

PLANNING AND TRANSPORTATION COMMITTEE

Friday, 6 March 2020

Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 1.45 pm

Present

Members:

Deputy Alastair Moss (Chairman)	Graeme Harrower
Sheriff Christopher Hayward (Deputy Chairman)	Shravan Joshi
Randall Anderson	Oliver Lodge
Peter Bennett	Natasha Maria Cabrera Lloyd-Owen
Mark Bostock	Graham Packham
Deputy Keith Bottomley	Susan Pearson
Alderman Emma Edhem	Deputy Henry Pollard
John Edwards	James de Sausmarez
Marianne Fredericks	William Upton QC
Alderman Prem Goyal	Alderman Sir David Wootton

Officers:

Gemma Stokley	- Town Clerk's Department
Shani Annand-Baron	- Media Officer
Jenny Pitcairn	- Chamberlain's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Alison Bunn	- City Surveyor's Department
Annie Hampson	- Chief Planning Officer and Development Director
Gwyn Richards	- Department of the Built Environment
Zahur Khan	- Department of the Built Environment
Elisabeth Hannah	- Department of the Built Environment
Gordon Roy	- Department of the Built Environment
Paul Beckett	- Department of the Built Environment
Paul Monaghan	- Department of the Built Environment
Bruce McVean	- Department of the Built Environment
Samantha Tharme	- Department of the Built Environment
Beverley Bush	- Department of the Built Environment
Rachel Pye	- Department of Markets and Consumer Protection
Ruth Calderwood	- Air Quality Manager

1. APOLOGIES

Apologies for absence were received from Rehana Ameer, Henry Colthurst, Peter Dunphy, Tracey Graham, Christopher Hill, Alderman Robert Hughes-Penney, Deputy Jamie Ingham Clark, Andrew Mayer, Deputy Brian Mooney, Sylvia Moys, William Upton QC and Alderman Sir David Wootton.

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

Oliver Lodge declared a non-pecuniary interest in relation to agenda Item 6 (8 Paternoster Row, London, EC4M 7DX) and stated that he did not intend to participate in any debate or vote on this item on the basis of views he had already expressed on the matter in written correspondence to Officers which indicated that his views were pre-determined.

3. **MINUTES**

The Committee considered the public minutes and summary of the meeting held on 18 February 2020.

MATTERS ARISING

Terms of Reference and Frequency of Meetings (page 4) – A Member spoke to ask that some additional points made by himself and another Member were added to the minutes under this item on the basis that he considered to be as, or more, important than some of those already recorded.

He asked that, ahead of the MOTION set out on page 4, the following words be added after the sentence ending ...”decisions on major projects”:

“She added that the advantage of a Committee having all Wards represented was to make it more difficult for a group of influential members to dominate decision making in the Corporation. She explained that this protection was very limited, because only 20% of Members represented residential wards, whose interests were typically different from those of other Wards, but she believed it was better than nothing, and without it she would not now be addressing this Committee”.

He went on to request that the last sentence of the penultimate paragraph on page 6 be amended to read: “With reference to the Governance Review, the Member stated that he believed that this was likely to delay this decision unnecessarily and that the simplicity of this proposal would mean that it could be made now. In response to the Alderman who suggested that all Committees would be Ward Committees if all wards were to be represented, the Member pointed out that ward representation was only important on Committees that had the most important functions, which the Ward Committees generally had. In response to the Member who advocated that the Planning Committee should cease to be a Ward Committee because of prejudice and predetermination on the part of resident councillors, the Member pointed out that this could equally, or more so, be said of councillors representing business wards.

Another Member interjected to underline that minutes were not intended to be verbatim records and that he was of the view that the minutes, as they stood, represented the reasonable debate that had been had on this matter at the previous meeting. The Chair and Deputy Chairman agreed with the point made and stressed that it was for the Town Clerk to express the spirit of what was said given that it was not feasible to reflect all comments made by all Members in relation to all items. The Deputy Chairman added that he had no issue with amendments proposed by Members in terms of accuracy.

The Member proposing the amendments underlined that he was not requesting that his comments be recorded verbatim but did feel that some key points of his statements at the last meeting had been omitted.

With the agreement of the Committee, the Town Clerk undertook to revise the minute accordingly.

The Tulip – Appeal (page 10) – The same Member asked that amendments be made to the minute of this item where he felt that two important points had been omitted. He firstly proposed that the end of the first paragraph under this Item be added to as follows “...and how the City Corporation could reconcile its quasi-judicial role as a planning authority with the proposal that it should actively support an appeal made by a developer in relation to an application that this Committee had previously considered”.

With the agreement of the Committee, the Town Clerk undertook to revise the minute accordingly.

Finally, the Member proposed that a comment made by another Member be reflected in the minute of this item, setting out that he had pointed out that material relating to the City Corporation’s position was already available to the developer, who could use it in the appeal without the Corporation’s assistance. The Deputy Chairman stated that he found the addition of this point on behalf of a Member not present today was problematic. The Committee therefore asked that this matter be confirmed with the Member in question and the approval of these minutes therefore be deferred until the next meeting of this Committee. (* - please see further note at item 20).

4. PUBLIC MINUTES OF THE LOCAL PLANS SUB COMMITTEE

The Committee received the draft public minutes of the Local Plans Sub-Committee meeting held on 10 February 2020.

RECEIVED.

5. OUTSTANDING ACTIONS

The Committee received a report of the Town Clerk detailing the Committee’s outstanding actions.

Daylight/Sunlight

A Member questioned whether there would be further training provided on this and other relevant planning matters going forward. She stated that she was aware that other local authorities offered more extensive training and induction for Planning Committee members and also requested that those sitting on the Planning Committee signed dispensations stating that they had received adequate training. She added that she felt very strongly on this point and requested that it be included as a separate action point going forward.

The Chair was supportive of this suggestion and asked that the relevant Chief Officers consider how best to take this forward. He also highlighted that the

request from the Town Clerk to all Ward Deputies seeking their nominations on to Ward Committees states that Members of the Planning & Transportation Committee are expected to undertake regular training and potential Members are asked to consider this before putting themselves forward.

An Alderman highlighted that training was also available to Members through the Local Government Association.

RECEIVED.

6. **8 PATERNOSTER ROW, LONDON, EC4M 7DX**

The Committee considered a report of the Chief Planning Officer and Development Director relative to an application for a change of use at ground and basement levels from retail (Class A1) to a restaurant and hot food takeaway (Sui Generis) (147 sq.m GIA) and external alterations comprising the installation of air-intake and extract louvres to the existing shopfront fascia at 8 Paternoster Row, London, EC4M 7DX.

The Chief Planning Officer and Development Director highlighted that the report had been brought to Committee partly due to the concerns expressed by Mr Lodge.

The Committee were shown proposed plans for both the basement and ground floor levels with the Chief Planning Officer and Development Director highlighting that the basement level would be used primarily for the preparation of food and would require plant in order to be serviced, with the ground floor level used for food preparation but also incorporating a servery and coffee station and seating area.

The Chief Planning Officer and Development Director underlined that the applicant had looked very closely at existing ventilation ducts at the premises and had demonstrated that it would not be possible to extract upwards to roof level. The proposed extraction system was state of the art and had been designed to minimise odours. Officers were therefore of the view that the insertion of louvres in the shopfront to extract at street level would be appropriate and recommended the application for approval.

A Member commented that he had attended the site visit yesterday and noted that the premises adjacent to this already had similar arrangements in place. He commented that, when standing underneath the louvre in the adjacent premises, it was possible to feel air blowing downwards and also to smell food odours. With this in mind, he questioned whether it might be possible to orient the proposed louvre within the shopfront upwards.

The Chair thanked the Member for his contribution and went on to thank all Members who had been able to attend the site visit. He also took the opportunity to remind Members that they should always RSVP in advance for such visits so that adequate preparations could be made.

Another Member, who had also attended the recent site visit, stated that, visually, she did not feel that the installation of the louvre at street level posed a particular problem. She went on to question, however, what would happen should the extraction here prove to be an issue in terms of odours and how this could be adequately conditioned or remedied should the application be approved. She went on to refer to a fish and chip shop in Islington who had operated under similar arrangements but had been forced to close over a year ago following odour complaints from local residents. In this case, a suitable solution had never been found and so the establishment remained closed.

A Member stated that smells were subjective whereas noise/vibration nuisances could be measured. He questioned whether any thought had been given to how odour levels might be quantified. He stated that he had attended the recent site visit and was supportive of this application.

The Deputy Chairman stated that he hoped the Committee would not reject the application on the grounds of potential odour issues. He underlined that the client had explored all options in terms of ventilation and that this application as it stood was policy compliant. He added that it was important to provide a diversity of offerings in the City in order to meet the ambition of it becoming a real 24/7 destination.

In response to the points made, the Chief Planning Officer and Development Director reported that the proposed conditions covered the cleaning, servicing and maintenance of all parts of the ventilation and extraction equipment including the odour control systems. Any monitoring of odours emitted from the premises would be undertaken by Environmental Health. In terms of orienting louvres upwards, the Chief Planning Officer reported that this may lead to issues around rainwater ingress but added that it was certainly something that could be explored further with the applicant.

Members were also informed that DEFRA had produced a paper on 'Odour Guidance for Local Authorities' in March 2010 but Officers underlined that it was not possible to attach any sort of measure on odour emissions in the same way that it was for noise.

A Member spoke to state that he believed that there were very similar conditions in place for a restaurant in the Barbican but that the enforcement of the conditions had proved to be an ongoing difficulty despite the involvement of Environmental Health. He added that he would therefore like to have further clarity around how the maintenance of the proposed ventilation system would be managed. The Chief Planning Officer and Development Director reiterated that the maintenance of the system was also conditioned with the applicant required to keep a record of all maintenance, cleaning and servicing on site and provide this to the Local Planning Authority upon request to demonstrate compliance with this.

The Chair recognised that whilst the proposals in terms of ventilation here may not be ideal, use of EMAQ+ was the best option available at present in terms of

the cleaning, servicing and maintenance of the system and the proposals were entirely compliant with present policy. He asked that Members move to a vote on the application.

Votes were cast as follows: IN FAVOUR – 15 Members
 OPPOSED – 0 Members

There was one abstention – Oliver Lodge.

RESOLVED – That Planning permission be granted for the above proposal in accordance with the details set out in the attached schedule.

7. **120 FENCHURCH STREET ROOFTOP GARDEN - WEEKEND OPENING**

The Committee considered a report of the Chief Planning Officer and Development Director recommending that Members determine the Roof Garden should open at weekends during both the Summer and Winter seasons (10am-5pm) and consider whether it would be acceptable for the closing time to be reduced from 9pm to 8pm on Monday-Friday during the summer period.

The Chief Planning Officer and Development Director reported that the Rooftop Garden offering had been enormously successful to date. A trial of weekend opening of the space had seen visitor numbers increase during the trial period and had proved that weekend opening was worthwhile and could be provided at reasonable cost. The approval of the continuation of weekend opening (from 10am – 5pm) would make the Rooftop Garden a seven day a week attraction.

In terms of weekday openings, Members were informed that figures provided by the applicant demonstrated that visitor numbers dropped between 8pm-9pm Monday – Friday and accounted for only 2% of visitor numbers throughout the day. The applicant was therefore suggesting that they would be content to reduce weekday openings to a terminal hour of 8pm.

The Chief Planning Officer and Development Director highlighted that the recommendation, as set out, would require an amendment to the existing Section 106 agreement if approved.

A Member commented that he had reviewed TripAdvisor accounts of the space which were testimony to the huge success of the offering to date. He added, however, that he felt that the costs provided by applicant for managing and maintaining the garden were overstated.

Another Member highlighted that it was worth noting that visitor numbers increased as the weekend opening trial progressed and more and more people became aware of the offering. She stated that she was therefore in support of opening the space from 10am-5pm at weekends during both the Summer and Winter seasons. The Member then went on to refer to the average times of sunset during the Summer months and suggested that closure of the Rooftop Garden at 8pm Monday-Friday would impact on the ability of the public to view this. She therefore stated that she did not support a reduction in opening hours for weekdays.

Another Member added that he also felt that it was too soon to revisit the terminal hour for weekday openings but did support the continuation of weekend openings given the success demonstrated by the recent trial.

The Chair and several other Members of the Committee spoke in similar terms – supporting the weekend opening of the Rooftop Garden from 10am-5pm but resisting the request to reduce the terminal hour from 9pm to 8pm on Monday-Friday during the summer period.

RESOLVED – That the Committee agree that the Roof Garden should open at weekends during both the Summer and Winter seasons (10am-5pm) and that closing time remain at 9pm on Monday-Friday during the summer period.

8. **BUILDING CONTROL CHARGES REPORT**

The Committee considered a report of the Director of the Built Environment seeking approval to increase the existing fees and charges for services users of the District Surveyors, Building Control Service.

The District Surveyor spoke to confirm that the proposed increase was to cover the services provided and that this was to remain a cost neutral service with no profit permitted. He clarified that the sums proposed amounted to a 5% increase on the charges previously approved by this Committee in 2018 and were intended to take account of inflation. He reported that the District Surveyors Building Control Division was a very busy team, working on complex buildings and that the cost of their services was set competitively.

The District Surveyor concluded by stating that very accurate records were now kept by the Chamberlain detailing the time spent and costs incurred by the team on this work over the past few years.

A Member expressed concern that the figures provided within the table detailing Budgetary Performance from 2015-16 to 2019-20 indicated that money was being lost on chargeable work and that a large cumulative deficit now existed. He questioned how these costs would be recovered and whether there was a legal requirement to do so. The Member went on to remark that a similar charging regime existed in licensing and that this was reviewed annually as opposed to every five years, he questioned whether the same approach could therefore be adopted here.

The District Surveyor reported that it was a statutory duty of this Committee to oversee these charges and highlighted that they were reviewed annually and reported to the Planning & Transportation Committee. With regard to the budgetary performance figures, the District Surveyor highlighted that the 2016 Brexit referendum vote had led to a temporary but catastrophic lack of applications but that this was now steadily increasing once again. He added that 2019 had, however, seen the best year's performance since 2015 and that income since Christmas 2019 was already double that of the same period last year.

In response to further questions, the District Surveyor reported that the Building Control Division had no entitlement to the work for construction in the City and had to compete in a competitive market. He added that the division had cut overheads by in excess of £100k and that he was therefore confident in terms of recovering costs and being able to operate on a cost neutral basis going forward.

The Chair, on behalf of the Committee, took the opportunity to thank the District Surveyor and his team for all of their hard work in this area.

RESOLVED – That, Members approve the new “City of London Building Control Charges Scheme No3:2020”, the new “City of London Miscellaneous Building Control Charges No3;2020” and the revised hourly rate of £112 per hour, to come into effect 6th April 2020.

9. **ELECTRIC VEHICLE CHARGING INFRASTRUCTURE - ACTION PLAN**

The Committee received a report of the Director of the Built Environment providing a forecast of the requirements for charging facilities in the City up to 2025.

The Town Clerk tabled a paper detailing the questions (and their responses) raised by members of the Port Health and Environmental Services Committee when they had received the report at their meeting earlier this week.

Officers highlighted that the City of London’s response to the recommendations from the Energy Saving Trust’s Electric Vehicle Infrastructure Forecasts report and a timescale for associated actions were set out within Appendix 1 to the report.

A Member commented that this was a rapidly changing market and questioned whether money was being spent prematurely on infrastructure that would not be fit for purpose and therefore redundant in the not too distant future. He stressed that a data driven approach to this issue was vital. The Member went on to question whether the installation of charging points was a means to encourage drivers into the City where, at present, over 90% of trips were made on foot. He questioned whether funds would therefore, ultimately, be better spent on continuing to improve the pedestrian environment within the Square Mile.

Another Member referred to work to be undertaken with the Electric Vehicle Supply Equipment (EVSE) industry and other stakeholders and suggested that it would be helpful to have an idea of what conversations were currently being had.

Other Members echoed the sentiment that technology in this field was advancing rapidly and that the City Corporation needed to be sure that they

were investing in the right things and keeping well abreast of where the market here was heading.

Another Member questioned whether there was sufficient charging for hybrid vehicles such as taxis in the City. He added that power supply was expensive and therefore questioned whether units could be supplied only as needed. The Member went on to highlight that a concern here was private car parks given that there was no on-street parking provided for City residents. He added that off-street parking should therefore be moving to support electric vehicle charging. Finally, he remarked that, whilst Beech Street was being trialled as a zero emissions zone, Defoe House and Shakespeare Tower which were situated nearby had no electric vehicle charging provisions to date.

A Member questioned how Officers proposed to recover costs on this work as the City Corporation, in his view, should not be subsidising motorists in any way.

Another Member highlighted that the City was unique in terms of power supply given its concentration of large buildings, he questioned, however, if Officers had looked at what the City's neighbouring boroughs were providing in terms of charging points. Officers responded that this was being monitored but that there were no charging points close to the City's boundaries at present. The Member went on to highlight that, as he understood it, ULEZ charges would apply to all residents from 2021 and questioned whether this might also be a contributing factor towards an increased use of electric vehicles.

Officers responded to the points raised, stating that the policy around Electric Vehicles had been set by the City Corporation in 2017 and acknowledged the importance of not attracting additional drivers into the Square Mile. They continued by stating that it was recognised that there was demand from residents for additional charging points although this remained relatively low to date. Officers also clarified that they were working with neighbouring boroughs and other stakeholders to identify where it might be possible to cross subsidise this work. Members were informed that the Barbican installations and rapid charge points to date had been provided for using TfL subsidies.

Officers went on to assure the Committee that, alongside TfL and other stakeholders, they were keeping a watchful eye on where the technology in this field was heading. The recommendation at present was therefore that Officers continue to do this as well as to assess the market take-up/need.

RESOLVED – That Members note the report.

10. **NEW APPROACH TO ADDRESS VEHICLE IDLING**

The Committee considered a report of the Director of the Built Environment proposing the introduction of a Traffic Management Order (TMO) to prohibit unnecessary idling of vehicle engines which would allow for enforcement by Civil Enforcement Officers (CEOs) issuing Penalty Charge Notices (PCNs).

Officers explained that these proposals would allow fines of up to £80 to be issued for vehicle idling. Members were made aware that there were some issues around the availability of appropriate signage informing drivers of this but that the City Corporation would continue to lobby the Department for Transport (DfT) on this point. Option 3, as detailed within the report, was recommended for approval – whereby drivers would be issued one warning and then issued with a fine for vehicle idling for a second incident. This would be policed using number plate recognition.

A Member questioned how the scheme would operate in relation to hire cars or different drivers of the same vehicle. She added that she had some concerns around legitimate excuses for vehicle idling and also around vulnerable people. Finally, she questioned whether the approach taken in New York City, whereby members of the public were able to film and report vehicle idlers in return for a sum of money had been properly considered.

Officers reported that there was no legislation in place at present that would allow the City Corporation to take the approach adopted by NYC.

The Deputy Chairman spoke to state that he felt that the Committee should be taking a very hard line on this – vehicle idling was damaging public health and air quality and the City Corporation should therefore be doing everything within its powers to ban this. He added that the Lord Mayor had made this a key priority this civic year and that his recommendation was that fines issued should be for £100 as opposed to £80. He therefore spoke in favour of implementing Option 3 as a bare minimum.

A Member asked a question about the existing 35 CEOs and questioned whether they would be encouraged to visit more regularly those streets where this was known to be a frequent problem. Officers reported that it would be possible to focus on specific areas and that Members and the general public should make them aware of where there were particular issues so that CEOs could be instructed accordingly.

Another Member stated that he was of the view that only one warning per vehicle should be permissible before a fine was imposed, regardless of who was driving. He recognised, however, that hire cars may cause issues with the policing of this scheme. Finally, he spoke to suggest that taxis should not be exempt from the scheme, he questioned whether this matter was at the City Corporation's discretion or was an essential exemption.

A Member spoke to suggest that it was possible to issue fines via car hire companies as she had experience of this elsewhere in Europe.

A Member, also the serving Deputy Chairman of the Port Health and Environmental Services Committee, spoke to support Option 3. He added that the need to see air quality improved was urgent and that steps to address this matter were already way overdue. He too, supported a fine of £100 being issued.

Other Members spoke to support a fine of £100 and also the notion that taxis on ranks should not be omitted from the scheme. It was, however, recognised that some taxis were driven by multiple drivers.

A Member, also the serving Chairman of the Health and Wellbeing Board, spoke to underline the inconsiderate and unacceptable behaviour of vehicle idlers. She stressed in the strongest possible terms that poor air quality kills and highlighted that the City Corporation had led on the introduction of a 20mph limit on its roads and that they should now also look to lead on this and tackle engine idling. She underlined that the scheme needed to be made as practical and useable as possible and stressed that this was not about money making but about tackling an incredibly serious issue.

After hearing the views of other Members, the Deputy Chairman proposed a motion as follows:

MOTION: That Option 3 be amended to read that CEOs be deployed with the prospect of issuing a £100 fine. He also proposed that taxis waiting on ranks should not be included within the exemptions from the scheme.

The Motion was seconded, put to the vote, and passed unanimously.

Members questioned what range of fines were possible in relation to vehicle idling and whether it would, in fact, be feasible to impose fines in excess of the £100 already proposed.

The Transportation and Public Realm Director reported that PCN levels were dictated by London Councils and were normally set around the £120 mark with a reduced charge issued if these were settled within a certain time period.

Members therefore questioned where the recommendation of £80 had come from and whether the City Corporation were bound to follow London Council's guidance when setting these charges.

Officers undertook to look into this matter in further detail and the Committee agreed that the setting of an appropriate level of fine and the finalisation of the list of exemptions should be delegated to the Director of the Built Environment in consultation with the Chair and Deputy Chairman of the Committee. The Committee were unanimously supportive of introducing a fine of £120 if this were possible. Officers recognised the Committee's desire to be as robust as possible in this respect.

With regard to comments made around legitimate or frequent excuses for vehicle idling, Officers reported that the scheme was to be policed by CEOs who were well versed in such matters.

A Member questioned whether TfL buses would also be issued with PCNs in the same way that coaches parked in bays with engines idling would be. He also questioned what would happen if a driver were caught engine idling a third or subsequent time.

Officers reported that they could see no reason as to why buses should be exempt and undertook to discuss this matter further with TfL. In terms of a third or subsequent offence, Officers clarified that offending vehicles would be issued with further fines as opposed to having their position 're-set' after a second offence.

RESOLVED – That Members authorise officers to:-

- a) proceed with the proposal to introduce a TMO to implement the Scheme, and in particular to:
 - I. Consult with the statutory parties¹ on the proposal to make the TMO;
 - II. Carry out the publicity requirements in respect of the TMO²;
 - III. Report back for a decision if any objections raise significant or unexpected concerns;
 - IV. Seek the consent of the Secretary of State (if required);
 - V. Make the TMO after the statutory period for objections has ended **SUBJECT TO** the Director of the Built Environment, in consultation with the Chair and Deputy Chairman of the Planning and Transportation Committee, deciding to proceed with the TMO after considering any objections and any other relevant considerations;
 - VI. Commence enforcement of the TMO after an appropriate warning notice period;
 - VII. Monitor the impacts of the Scheme (for a minimum of 6 months);
 - VIII. Report back with an Issues Report concerning the impacts of the Scheme (approximately 8–12 months after implementation of the TMO); and
- b) lobby the Department for Transport (**DfT**) for a new sign to be approved.

11. **CITY LIGHTING PROGRAMME UPDATE**

The Committee received a report of the Department of the Built Environment providing Members with an update on the implementation of the City's innovative Lighting Strategy approved by the Court of Common Council in October 2018.

Officers drew Members' attention to the significant savings now achieved in terms of both energy consumption and maintenance costs. They also highlighted proposals for further activities in 2021.

Members were informed of two night walks scheduled to take place later this month to view the work undertaken so far.

¹ As provided for in Regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

² As provided for in Regulation 7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Members congratulated Officers on the work undertaken to date. The Chair highlighted that the City's approach had attracted a lot of national and international interest.

A Member questioned whether there were any plans to introduce a limit on the number of square meters per PAR within offices in the City. Officers responded by stating that lighting guidance was already in place but that it was also important to educate and engage with developers on such matters at a very early stage to see real change here. The Policy and Performance Director added that internal lighting specifications were not controlled by planning powers, but good practice could be encouraged through the measurement of energy performance as part of BREEAM sustainability assessments which were required to achieve a minimum rating of excellent. The external lighting of buildings and light spillage to neighbours and the public realm were design policy considerations already addressed in the Local Plan.

Another Member questioned whether Officers could do more to ensure that TfL worked with the City Corporation on programmes such as this to ensure a uniform approach to lighting across the City. Officers underlined that the aim was to develop a pan-London strategy alongside the GLA and other stakeholders, this could also be rolled out to other cities.

RESOLVED – That Members note the progress and next steps towards delivering the Lighting Strategy outlined in the report.

12. 2019/20 BUSINESS PLAN UPDATE Q3

The Committee received a report of the Director of the Built Environment setting out progress made during Q3 of the 2019/20 Departmental Business Plan.

RESOLVED – That Members note the report and appendices.

13. DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - QUARTERLY REPORT

The Committee received a report of the Director of the Built 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.

Officers highlighted that the risk score for DBE – TP – 03 - 'Major Projects not delivered as TfL funding not received' had increased from green to amber in the last quarter.

Officers went on to talk of a new risk which had arisen since the writing of this report – COVID-19. Members were informed that the Department had recently reviewed its business continuity plans in light of this and that home working options were being explored for all should this prove necessary in the coming weeks. Members were also informed that resilience planning was taking place at a Corporate level and that a COVID-19 Steering Group, led by Assistant

Town Clerk Peter Lisley, had also been established to coordinate the City Corporation's response and ensure colleagues receive appropriate and timely advice.

In response to a question around the risk rating for risk DBE-PL-06 – Section 106 controls, moving from Amber to Green, Officers stated that this had been an oversight and would be updated for future reports.

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.

14. **THAMES COURT FOOTBRIDGE - GATEWAY 6 - OUTCOME REPORT**

The Committee received a report of the Director of the Built Environment detailing the Outcome of the Thames Court Footbridge project.

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

15. **DEEP DIVE: CR21 AIR QUALITY**

The Committee received a report of the Director of Markets and Consumer Protection providing Members with a 'Deep Dive' into CR21, Air Quality.

A Member spoke to note, disapprovingly, that this Committee's efforts around reducing fumes from premises being blown on to pedestrians were not reflected here under efforts to reduce emissions from non-transport sources and questioned why this was the case. He noted that the report stated that the main mechanisms used by the City Corporation for controlling air pollution from non-traffic sources was, amongst other things, planning policy making it very much the business of this Committee.

Another Member agreed with this point and questioned the climate consequence of agreeing, as the Committee had done earlier on in this meeting, that a premise may move from retail use to that of a restaurant/take-away. The Member went on to note that one of the aims of the Air Quality Strategy was to ensure that air quality in over 90% of the Square Mile meets the health-based Limit Values and World Health Organisation (WHO) Guidelines for nitrogen dioxide by the beginning of 2025. She questioned, however, what the current figure was here. The Air Quality Manager clarified that 2018 figures indicated that 30% of air quality in the Square Mile met WHO guidelines for nitrogen dioxide.

A Member spoke to state that Air Quality should thread through all areas of the City Corporation's work with many Departments/Committees having an important role to play here.

A Member stated that serious steps needed to be taken by the City Corporation to improve air quality. He suggested that the City should consider setting its own standards around what it deemed acceptable as opposed to simply

following WHO guidelines and the like. Another Member disagreed with this point, highlighting that institutions such as the WHO and United Nations were far better placed to set standards. The Air Quality Manager clarified that it would not be appropriate for the City to set its own standards.

A Member highlighted that the report indicated that Upper Thames Street was a worse location in terms of air quality than Beech Street where the City Corporation was trialling a zero emissions zone.

The Air Quality Manger reported that Officers were working alongside food premises that utilised wood and charcoal for cooking to look to reduce the effects that this had on air quality. She added that a detailed Air Quality Strategy existed to coordinate efforts across the City Corporation, including planning. Members were also informed that work was still ongoing to secure an Emissions Reduction Bill which would address all non-vehicle pollution.

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.

In response to further comments around the lengthy dialogue held previously at this Committee around fumes from premises blowing on to pedestrians and the fact that this did not seem to be reflected here, the Air Quality Manager clarified that this matter was not within her remit given that it was primarily an odour nuisance and had no obvious connection to health although some could, arguably, be particulate in its make-up.

The Member who had originally raised this point disagreed that this was about health, it was about the quality of the air and odour was, to his mind, clearly part of this. The Chair suggested that the Member continue this discussion with relevant Officers outside of the meeting to try and ascertain where this matter was likely to get the most traction.

RESOLVED – That Members note the report.

16. PUBLIC LIFT REPORT

The Committee received a report of the City Surveyor providing details of the 4 public escalators/lifts that were in service less than 95% of the time.

RECEIVED.

17. DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR

The Committee received a report of the Chief Planning Officer and Development Director detailing development and advertisement applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since the report to the last meeting.

RECEIVED.

18. **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.

RECEIVED.

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

City Business Population Growth

A Member commented that, whilst he had already raised this matter at yesterday's Court of Common Council meeting, he wished to explore it further here. He noted that the response from the Chair of the Policy and Resources Committee on the matter at Court had been to suggest that future growth be left to Market Forces. However, he stated that he would prefer to see a more proactive approach taken.

The Member went on to suggest that he was of the view that planning policy and the conditions attached to large, new developments within the City should also require developers to provide new Open Spaces within the City. He added that there was already a precedent for this which had seen some new buildings built on stilts to allow for the provision of open spaces beneath them. The Member also suggested that there should be a dialogue between the City and neighbouring boroughs to establish a hinterland between the two that could form part of the business community within the Square Mile whilst being of benefit to both.

The Policy and Performance Director stated that the Mayor's London Plan set the broad scale and distribution of future growth across London and this approach has been found sound at the London Plan's recent public examination. The London Plan identified the City and its surrounding City Fringe to be important areas for future growth and it was a legal requirement for the City's Local Plan to be in general conformity with the Mayor's London Plan. Therefore the approach in the City's Local Plan is to use a range of policies to manage successfully the projected intensification including taking steps to ensure that the City streets and open spaces play their part in the City remaining an attractive place to work, visit or live. A range of measures set out in the Local Plan and the Transport Strategy are intended to give greater priority to the needs of pedestrians so that they have more space available to them at street and other levels as the City intensifies.

Another Member noted that one of the attractive characteristics of the City was that it was a conglomeration of buildings that were easy to move between on foot – the addition of large expanses of open spaces could take away from this.

The Chair welcomed this debate and suggested that it could be revisited on receipt of the draft Local Plan at the next meeting of this Committee. He added that more metrics around this would be useful going forward in order to assist a more determined and focused effort on this matter.

Third Runway at Heathrow

A Member referred to the fact that the City Corporation were in support of introducing a third runway at Heathrow Airport. She noted, however, that this seemed to be at odds with the organisation's views around air quality and the desire for a low carbon future. She went on to highlight that she understood that this decision was now to be revisited as part of the City's Climate Action Strategy and that, whilst she understood that this was ultimately a matter for the Policy and Resources Committee, this Committee should be endorsing that a review should now happen as a priority and as soon as possible.

The Chair agreed with the fact that this should be revisited, particularly in light of the recent legal decision on the Government's handling of the matter.

20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT PUBLIC INQUIRY COSTS, THE TULIP, 20 BURY STREET, EC3A 5AX**

The Committee considered a late, tabled, joint report of the Director of the Built Environment and the Chamberlain seeking authorisation to spend approximately £190,000 on the public inquiry for The Tulip, 20 Bury Street, EC3A 5AX, following the steer from the Planning and Transportation Committee at their last meeting that the City Corporation should fund its own participation at the inquiry.

Oliver Lodge indicated that he believed that the proposed barrister was personally known to him and that he would therefore not be participating in this debate or any subsequent vote.

A Member spoke against the proposal, highlighting that the majority of these costs would be expended on QCs who were unlikely to provide significantly different advice to that of the applicants own QC. He went on to remark that an estimated £20-30k to cover witness costs also seemed excessive, particularly when the Committee had been informed within a report earlier on on today's agenda of the funding constraints already existent within the Department of the Built Environment. He proposed that relevant Officers attend the inquiry as witnesses but at no cost.

Another Member agreed with the points made and underlined that the Committee had already given a steer that the City Corporation's involvement in the enquiry should be minimal. He commented that if minimal involvement equated to a spend of £190,000 this was extremely problematic. He concluded by stating that it was hard to imagine that this was a top priority at present.

The Deputy Chairman commented that, whilst he had not been in attendance at the last meeting, he had read the minutes, spoken with colleagues about the debate and understood the concerns raised. He added that he, however, fundamentally disagreed with the two previous speakers. He underlined that this was not about whether individual Members approved of or had voted in favour of the application but was about robustly defending this Committee's decision. He expressed concern at the message that would be sent to

developers if this were not done, suggesting that the City Corporation would appear as if it was not confident to stand by the decisions of its Planning Committee. He concluded by underlining that this recommendation had been discussed with the Chair of the Policy and Resources Committee and the Chairman of the Finance Committee.

Another Member spoke to agree with the views of the Deputy Chair, underlining that it was essential for the City Corporation to put forward witnesses to the inquiry.

Another Member added that she had also been absent from the last meeting but was pleased to note the reluctance of the Committee to accept funding for the City Corporation's participation in the inquiry from the applicant. She agreed with the approach that the City's participation in this should be separately funded but noted that she felt that it was essential that the Corporation were present at the inquiry with adequate representation. She did, however, query the number of witnesses required to appear. She concluded by asking that a watching brief be kept on costs as it was hoped that these would be lower than anticipated here.

A Member spoke to express concern that the Policy and Resources Committee and Finance Committee did not hold contingencies for such matters.

The Member who had originally spoken against the proposal underlined that those Officers appearing as witnesses were not on trial and therefore disagreed with the notion that they would require legal representation. He added that material relating to the City Corporation's position was already available to the developer, who could refer to it in the inquiry.

The Chair spoke to underline that this Committee had voted in favour of granting the application. His own view was that the Mayor of London should not have intervened. He added that very professional legal teams would be employed on all sides for the inquiry and that it was therefore necessary for the City Corporation to do the same. He added that the City Corporation's reputation was at risk here and that it was therefore important to defend this Committee's original decision. He noted that it was regrettable that not insignificant sums would now need to be spent on this but recognised that this was the necessary cost of business.

The Chair asked that the Committee move to a vote on the proposal.

Votes were cast as follows: IN FAVOUR – 9 votes
OPPOSED – 1 Vote

There was one abstention.

A Member questioned whether the City Corporation could look to claim back its costs if the inquiry were to rule in their favour. The Comptroller and City Solicitor reported that this would not normally be the case unless there had been unreasonable behaviour on the part of the other parties. The Chair added

that if this were a possibility, the City Corporation's QC would advise on this as necessary.

Another Member questioned the timeline around making representations to the enquiry and consulting residents on this. The Chief Planning Officer and Development Director reported that those who had been consulted on and who had objected to the original application had already been consulted as part of the process.

(- note from Item 3 – Minutes - The Member who had proposed that a comment made by another Member be reflected in the minute on 'The Tulip - Appeal' at item 3 now withdrew this amendment on the basis that he had now made the relevant point here. With this in mind, the Committee were content to approve the public minutes of the meeting held on 18 February 2020 as a correct record subject to the Town Clerk making the amendments approved at Item 3).*

21. 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.

<u>Item No(s).</u>	<u>Paragraph No(s).</u>
22 & 23	3
24	3 & 5
25 - 26	-

22. NON-PUBLIC MINUTES

The Committee considered and approved the non-public minutes of the meeting held on 18 February 2020.

23. REPORT OF ACTION TAKEN

The Committee received a report of the Town Clerk advising Members of action taken by the Town Clerk in consultation with the Chairman and Deputy Chairman in accordance with Standing Order Nos. 41 (a) and (b).

24. NEW APPROACH TO ADDRESS VEHICLE IDLING - NON-PUBLIC APPENDIX

The Committee received the non-public appendix to agenda Item 9.

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

There were no questions in the non-public session.

26. 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 4.35 pm

Chairman

Contact Officer: Gemma Stokley
tel. no.: 020 7332 3414
gemma.stokley@cityoflondon.gov.uk