

PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 22 February 2022

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)	Alderman Alastair King DL
Oliver Sells QC (Deputy Chairman)	Alderman Susan Langley
Douglas Barrow	Alderman Bronek Masojada
Peter Bennett	Deputy Barbara Newman
Mark Bostock	Graham Packham
Deputy Peter Dunphy	Susan Pearson
John Edwards	Judith Pleasance
Marianne Fredericks	James de Sausmarez
Graeme Harrower	Alderman Sir David Wootton
Deputy Jamie Ingham Clark	

Officers:

Gemma Stokley	- Town Clerk's Department
Shani Annand-Baron	- Media Officer
James Gibson	- Technology Support Officer
Aqib Hussain	- Technology Support Partner
Fleur Francis	- Comptroller and City Solicitor
Andrew Coke	- City Surveyor's Department
Gwyn Richards	- Chief Planning Officer and Development Director
David Horkan	- Department of the Built Environment
Ian Hughes	- Department of the Built Environment
Peter Shadbolt	- Department of the Built Environment
Bruce McVean	- Department of the Built Environment
Simon Glynn	- Department of the Built Environment
Elisabeth Hannah	- Department of the Built Environment
Gordon Roy	- Department of the Built Environment
Samantha Tharme	- Department of the Built Environment
Neel Devlia	- Department of the Built Environment
Emmanuel Ojugo	- Department of the Built Environment
Amrith Sehmi	- Department of the Built Environment
Dom Strickland	- Department of the Built Environment

1. APOLOGIES

Apologies for absence were received from Randall Anderson, John Fletcher, Tracey Graham, Christopher Hayward, Deputy Tom Hoffman, Shравan Joshi,

Oliver Lodge, Deputy Edward Lord, Andrew Mayer and Deputy Brian Mooney (Chief Commoner).

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

There were no declarations.

3. **MINUTES**

The Committee considered the public minutes of the meeting held on 1 February 2022 and approved them as a correct record.

MATTERS ARISING

Moor Lane (page 6) – A Member made reference to a further briefing note circulated to the Committee yesterday evening and the fact that this raised several important issues for Members. He went on to state that the proposals set out within the briefing paper were clearly contrary to planning policy in that they allowed for a number of security bollards to be located on the eastern side of the street rather than within the demise of 21 Moorfields. He highlighted that this would have a consequent negative, cumulative impact upon the Moor Lane greening plan. The Member recognised that, whilst the proposal was still to be finalised, it was clearly a poor substitute for the original plan, and featured some design proposals that were, in his view, entirely inappropriate for this location adjacent to the Barbican Conservation Area. He highlighted that the proposed introduction of seating here was also a concern to many and questioned how the Chair now intended to handle this matter.

The Chair highlighted that Officers were keen to hear Members' views on the merits of the proposal and encouraged all those who wished to comment on this to do so by contacting Officers directly.

61-65 Holborn Viaduct, London EC1A 2FD (page 8) – A Member highlighted that, when this application was considered at the last meeting, a number of health and safety concerns regarding fire and smoke moving from one window to another due to the design of the building had been raised. She noted that this matter was to be resolved following the granting of planning consent but reiterated that she was uncomfortable with this approach, particularly considering the amount of funds that the City Corporation was dedicating to ensuring that its own housing stock was as safe as possible in terms of fire and smoke. She went on to question whether the Committee could be made aware when this matter was resolved. The Chair asked that the Member liaise directly with Officers on this matter.

4. **THAIVES INN HOUSE, 3-4 HOLBORN CIRCUS, LONDON EC1N 2HA**

The Committee considered a report of the Chief Planning Officer and Development Director regarding Thaives Inn House, 3-4 Holborn Circus, London EC1N 2HA – specifically making a group Tree Preservation Order (TPOs) on the London Plane Trees (*Platanus x acerifolia*) situated on the public highway on St Andrew Street, in front of Thaives Inn House.

A Member noted that the Officer report stated that these two trees which were 75 years old hold a significant role in the townscape form of Holborn Circus, frame an important view of Grade I listed church of St Andrew Holborn, are in fair to good health with a life expectancy in excess of 40 years, have high amenity value and, as mature trees, play a significant part in climate change resilience. As a result, the report logically went on to recommend the making of a Tree Preservation Order (TPO) in respect of them. The Member went on to report, however that this appeared to be too good to be true and revealed that a planning application was made by TIH Ltd in October 2021 for the demolition of Thaives Inn House and its replacement by a larger office building. The new development entailed the adjacent highway being stopped up meaning that its ownership would be transferred from the City Corporation to the developer and that the two trees concerned, that stand on highway owned by the Corporation would be removed. He went on to remark that, it was not the Corporation's proposal to make the TPO to protect the trees against the development and that the arboricultural report submitted as part of the planning application noted that the City's planning officers had already agreed to these trees being moved as long as alternative greening was provided. It could therefore be expected that Officers would bring a report to this Committee later this year with a recommendation to this effect. This recommendation could be rejected by the Committee with Members refusing the application due to the removal of the trees. However, the Member predicted that this would not be the case given that the Committee had historically approved the majority of applications before it regarding major office developments. Secondly, he reported that a search on the Land Registry site, revealed that the freehold owner is the City of London Corporation, and commented that this Committee had tended to approve applications where the Corporation had a financial interest. The Member concluded that the Committee were therefore in the curious position of being asked to make a TPO in respect of trees that the Corporation's Officers will recommend be removed and that this Committee will likely approve. Even if the TPO were approved, the Member explained that the approval of a planning application that entails their removal would trump this. The Member therefore questioned why this order was being proposed and noted that the report stated that if these trees were the subject of a TPO the City could insist on their replacement should they be lost. The Member highlighted that he had asked Officers via email why their replacement could not simply be made a condition for the approval of the application without a TPO being made and had been told that this was possible. He had gone on to ask as to the relevance of the possibility of a change of ownership of the application site referenced in paragraph 30 of the report. He questioned whether, if this change of ownership were to happen before planning permission was granted and a new owner refused to accept a condition to replace the trees with alternative greening, Officers could recommend refusal of the application because of the amenity value of the existing trees. The answer to this was that they could but Officers did express concern that the new owner could appeal against a refusal and cite the absence of a TPO in connection with the dispute about the amenity value of trees but had also said that 'notwithstanding any absence of a TPO, the tree amenity argument would still be considered material, although the making of a TPO arguably reinforces and recognises the amenity value'. The Member stressed that, whatever the outcome of the planning process, the Corporation

could simply refuse to stop up the highway if the new owner would not provide alternative greening. The Member concluded by suggesting that the Officers' limited justification for proposing this TPO may reflect the fact that it did not originate from them but from the Deputy Chairman of this Committee. He questioned whether the Deputy Chairman could therefore outline what he hoped to achieve by this. He also commented that it would be interesting to see whether other members who voted in favour of the TPO would also vote in favour of the planning application that involved the removal of the trees that were proposed to be removed by it later this year.

The Chair thanked the Member for his contribution but suggested that his reference to the planning application was not relevant to this application and that he therefore considered this to be out of order in accordance with Standing Order 37(1).

The Deputy Chairman confirmed that he had initiated this process, partly in his capacity as Chairman of Open Spaces, where he had a clear interest in all matters concerning trees in the City and on City land. He underlined that he had a genuine interest in protecting and preserving them and had viewed these particular trees some time ago now and formed the view that they did not meet the criteria for removal (e.g., that they were not dead, diseased or dying). He now asked that the Committee consider this and come to a decision on the matter.

The Member responded to state that he considered it appropriate to refer to the application given that it was also heavily referenced within this report and that the TPO could only be understood in the context of this.

Another Member referred to paragraph 30 of the report and the fact that there was some flexibility around the removal of these trees in the event of proper replacement in an appropriate way. He asked if Officers could comment further on this and whether they could provide some assurances that this would be done in such a way that would balance the need for the City to evolve with the protection of trees and green/open spaces. The Chief Planning Officer responded to report that in discussions on this application Officers had made it clear that, if these trees were proposed to be removed, then the applicant would need to balance this against a very substantial greening/tree planting element to mitigate this. It was confirmed that discussions were still ongoing and that no recommendation on this had yet been formalised given that the application was still out for consultation. Members were, however, assured that the maturity and future height of any replacement trees would be a material consideration.

RESOLVED – That:

- i) A group Tree Preservation Order in respect of two London Plane trees (numbered T1 and T2 on the attached plan) be made, as a public benefit would follow from the serving of the Order.

- ii) The Comptroller and City Solicitor be instructed to serve a copy of the Order on persons interested in the land affected by the Orders in accordance with Regulation 5(1) of the Town and Country Planning (Tree Preservations) (England) Regulations 2012.

5. **CUSTOM HOUSE - LOWER THAMES STREET, LONDON, EC3R 6EE**

The Committee considered a report of the Chief Planning Officer and Development Director relative to Custom House, Lower Thames Street, London, EC3R 6EE – specifically, confirmation of a Tree Preservation Order (TPO) on the thirteen Plane Trees (*Platanus x hispanica*) situated along the southern boundary of Custom House adjacent to the River Thames.

RESOLVED – That the Custom House Lower Thames Street (2021) Tree Preservation Order be confirmed without modification.

6. **BARBICAN PODIUM WORKS - GOVERNANCE ARRANGEMENTS**

The Committee considered a joint report of the Town Clerk and the Comptroller and City Solicitor regarding governance arrangements for the Barbican Podium Works.

A Member commented that he understood the logic of this report but highlighted that the last report from the Policy and Resources Committee to the Court of Common Council on governance arrangements commented on the ‘disaggregated’ way in which the Barbican Estate is managed with different departments/Committees responsible for things such as walkways, signage, repairs and cleansing and how this equated to a short-fall in the overall vision for the management of the estate. He therefore questioned whether the Policy and Resources Committee was the correct Committee to take responsibility for this.

The Comptroller and City Solicitor commented that other options appeared to be limited and that there was no obvious place for these responsibilities to fall in order to allow this Committee to take forward a decision on the planning application.

RESOLVED – That the Planning and Transportation Committee recommend to the Court of Common Council that the functions of Planning and Transportation Committee as walkway authority and under Part II of the City of London (Various Powers) Act 1967 in connection with the promotion of the Barbican Podium Works (but not the diversion, alteration, revocation or declaration of any City Walkway) be delegated to Policy and Resources Committee for the duration of the Barbican Podium project.

7. **CLIMATE ACTION STRATEGY: SQUARE MILE AND RESILIENCE PROJECTS UPDATE**

The Committee received a report of the Executive Director, Environment, regarding the Climate Action Strategy and updating Members on progress towards achieving Square Mile and Resilience Projects.

A Member referred to the historic building energy retrofit challenge highlighted within the report and commented that this in fact involved two challenges – the technical challenge as well as an enforcement challenge. He underlined that he felt that this was a very commendable initiative but questioned how the City might meet the enforcement challenge going forward. The Chief Planning Officer and Development Director responded to say that it was correct that, in terms of planning controls, it was only in the case of listed buildings that Officers could insist upon certain things.

Another Member welcomed the report but added that she felt that it was vague in some areas. She highlighted that the Climate Action Strategy was adopted in 2020, almost 18 months ago, and stressed that the Supplementary Planning Document (SPD) was needed now. The timetable set out here suggested that the draft SPD would only be consulted upon later this year which seemed to be rather slow progress. The Member highlighted the importance of this matter and underlined that there were still no agreed metrics or benchmarks in place against which to evaluate planning applications. She reported that Officers had kindly shared with her a document entitled ‘City of London Local Monitoring Paper for Sustainable Development and Climate Change’ which was dated April 2020. She praised the document but also highlighted that this was now almost two years old and questioned whether this could therefore be updated and reproduced. She asked if the existing document could be shared with all members on this Committee. She underlined the need for urgent target dates and a clear programme, particularly around the SPD. Finally, the Member questioned who the City Workstream Manager is and stated that she felt that this was a very useful appointment and that the postholder should be invited to meet the Committee in due course.

The Chair stated that he was grateful to those Members who had engaged with this and underlined that he felt that the majority of applications received by the Committee did now focus on whole-life carbon. He went on to agree with the last speaker in terms of the need to now codify this.

The Chief Planning Officer and Development Director stated that Officers would look to accelerate the drafting of the SPD for Committee approval and aim for the May meeting to bring this forward. In terms of the Climate Change Officer, he reported that he would be happy to pass on details of the postholder to the Member and for her to meet with him directly to discuss his remit. He went on to report that the document referred to by the Member was currently being updated and that it was hoped that this would be complete within the next two months.

A Member was pleased to note that the appendix to the report made reference to permeable paving and resin and grain. He noted that this was also put forward as an option for use in Moor Gardens. He underlined, however, that the City’s Public Realm Manual prohibited the use of anything other than granite and questioned when this might be revised or brought back to this Committee for consideration.

Officers responded that it was still their intention to review the Public Realm Manual and considering what this needed to look like in terms of Climate Action and the agenda around this going forward. It was clarified that some permeable materials were already used and that it was never the intention for surfaces to be entirely impermeable due to the need for things such as water run-off and soak away.

A Member questioned whether it might be possible for the Committee to hold a further, informal discussion on this important area of work after the March elections. She stressed that discussions around the updating of the Public Realm Manual were particularly important, noting that there had been many technological advancements in recent years in terms of road surfaces. Officers assured the Committee that discussions around this were already taking place within the Climate Action Group. It was also reported that the City were due to consider a new term contract for highway maintenance and so it was felt that the timing was right to consider all of these matters in the round. Members were also informed that Officers regularly looked at supply chains and material sources and were considering trialling certain new materials including recycled materials which was a rapidly developing area of interest.

RESOLVED – That Members note the update on progress towards achieving Square Mile and Climate Resilience projects under the Climate Action Strategy that fall within the remit of this Committee.

8. TRANSPORT STRATEGY UPDATE: QUARTER 3 2021/22

The Committee received a report of the Executive Director Environment updating Members on progress with delivering the City of London Transport Strategy during Quarter 3 of 2021/22 (October – December 2021).

A Member noted that the report made reference to the Beech Street Zero Emission Experiment and requested an update from Officers on this. Officers reported that this had been discussed at the last meeting of the Streets and Walkways Sub-Committee and that local Ward Members would soon be receiving a written update on the experiment. They went on to report that they had taken the decision to delay the consultation that was originally planned for the end of 2021 due to the reintroduction of COVID restrictions at this time. It was now envisaged that a new round of consultation would commence immediately after the City-wide elections before the matter was brought back to the Committee for a decision as to next steps in July 2022.

RESOLVED – That Members note the report.

9. BUSINESS PLAN 21/22 - Q3

The Committee received a report of the Executive Director, Environment setting out the progress made during Q3 of the 2021/22 Departmental Business Plan.

A Member referred to the dashboard and mention of 41 fatal casualties and serious injuries on the City's street. She stated that this number was concerning and asked for further detail on this. Officers responded to clarify that this was

an annual figure and was therefore for the last full year. The Member stated that it would be useful to clarify this in writing in future reports.

Another Member commented that it was useful to have infographics presented to the Committee but stated that these should also provide information as to how figures compared with previous years and present trends.

In terms of resources, another Member referred to the restructuring of the Department under the Target Operating Model and questioned if, when this was finalised, it could be brought back to this Committee for information. She added that it would also be helpful for the Director to address Members of this Committee as to departmental resources and her vision for the department going forward.

RESOLVED – That Members note the report and appendices.

10. **DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - QUARTERLY REPORT**

The Committee received a report of the Executive Director, Environment providing Members with assurance that risk management procedures in place within the Department of the Built Environment are satisfactory and that they meet the requirements of the corporate Risk Management Framework.

RESOLVED – That Members note the report and the actions taken in the Department of the Built Environment to monitor and manage effectively risks arising from the department's operations.

11. **OUTSTANDING ITEMS**

The Committee received a report of the Town Clerk setting out its list of Outstanding Actions.

RECEIVED.

12. **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.

RESOLVED – That the report be noted.

13. **VALID PLANNING APPLICATIONS RECEIVED BY 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.

RESOLVED – That the report be noted.

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

DBE Users Panel

A Member commented that she was surprised that this Committee had not been made aware of the existence of this Panel or its remit previously. She also stressed that information on the Panel and how to become a member was lacking on the City's Planning Portal pages. She reminded the Committee that she had therefore raised questions on this at previous meetings and thanked the Chief Planning Officer for having subsequently provided her with the necessary information and copies of recent minutes of Panel meetings.

The Member went on to state that it was very clear from looking at the original minutes of the first Panel meeting that it was quite defined in terms of ensuring that this forum was involved in developing the service, a means by which stakeholders could make input to and participate in the development of the services provided, a mechanism to obtain constructive and informal input through various users and planning services and feedback . However, minutes from Panel meetings held over the past two years appeared to make it clear that the remit of this group had morphed into something entirely different. She felt that it did not appear to be properly constituted and neither was it clear as to how people could join the Panel membership. In fact, it appeared that the Chair was reaching out to developers to ask that they join. The Member went on to state that it was clear that these meetings also took up a lot of Officer time with at least seven senior Officers in attendance. It seemed that Officers presented applications to the Panel as opposed to seeking their feedback as was the case previously. The Member was of the view that this Panel were, in some instances, better informed of the workings of the Department than this Committee.

The Member concluded by stating that she felt that now was an appropriate time to revisit this Panel, its purpose and stressed the need for greater transparency here. In terms of services and feedback, she suggested that it would be much easier to survey all that actually used the services. The Member questioned whether the Chair agreed that the DBE Users' Panel should be replaced as a means of the DBE obtaining user feedback with questionnaires that can be sent regularly to all users, in view of the fact that the Panel meets infrequently, does not represent all users and had recently acted outside its remit.

The Chair clarified that the Panel had been established under the City's Statement of Community Involvement in 2016 which was agreed and adopted by this Committee. The Chief Planning Officer reported that he had been present on the Panel for other ten years now and stated that he personally found it a very useful forum in which to share ideas and to inform what was happening. He agreed that the Panel had struggled in terms of being representative and inclusive and that those in day-to-day contact with the service such as agents and developers were in the majority. It was highlighted that residents were also represented on the Panel. The Chief Planning Officer went on to agree that now would be an appropriate time to fundamentally review the Panel and look again at how best to engage with all stakeholders

given that DBE no longer existed as a department with a new, wider Environment Department with a wider remit now established. He reported that work on this was already being undertaken at present and that a key element of this would be a review of the Statement of Community Involvement. It was hoped that Officers would be in a position to report back to Committee on this in Autumn 2022 as to future options around receiving feedback about how engagement with various stakeholders could be improved. It was confirmed that there were no future meetings of the DBE Users Panel scheduled at present because of this more fundamental review taking place in the background.

The Chair added that he and the Deputy Chairman had also had extensive meetings with the Chief Planning Officer and various stakeholders in recent months and were therefore very aware of their views on the planning service. This would also be fed into the review process.

Another Member spoke to request that any future iteration of the Panel also include the major associations representing City residents such as the Barbican Association and the Golden Lane Estate Residents Association (GLERA) amongst its membership.

Another Member questioned why a survey that had been thoughtfully constructed and could be shared with all service users, including residents, would not be a better way of getting feedback than a Panel. He questioned whether this could be discussed further by the Committee in April. The Chief Planning Officer responded to state that a survey of this sort may be one of many ways to engage with users going forward and highlighted that surveys had been successfully used in the past. He reiterated that there was a more fundamental review of the Statement of Community Involvement being undertaken at present and that all options, including the use of surveys, could be explored as part of this work. The Chair also cautioned that surveys could be quite constrained in terms of the questions posed. Another Member stated that it was equally important to consider the target audience for such surveys. Other Members mentioned that the response rate on such surveys could also be disappointingly low.

With reference to the creation of the new, larger Environment Department, a Member stated that he hoped that the Statement of Community Involvement would not be amended to include the wider remit of the entire Department but would instead continue to focus on the core services overseen by this Committee. The Chief Planning Officer concurred with the need for focus but stated that this would ultimately be a decision for the Committee to take in due course. The Chair added that Statement of Community Involvement was a statutory process and needed to focus upon building control. Members were informed that this was a legal obligation and that there was also a legal obligation for the document to be reviewed periodically.

A Member stressed the need for clarity as to the objective here. If feedback on services was key then, in terms of being cost effective and reaching as wide an audience as possible, a survey would seem to be the best option. Consultation

on projects such as Bank Junction were also usually survey based. If, however, the objective was to get to know stakeholders better, then a different approach might be needed. At present, it seemed that the two had morphed under the existing Users Panel. The Member went on to state that there was already a City Property Association which met regularly and fed into the services and Officers. Membership of this was open to all in the City who was a landowner or owned property which was what the current users Panel also seemed to be very 'top heavy' on. The Member also agreed that a further discussion on the objective here would be welcome at the next meeting of this Committee – what information was being sought, which organisations were the City currently working with and would a survey be a far easier and more effective means of gaining feedback from those using the service.

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

Public Lift Report

The Committee received a late, separately circulated public lift report of the City Surveyor.

A Member referred to the lift and two escalators at London Wall West which were important access points to the Museum of London and the Barbican Estate/podium, and which had been out of service for some time now causing considerable disruption. He questioned what would be done to rectify this. He also went on to refer to the cleansing of these areas, suggesting that both required a deep clean.

Officers spoke to assure the Committee that the City Surveyor, as part of their reactive budget, accounted for a cleaning of the lift shaft and escalators and intended to now liaise with colleagues in the Environment Department about the cleaning of the walkways. Officers went on to state that, although the escalator was due to be brought back into service tomorrow (following an engineering inspection for health and safety reasons) there would also be substantial funding for the refurbishment of both the up and down escalators as part of the City Surveyor's 2022-23 CWP Programme.

The Chair thanked Officers for this update and stated that he was pleased to hear that these works were to be expedited. He added that he hoped that the cleansing of this area would be ongoing.

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Departing Members

Members took the opportunity to thank those who would not be standing in the forthcoming City-wide elections next month for their contributions on the Committee.

The Deputy Chairman also took the opportunity to thank the Chair for his leadership given that he would be standing down from the role after three years at the next meeting of the Committee.

Thanks were also given to the Deputy Chairman for his work on both the grand Committee and its Streets and Walkways Sub-Committee.

Special thanks were also given to Barbra Newman as the Committee's longest serving Member and a past Chairman.

The Town Clerk reported that there would be an opportunity to offer formal thanks to those departing/standing down at the next meeting of the Committee in April.

The meeting closed at 11.37 am

Chair

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