as part of the Local Plan Review. However, local policy was required to conform to Government policy, and this made provision for affordable housing contributions to be subject to viability. It was agreed that a Viability Workshop would be useful for Members to better understand the process.

9. **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.

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

There were no questions.

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

There were no items.

The meeting closed at 1.00 pm

Chairman

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