

PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 5 January 2021

Minutes of the meeting of the Planning and Transportation Committee held virtually via Microsoft Teams at 10.30 am

Present

Members:

Deputy Alastair Moss (Chair)	Alderman Robert Hughes-Penney
Randall Anderson	Deputy Jamie Ingham Clark
Peter Bennett	Shravan Joshi
Mark Bostock	Oliver Lodge
Deputy Keith Bottomley	Natasha Maria Cabrera Lloyd-Owen
Henry Colthurst	Andrew Mayer
Deputy Peter Dunphy	Deputy Brian Mooney (Chief Commoner)
Alderman Emma Edhem	Barbara Newman
John Edwards	Graham Packham
Helen Fentimen	Susan Pearson
Marianne Fredericks	Judith Pleasance
Tracey Graham	Deputy Henry Pollard
Graeme Harrower	James de Sausmarez
Sheriff Christopher Hayward	Alderman Sir David Wootton
Michael Hudson	

Officers:

Gemma Stokley	- Town Clerk's Department
Joseph Anstee	- Town Clerk's Department
Rhiannon Leary	- Town Clerk's Department
Kate Smith	- Town Clerk's Department
Damian Nussbaum	- Director of Innovation & Growth
Shani Annand-Baron	- Media Officer
James Gibson	- Technology Support Partner
Simon Owen	- Chamberlain's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Fleur Francis	- Comptroller and City Solicitor's Department
Alison Bunn	- City Surveyor's Department
Gwyn Richards	- Interim Chief Planning Officer and Development Director
Neel Devlia	- Department of the Built Environment
David Horkan	- Department of the Built Environment
Elisabeth Hannah	- Department of the Built Environment
Leah Coburn	- Department of the Built Environment
Gordon Roy	- Department of the Built Environment
Paul Beckett	- Department of the Built Environment
Ian Hughes	- Department of the Built Environment
Bhakti Depala	- Department of the Built Environment

Peter Shadbolt	- Department of the Built Environment
Bruce McVean	- Department of the Built Environment
Toni Bright	- Department of the Built Environment
Lucy Foreman	- Department of the Built Environment
Dom Strickland	- Department of the Built Environment
Joanna Parker	- Department of the Built Environment
Clarisse Tavin	- Department of the Built Environment
Sonia Williams	- Department of the Built Environment
Robin Whitehouse	- Department of Markets and Consumer Protection

Also in Attendance:

Lauren Martins – resident, 186-190 Bishopsgate

Sam Harper – First Plan Planning Consultants

Tito Arowobusaye – First Plan Planning Consultants

Introductions

The Town Clerk opened the meeting by introducing herself and stating that the Committee was quorate.

A roll call of Members present was undertaken.

The Town Clerk highlighted that the meeting was being recorded as well as live streamed and would be made available on the City Corporation’s YouTube page for a period of time after the meeting had concluded. With this in mind, it was confirmed that participants in the meeting had all individually agreed and given their consent to being recorded and that all personal data would be processed in accordance with the Data Protection Act 2018. The Town Clerk highlighted that, for further information on this, viewers could contact the City Corporation using the details provided on the public webpages.

The Chair then introduced himself, welcomed all those in attendance and viewing the meeting via YouTube and wished all a Happy New Year.

The Chair went on to mention that one of the Members of the Committee – Shravan Joshi – had been honoured in the New Year’s Honours list with an MBE for services to diversity and the British Hindu Community and took this opportunity to publicly congratulate him on this well-deserved award.

1. APOLOGIES

Apologies for absence were received from Oliver Sells QC (Deputy Chairman), Henry Colthurst, Alderwoman Susan Langley, Sylvia Moys and William Upton QC.

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

A Member asked the Town Clerk to confirm whether there were any items on today’s agenda in which the City Corporation had an interest so that Members could take due care and attention to these applications or items as stipulated under the Planning Protocol. The Town Clerk stated that she was not aware of

any instances of this on today's agenda and confirmed that, if this were to be the case, this would be made clear to the Committee by the reporting Officer once the relevant application or item was considered.

The Chair – Deputy Alastair Moss - declared a professional conflict of interest in relation to agenda Item 4 – 186-190 Bishopsgate Lon, EC2M 4NR - and advised that, as such, he would withdraw from the meeting for the duration of this item and allow the immediate past Chairman, Sheriff Christopher Hayward to manage this in the absence of his Deputy Chairman.

3. **MINUTES**

The Committee considered the public minutes and summary of the meeting held virtually on 15 December 2020 and approved them as a correct record.

MATTERS ARISING

Anonymisation of Member Comments/Contributions in Minutes (page 3) –

A Member commented that the minutes recorded that, at the last meeting, for reasons of transparency, he had proposed that Members contributions and votes should cease to be anonymised in the minutes of all meetings of this Committee. He noted that under the Committee's list of Outstanding Actions at Item 8 of today's agenda, a report on this proposal was due to be brought to this Committee in February 2021 before then being referred to the Policy and Resources Committee for consideration. He stated that he felt that making this the subject of an Officer's report was inappropriate given that this was not a momentous decision and would be reversible if necessary. It would also make this the kind of sclerotic that was heavily criticised in the recent Governance Review. He therefore proposed that this Committee take a decision on the matter now given that the arguments around making minutes more transparent were well aired at the last meeting and that the only real argument against doing so that had been aired so far concerned the risk of Members grandstanding. He suggested that if there were now any new arguments for or against this proposal, Members state them now. He concluded by stating that his proposal was that, for the sake of transparency, the practice of anonymising Members' contributions and votes in the minutes be ended for this and subsequent meetings of this Committee.

A Member responded to the proposal by thanking the original speaker for providing the Committee with prior notice of his proposal via email. He stated however, that he felt that this was entirely premature and sought to undermine due process given that the Committee had already agreed, at its last meeting, to ask for an Officer's report to guide deliberations on this issue. This report would also seek to cover the practice adopted in other local planning authorities and was due to be presented in February 2021.

Another Member spoke to agree with the fact that the Committee should not be seeking to undo what had already been agreed at its last meeting and that this proposal was therefore premature. She added that the recommendations arising from the Governance Review would also be looking at a number of matters in relation to this Committee and that this might also be picked up at this time. She concluded by stating that she felt that it should not be for a single

Committee to determine the house style of minutes for the City Corporation at large.

A Member spoke to state that she had always been weary around Members grandstanding in the past but was confident that this should no longer be an issue when weighed against the need for transparency. She stated that she was therefore in favour of naming Members in minutes and felt that this should be easily achievable.

Another Member stated that he too was of the view that this proposal was an attempt to undo what had been agreed at the last meeting and the process that had already been set in motion and should therefore be seen through to its natural conclusion. He noted that this Committee was predicted to have a heavy workload this year and stated that he felt that revisiting this matter at this particular meeting set a poor tone in terms of meeting management when the Committee should be focused on the applications before them.

Another Member spoke to state that, whilst she had not been present at the last meeting, she did not believe that this should be the subject of an Officer report and that she had already viewed the website of other local authorities and could see that some did name Councillors in the minutes of their Planning Committee meetings. She did not believe that a report was an efficient use of Officers time. In terms of house style, the Member went on to say that there were some inconsistencies here with the Chairs and Deputy Chairs of Committees often named in minutes meaning that there was not anonymity in place for all. She added that there was also a risk of inequality given that there were so few women who sat on some bodies, particularly on this Committee's Sub Committees, and that they may therefore be more readily identified with the use of the pronoun 'she'. She asked that if there were to be a future report on the matter, this also be taken into account. She concluded by stating that she would, however, be keen for the Committee to take a decision on this matter now so as to avoid wasting any further time on the matter and that she was in favour of removing anonymisation.

Another Member spoke to highlight that this matter had been discussed at length at the last meeting of this Committee where a decision had been taken and should be adhered to. He added that he was personally content for his own voting intentions to be recorded going forward.

The Member who had made the proposal spoke again to underline that what the City Corporation regarded as process had been heavily criticised in the recent governance review. He commented that this was not a matter that should require a significant amount of time to be spent on it as he was of the view that a decision could be taken on this now. He suggested that looking at practice elsewhere in other local authorities would provide evidence of a mixture of approaches with regard to the anonymisation of Members in minutes which would not prove to be of any use to this Committee in reaching its decision. He added that local authorities had also been heavily criticised for their poor planning standards and that the City Corporation should not therefore be trying to take their lead from them. The Member added that he had hoped

that this matter could be dealt with without the need for a formal Motion and vote to discern the will of the Committee. He noted that no Member had spoken to suggest that they objected to having their name recorded in the minutes and that this matter should therefore just be agreed upon now.

MOTION: The Member moved that, for the sake of transparency, the practice be ended of anonymising Members contributions and votes in the minutes of this and subsequent meetings of this Committee.

The Motion was seconded.

The Town Clerk intervened on a point of order to advise that the Committee were not able to take a decision on this matter unilaterally but could vote on putting a recommendation on the matter to the Policy and Resources Committee given that this was a corporate-wide governance and administrative issue which currently sat within the terms of reference of the Policy and Resources Committee who were tasked with reviewing and coordinating governance and the overall administration of all Committees. The Committee could vote on such a recommendation now without awaiting an Officers report and wider debate on the matter if they so wished.

The Member responded to state that he felt that his Motion, as put, should proceed and that, if Policy and Resources were of the view that this was ultra vires this could be decided upon subsequently.

In response to a question from the Chair, the Town Clerk reported that legal advice had been obtained to support the notion that this Committee did not have the power to act unilaterally on this and that the matter would require the approval of the Policy and Resources Committee. The Town Clerk recognised that there may well be sound reasons for this Committee being treated differently than others or, indeed, a wider case for all Committees to adopt the same approach but that, nevertheless, the coordination of this was within the terms or reference of the Policy and Resources Committee.

The Chair therefore asked the Member if he was content to amend his Motion in line with this advice.

The Member questioned why he not been provided with this advice prior to the meeting given that he had sent advance notice of his proposal.

The Chair commented that he did not think it was good practice for a Committee to be considering a Motion that was proposing action that was not within its powers and therefore proposed, under Standing Order 29(1), that the Motion, as currently put, should not be put.

The Member who had proposed the Motion stated that he did not accept that this was ultra vires but reluctantly altered his Motion.

MOTION: - The Member moved that, for the sake of transparency, a recommendation be put to the Policy and Resources Committee requesting that

the practice be ended of anonymising Members contributions and votes in the minutes of this and subsequent meetings of this Committee.
The Motion was seconded and put to the vote.

Votes were cast as follows – IN FAVOUR – 11 votes*
OPPOSED - 16 votes

There was one abstention.

**A number of Members who had voted in favour of the Motion asked that their names be recorded as having done so in accordance with Standing Order No 38 – those Members were as follows – Randall Anderson, Mark Bostock, Deputy Peter Dunphy, Marianne Fredericks, Graeme Harrower, Natasha Lloyd-Owen, Deputy Brian Mooney (Chief Commoner), Barbara Newman and Susan Pearson.*

The Chair clarified that a report on the matter would still be brought to the Committee in February 2021 noting that a substantial minority of Members had voted in favour of the Motion.

Questions to the Chair at the last meeting (page 5) – A Member highlighted that he had asked two questions of the Chair at the last meeting – one as to why he had not ruled the Motion put with regard to 150 Aldersgate Street as premature in accordance with Standing Order 37(3) and the other regarding the use of urgency procedures – both of which the Chair had undertaken to respond to in writing. The Member reported that he had received a response from the Chair yesterday afternoon and had subsequently circulated his response to this to the whole Committee this morning. He also then took the opportunity to read through his comments. He stated that the Chair had responded to suggest that he did not believe that the Motion with regard to the application on 150 Aldersgate Street had been premature taking into account all of the circumstances but that he wanted to challenge this given that there were still a number of questions that had been asked of Officers that were unanswered as well as some Members who had new points to raise but had not been allowed to make them when the Motion was put. He therefore sought an undertaking from the Chair that, in future, the Member proposing that the question now be put when Members questions have not been answered and some Members may not have spoken for the first time, he would exercise his discretion to disallow that Motion being put at that particular time.

Secondly, the Member referred to the use of urgency procedures and stated that, at the meeting on 17 November 2020, the Chair had said that he and the Deputy Chairman had trimmed that meeting's agenda considerably from what it had been and stated that more decisions would be taken using urgency procedures which would be transparent and reported back to the Committee on agenda management efficiency grounds. In a letter sent by several members of the Committee on 24 November, it was asked that the Chair explain how this proposal would not be an abuse of the urgency procedure which exists to deal with matters that cannot wait until the next meeting, not to reduce the number of items on the agenda as meetings may last for too long. The Member noted that the Chair's recent written response on this simply set out the criteria used for the urgency process and made no reference to it being used as a way of

managing the length of meetings as the Chair had suggested. The Member therefore requested that the Chair did not use the urgency procedure differently to how it had always been used which would render the statement that he had made at the meeting on 17 November 2020 redundant.

The Chair thanked the Member for raising these points and undertook to respond to both of them in writing prior to the next scheduled meeting of the Committee.

Stopping-Up Orders and Virtual Reality (VR) Square Mile (page 13 and page 20) – A Member spoke to state that she felt that providing Members with a sense, graphically, of what cumulative changes had happened to public highways as a result of approved planning applications would be beneficial – particularly at a time when space for pedestrians was arguably more important than ever. The Member added that only providing public access to highway space at certain times only was very different to providing unfettered access at all times and suggested that she felt it important for Members to be able to take stock of this. She questioned whether a future report could be provided on this matter or whether it might be suitable to add to the Committee’s list of Outstanding Actions. Any future decisions could also then be added into the modelling for completeness and help to inform the Committee’s deliberations.

The Chair suggested that, as this was a hybrid of both highways and planning functions, Officers should give further consideration to the proposal and suggest how best it might be responded to. The Chair also took this opportunity to remind the Committee of the Member training sessions that were now being offered before scheduled meetings – the first of which had taken place this morning, focusing on ‘Healthy Streets’ and had tackled some of these issues.

Thermal Comfort Guidelines (page 15) – The Member noted that these had been adopted in terms of a planning advice note but stated that she was conscious that whole-life carbon, in terms of the BREEM guidance and requirements, wasn’t accounted for in this way. She questioned whether it would be possible to adopt a Whole-Life Carbon Guideline as a planning advice note and taking this into account in a formal way. The Chair noted that the Member had raised this point previously and stated that he also felt that it was a point now being echoed by developers and their advisors. The Chair asked that the Interim Chief Planning Officer and Development Director respond to the Member on this point and consider how best to bring the matter back to the Committee.

4. **186 - 190 BISHOPSGATE LONDON EC2M 4NR**

The Committee considered a report of the Interim Chief Planning Officer and Development Director regarding 186 – 190 Bishopsgate, London, EC2M 4NR, specifically, change of use of basement, ground and first floor levels to a Class A3 restaurant plus external alterations comprising the installation of louvres and a full height external extract duct to the roof on the south elevation.

The Town Clerk introduced the item and also drew Members’ attention to the fact that they had also been sent to virtual site tour clips as well as an

addendum that contained an additional proposed condition as well as a late representation.

The Interim Chief Planning Officer and Development Director presented the application and began by stating that the City Corporation had no interests in this property. He explained that the application was for a change of use to the basement, ground and first floor levels to a restaurant use by 'Five Guys' and associated external plans. Members were informed that the site in question was 186-190 Bishopsgate, on the east side of Bishopsgate with Victoria Avenue (a privately owned, narrow cul-de-sac which accessed onto commercial properties) running along its southern side. Members' were shown a site location plan to provide them with an overview of the context of the site and which depicted that it sat within the Bishopsgate Conservation Area as well as within a principle shopping centre which was protected by policy.

The Committee were shown an image of the existing building which the Interim Chief Planning Officer and Development Director explained was a rather unexceptional, 1960's clad building. He went on to explain that there was a very long and convoluted planning history on this site, which was tied to the previous occupier – 'Wasabi' - as detailed within the report. He summarised by stating that the previous occupier had begun operating as a cold, fast food takeaway before expanding into a hot food takeaway and then offering eat-in facilities on the premises which took it out of A1 use which was not authorised. There had also been unauthorised works involving the provision of duct which had led to noise nuisance and issue with cooking smells for the residents above the premises. It was reported that, above the second floor of the building, there were 19 residential units.

The Interim Chief Planning Officer and Development Director reported that it was important to underline that this applicant was from a new applicant for the site who had worked constructively with Officers to regularise the use issues and had worked with Environmental Health to find a solution to the duct work in a way that did not harm residential amenity which was a key part of this proposal. Members were shown various images if where it was proposed that the duct be located.

Members were told that one of the key issues before them today was the change of use from A1 to A3. The Interim Chief Planning Officer and Development Director also took the opportunity to clarify a point that one Member had contacted the relevant case Officer on prior to this meeting. He stated that, as the Committee had previously been informed, recent changes had been introduced in September 2020 to the use classes order and that a new Class E use had been introduced which was a single use class which included retail, restaurant, financial and professional services as well as other uses with occupiers now able to move from one of these uses to another without the need for planning permission. As changes were not development, there was no option for the planning authority (in this case the City Corporation) to restrict changes within this use class by article 4 directions. However, as the planning application before the Committee had been submitted prior to 1 September 2020, the transitional arrangements under the Town and Country

Planning Regulations allow for it to be considered under the previous 'A' use classes. Determining this change of use application today would therefore allow the City to add conditions on matters such as hours of opening, servicing and waste to protect residential amenity with such proposed conditions set out within the draft decision notice. If, however, the application was to be refused today, the change of use to a restaurant could still proceed without the need for planning permission as it did not constitute development under the new class 'E'. In this scenario, any opportunity for the City Corporation to add conditions to protect residential amenity would fall away and the organisation would have no such controls over the operation of the premises.

Members were then shown a proposed ground floor plan which would be of A3 use and comprise of an open kitchen with seating for 25 covers. At first floor level there would be 104 covers as well as customer WCs. At basement level would be an ancillary space which would include storage and staff facilities.

The Interim Chief Planning Officer and Development Director key to the change of use was the policy within the City's Local Plan to protect principal shopping centre, which this building was located within. Whilst the existing percentage of class A1 units in the principal shopping centre was below the Local Plan aim of 70%, this was partly as a result of a number of vacant and underconstructed sites as set out within paragraph 47 of the report. However, the mix of retail units in the immediate frontage accorded with the Local Plan and the proposed use was considered to be appropriate to the principal shopping centre and that it would contribute positively to facilities in the area and add to its vibrancy. The proposed change of use was therefore considered to be acceptable.

Members were informed that there were associated external alterations as part of the A3 use. The Committee were shown a drawing of the south elevation of the building onto Victoria Avenue which there would be oblique views of from Bishopsgate and shown where the duct would sit and how it would rise the full height of the building from first floor level. Other minor associated elevational alterations such as louvres would also be required. There was also a requirement for a high-level extract to discharge the kitchen ventilation at basement level to comply with environmental health requirements and to protect residential amenity. The Interim Chief Planning Officer and Development Director explained that extensive work had been undertaken by the applicant to explore internal routes for the duct, but this was not thought to be feasible. The applicant's original application which was consulted upon was to provide a first-floor level extract on to Victoria Avenue, but this was subsequently amended because of concerns around noise and odours from residents. The current proposals would involve painting the duct in the same colour as the external wall/concrete cladding. There was a second proposal to over clad the duct, but this raised structural issues as well as increasing the scale of the duct itself.

Members were shown a visualisation of both the proposed and existing elevation view looking westwards from within Victoria Avenue depicting where the duct would be placed. The Interim Chief Planning Officer and Development Director conceded that it was accepted that the addition of the duct was not a

particularly welcoming visual addition to this view. The duct would be 80x35cm and would project beyond the wall above first floor level by 43cm creating a degree of harm to the Conservation Area. However, this degree of harm was considered to be very limited and on the lower end of the spectrum of less than substantial harm and would not be located in a prominent location in the Conservation Area but in a fairly utilitarian elevation of the building itself which was of limited architectural value. The duct would also be fronting on a private cul-de-sac and not public highway. It would not be readily visible from any of the key views on Bishopsgate.

Members were informed that the other outstanding issues in the application were amenity issues where objections had been received – primarily from residents – regarding noise disturbance during building works and from the operation of the restaurant, nuisance from food odours, the hot air extract from Victoria Avenue and the visual appearance of the duct – concerns that were also shared by the Conservation Area Advisory Committee. The Committee were assured that the Committee had looked very carefully at these concerns and were very firmly of the view that the introduction of robust and effective control through conditions would address them. Over ten environmental health related conditions were proposed which would control the environmental effect of the duct and any associated noise and odours as well as the noise during the demolition and construction of the site, the acoustic treatment and control of noise and odour from the mechanical plant. Disturbance from music resulting from the A3 use, the hours of servicing and also opening hours (10:00-23:00) would equally be conditioned. Members were informed that the applicant had also submitted a Custom and Servicing Management Plan which would be subject to continual review. In conclusion, the Interim Chief Planning Officer and Development Director reported that Officers believed that there would be robust and effective control which would adequately address the concerns raised by the objectors. He added that the proposals had been substantially amended by the applicant in a very constructive and collaborative manner during the course of the application and it was therefore felt that the proposal as a whole struck an appropriate balance between protecting residential amenity whilst putting the retail unit to appropriate use which would contribute positively to the vibrancy and activity of not only the Bishopsgate Conservation Area but also the primary shopping centre. The application was therefore recommended favourably to the Committee.

The immediate past Chairman (in the Chair) thanked the Interim Chief Planning Officer and Development Director for his presentation and invited any questions that Members might have of Officers.

A Member referred to the change of use classes that had come into effect as of September 2020 and stated that he would have thought that the addition of a rather large duct on the outside of the building would qualify as development and mean that this application would still require planning permission even if considered under the new regulations. He sought clarification as to whether this were the case. The Interim Chief Planning Officer and Development Director confirmed that this would be the case and clarified that his earlier remarks had referred only to the proposed change of use.

Another Member questioned enforcement given reference to the breeches that had occurred under the previous occupier. She questioned whether there were adequate resources to ensure that any conditions were complied with should similar issues arise once more. The Interim Chief Planning Officer and Development Director confirmed that he was confident that there were sufficient resources in place for this purpose.

Another Member questioned what powers the City Corporation actually had in terms of any breaches that might occur. The Interim Chief Planning Officer and Development Director reported that, in terms of any disturbance due to noise or odours, the Environmental Health Team had powers. The Deputy Pollution Manager contributed to state that the amenity test often provided a better result than the nuisance test, hence his enthusiasm to try and secure these conditions at the planning stage as these matters could be dealt with more efficiently during a buildout. He too confirmed that resources were sufficient but highlighted that there were often difficulties around the actual judgement of nuisance which required investigation and, often, inconvenience to residents and neighbours.

The Town Clerk introduced Lauren Martins, a resident of 186-190 Bishopsgate, speaking in objection to the application.

Ms Martins reported that she had been resident in the building for 12 years and lived on the third floor which was the first level of residential dwellings. She commented that she did not feel that the building was well suited to play host to what was effectively a large food factory downstairs. She reported that the commercial facility and the rest of the apartments above face Bishopsgate and Victoria Avenue (a small cul-de-sac, surrounded by high rise buildings which created a pocket of still air that could not escape). Ms Martins stated that the prevalent wind direction in the UK was from the south-west which, on most days, directed air from Bishopsgate into Victoria Avenue bringing with it carbon monoxide and hydrogen oxides from petrol and diesel vehicles. Levels of CO₂ and nitrogen oxides had been measured in this location last year and these were found to be 3.2 times higher than the acceptable limit. It was reported that residents also experienced a black layer of smoke that formed daily on their windows. That being said, Ms Martins reported that residents still loved their building and were optimistic that with improvements including things such as the introduction of electric vehicles, their respiratory problems would come to an end. Ms Martins recognised that all of these problems had existed before the previous occupier – ‘Wasabi’ – had moved into the building and added to the problem via the restaurant louvres. Members were informed that the Wasabi operation in Bishopsgate quickly grew to one of the largest in London with all food for nearby Wasabi premises produced in this kitchen which soon tripled in size. This resulted in the odours and noise emitted from the premises becoming unbearable for residents who were forced to keep their windows closed. Heat emitted from the louvres also rendered the conditions in the apartments above unliveable. One measurement had shown that, whilst the temperature on Bishopsgate had been 24 degrees Celsius, in Victoria Avenue, the measurement had been 36 degrees Celsius, and inside apartments, this

had been almost 40 degrees Celsius. On the hottest days, Ms Martins reported that she had felt unwell as a result of the excessive heat and had huge concerns for her elderly neighbours who were forced to leave their homes for long walks when the heat became so intense.

Ms Martins commented that conversations that she had had with Wasabi employees had indicated that the heat within the basement kitchen was also excessive to the extent that it had even caused some workers to pass out and that this had not been adequately addressed despite the installation of a huge air conditioning unit. She had therefore been informed that it was their intention to build additional louvres to pump yet more hot air out into Victoria Avenue. Ms Martins expressed her grave concerns that, with Climate Change and increasingly hot summers, this heat would only intensify in future putting elderly residents in the building at high risk of stroke and also posing a fire hazard. She reported that, on a particularly hot day six months ago when temperatures inside had reached 40 degrees Celsius, a fire had already broken out at a flat within the building.

Ms Martins concluded by stating that she was of the view that the proposed Five Guys operation would only exasperate all of the issues that she had outlined given that proposals involved making the kitchen even larger. She urged the Committee, on behalf of all 19 families residing in the building, to refuse the application.

The immediate past Chairman thanked Ms Martins for her contributions and invited any questions that Members might have of her.

A Member asked Ms Martins whether she felt reassured on hearing the proposed conditions that would be applied to the application and by the City Corporation's ability to enforce these. Ms Martins reiterated that the main problem was the heat emitted from the premises which was exasperated by the hot air being dumped into Victoria Avenue which was a cul-de-sac surrounded by tall buildings meaning that this hot air had no obvious escape route. She added that the plans within this application to increase the size of the louvres would only add to this issue and render the apartments above unliveable and that she did not see the proposed conditions as an effective means of preventing this.

Another Member stated that he had believed that this application was for a restaurant but stated that it appeared to be for much more than this and would also involve a manufacturing operation supplying a whole chain of premises across London based on what Ms Martins had reported. He questioned whether this was the case. Ms Martins confirmed that when the previous occupant had been at the premises their operation was initially very small and provided takeaway food only. However, they soon became so successful that they became the main kitchen supplying produce for other Wasabi's across London – something that she did not feel that the premises were suited for. Ms Martins added that residents had also had access to their rubbish store blocked by the previous occupants.

A Member asked Ms Martin what her experience had been to date in terms of enforcement – raising issues about the previous occupiers with the City Corporation and their response to them. Ms Martins confirmed that residents had only recently rallied together in an attempt to voice their concerns over the common issues experienced by all and had not yet therefore officially complained to the City Corporation. Ms Martins added that the bedroom walls of the apartments faced Victoria Avenue and reported that trucks were often visiting the premises at 2-3am in an attempt to avoid parking fees when residents had requested that this happen between 7:30-23:00 only. This had caused regular disturbance to residents, some of whom had young children. Since the previous occupier had left the premises, the residents had been able to experience uninterrupted sleep for the first time in many years. These proposals for a new restaurant that would be increased in size was therefore a huge concern.

Another Member spoke to state that many of the issues raised by Ms Martins would be of concern to Members. He stressed that it was, however, important to separate out the relevant planning considerations here. He went on to question what conversations Ms Martins had had with the new applicants and whether or not they had provided any assurances to residents as to how they would address their concerns and protect their interests. Ms Martins reported that she had messaged the applicants regarding concerns around heat in particular but was yet to receive a response. Ms Martins suggested that a better approach for the new applicant to take would be to pump any hot air from the premises through to the top of the building where it could rise and escape more easily. Even so, she reiterated the point that she did not believe that this building was fit for the proposed use which she felt would pose a serious fire risk.

The Town Clerk introduced Sam Harper, a Director of First Plan Planning Consultants speaking on behalf of the applicant 'Five Guys' and in support of the application.

Mr Harper underlined that 'Five Guys' was a well know restaurant chain founded in America and had a good record of operating successful, popular restaurants through the UK and across the world. There were currently in excess of 100 Five Guys restaurants in the UK alone. He reported that 'Five Guys' were well known for their use of fresh ingredients in all cooking and the provision of customised, made-to-order burgers with no microwaves or freezers on site.

Mr Harper reported that the premises which was the subject of this application had been in use, as already reported, as a 'Wasabi' restaurant and takeaway facility for many years as evidenced within the record of planning history and enforcement. The Committee were informed that Wasabi had now vacated the premises as a result of the pandemic but had, nevertheless, planned to vacate at some stage regardless – hence this application which was originally submitted in late 2019. This was in order to regularise use of the unit as a restaurant and allow 'Five Guys' occupation. Mr Harper reported that, prior to the submission of this application, significant work had already been

undertaken by 'Five Guys' to ensure that the unit could work realistically for them and without detriment to the upper floor apartments. It was therefore considered that the submitted application proposals included significant revisions made during the course of the application which now achieved this. Mr Harper stated that, in planning terms, there was no reason why the proposed change of use should not be considered acceptable. As Officers had already highlighted, the application proposed a commercial use within the Liverpool Street principal shopping centre which would not detrimentally impact upon adjoining premises or residents in the applicant's view. It was felt that the opening hours proposed were suitable for the location, ending at 23:00 and aligning with other premises in the surrounding area. Members were informed that the measures indicated within the submitted Management Plans would also be conditioned to ensure compliance.

Mr Harper added that, as detailed within the Committee report, various options were explored with the City Corporation in relation to the proposed kitchen extract which would serve to remove odour and heat from the proposed cooking area. The final solution arrived at was a kitchen extract duct which would terminate at roof level with significant odour filtration and attenuation proposed inside the unit. This complied with environmental health guidance and relevant local policies and ensured no adverse impact on existing amenities or the Conservation Area in the opinion of the applicant, due to the discreet, set-back location of the premises and the profile and treatment of the proposed duct. Mr Harper stated that the proposals offered a great improvement to the existing situation which had not benefitted from planning permission, was sub-standard in terms of ducting, filtration and attenuation and which had also been the subject of complaints and concerns from residents and Environmental Health.

Mr Harper noted that Wasabi had operated a very large-scale, commercial kitchen from the premises, supplying other restaurants across London which was not the case with this application which would feature a smaller kitchen to service this restaurant alone with a lot of space at basement level being fallowed or used for the installation of plant which would help to overcome the concerns raised. Mr Harper added that it was noteworthy that any restaurant occupier could occupy this premises and operate without the need for planning permission under the new use classes order although they would, admittedly, require an extract solution – however, there were systems available that involved the recirculation of air and would not therefore require any external works.

The Committee were informed that the applicant had reviewed the proposed planning conditions and gave assurances that they were content with these and would abide by them should this application be granted. Mr Harper reported that of all of the restaurants that Five Guys operate across the UK, they had never had a series of prolonged complaints or issues regard extraction, odours or noise disturbance from residents.

Mr Harper stated that an unfortunate impact of the ongoing pandemic was the closure of many commercial units including restaurants and retail units. This

included the former tenants – Wasabi – and it was therefore considered a positive thing that Five Guys were now looking to invest in what was a significant site. Mr Harper stated that Five Guys were one of few restaurant chains who were currently seeking to expand and invest in various locations across the country. Mr Harper added that he was therefore confident that this premises would be brought back into good economic use that was consistent with its setting and would also lead to job creation.

Mr Harper concluded by reporting that the applicant had worked hard throughout the application process to resolve the queries raised and to achieve what they hoped all parties would now agree was a good end result. He therefore commended the application to the Committee.

The immediate past Chairman thanked Mr Harper for his contribution and invited any questions that Members might now have of him.

A Member questioned what consultation had been undertaken with residents in the building and asked whether Mr Harper was able to provide any initial response to the concerns raised by residents today, particularly regarding heat. Mr Harper reported that he was not aware of any direct engagement with residents but reported that the applicant had engaged with the freeholder of the building. Members were informed that the initial interaction had been between Wasabi as former tenant and Five Guys. Mr Harper underlined that the key factor here was that this was a new tenant. Mr Harper stated that he fully understood the concerns raised regarding heat having stood in Victoria Avenue and experienced this for himself. He highlighted that the applicant had initially proposed a low-level extract duct at the front of the building however, discussions with Officers over the past 12 months (particularly Environmental Health Officers), had led to the revision of plans and proposals around a full height extract from the kitchen – something which Ms Martins had already stated would be preferable. With regard to louvres at the side of the building, Mr Harper highlighted that a number of these were already in existence and that that addition of a louvres at the front of the building was to draw clean, filtered air into the building and not to extract air. Additional minor louvres to the rear of the building would be for the extraction of staff room areas which were not heat generating. An existing louvre at the rear of the building was related to the air conditioning unit. Mr Harper concluded by stating that the new premises would feature an open-plan kitchen at ground floor level and a smaller prep kitchen at basement level – not the factory-like operation that had been operating from here previously.

Another Member commented to state that he felt it was extraordinary that the applicant had chosen not to consult with residents given the circumstances of the application. He also questioned how many applications for restaurants Mr Harper had handled previously that involved residential units directly above the premises. Mr Harper reported that he had dealt with applications on behalf of many operators and that many of these were in central City locations with residents directly above the premises. In terms of engagement, Mr Harper reiterated that the application had first been submitted over 12 months ago, with just three comments received during the first round of public consultation –

one regarding construction noise and the other two regarding Wasabi's operation. Mr Harper went on to accept that more efforts around resident consultation could have been made but stressed that concerns around heat had only recently been flagged to the applicant over the past few months. It was hoped that the revised proposals around the extraction of air from the kitchen would go some way to overcoming these concerns. Mr Harper added that there were no concerns from the HVAC engineers that heat generation was a valid concern under these proposals which would not satisfy environmental health legislation, health and safety legislation or fire legislation if this were the case.

Another Member spoke to question waste and deliveries, noting from the plans that there were quite a number of bins for waste purposes. She asked the applicant from where and how deliveries would enter the building and also sought information around the timing of these. In terms of waste management, Mr Harper reported that there was an access door toward the rear of the side elevation of the building which would provide access to the internal bin store. Mr Harper added that the applicant was very aware of the issue raised by Ms Martins and the fact that residents had been unable to access their own bin store – he reported that this issue had arisen from the landlord who had wanted to provide an additional residential unit over the former staircase and not, as he understood it, from the previous tenant. In terms of deliveries, Mr Harper recognised that this was a red route and stated that Five Guys would be using new arrangements with the expectation being that relatively speedy, palette deliveries would take place utilising the side access at Victoria Avenue and a nearby loading bay. Mr Harper assured the Committee that deliveries would not take place outside of the agreed, daytime hours.

A Member stated that the proposals around extraction at roof level were reassuring to him but asked Mr Harper to confirm that there were no existing or newly proposed air conditioning units that would be discharging into Victoria Avenue as these could clearly be a source of significant heat. Mr Harper reported that there was a louvre at the rear of the building which extracted air from the existing condensers. However, as was often the case with new operators, it was reported that Five Guys would be keen to fit new condensers in this location that were suited to their requirements and not, therefore, need to supply a commercial kitchen taking up the entire level with cold air. It was reported that these would utilise the existing louvre on the rear of the building at first floor level.

Another Member questioned how much air would be extracted from the premises as a whole via the newly proposed rooftop extraction as opposed to being discharged into Victoria Avenue. He added that whilst he recognised that planning permission here was not being sought by Wasabi, any permission granted would extend beyond the proposed new occupier and it was therefore important that the Committee get this right in terms of any conditions applied. Mr Harper reported that the purpose of the kitchen extract duct would be to remove warm air generated from cooking and that this would be a significantly larger duct (800x350mm) than the existing version (300mm) which had not benefitted from planning permission. Mr Harper confirmed that, after inspection,

it was recognised that the route of the existing duct was very convoluted and sub-standard given the scale of the previous occupant's operation. The newly proposed duct was based on a very high specification of filtration and management of both odour and heat.

A Member questioned the proposed maintenance of the extraction duct and how easily this could be accessed stating that she was well aware that these were often the main cause of fire within restaurants when not properly maintained. She added that, from her own experience, extractor emitting at roof top level could still let off odours within a building if cleaning and maintenance were not carried out regularly. She noted that this was likely to be a very busy, popular restaurant within excess of 120 covers proposed and that cooking was therefore likely to happen all day. Mr Harper stated that Five Guys were well aware of potential issues around odours and that they would be installing various pieces of equipment to help filter these including carbon filters, bag filters, electrostatic units and ultraviolet units - a combination of more filters than they had ever used on any other restaurant. In terms of cleaning, a cleaning schedule utilised by another restaurant operated by Five Guys in Manchester which also had residents living above the premises had been submitted by the applicant alongside before and after pictures of the extract duct pre and post clean. Mr Harper stated that he believed that there was an undertaken to clean the duct at least every three months but that the applicant was happy to be as flexible as required on this matter so as not to adversely affect residential amenity.

A Member questioned whether the Committee could be provided with an estimate on expected, post-COVID footfall, particularly in the evening in terms of covers. Mr Harper highlighted that there were 129 covers proposed and that there was typically a 20-minute dwell time for those that chose to order and dine in which tended to be the predominant use of the restaurant.

The immediate past Chairman invited any outstanding questions that Members might have of Officers ahead of the debate. A Member questioned what the scheme of operations was from Five Guys that might address some of the concerns raised and differentiate it from that of Wasabi. The Interim Chief Planning Officer and Development Director reported that he felt that the thoroughness and rigour of the proposed conditions worked up in consultation with the applicant, the requirement for a Customer Management Plan and a Servicing Management Plan (both of which would be periodically reviewed to ensure their effectiveness) was sufficient enough to address the concerns raised by both the objectors and Members. The Member went on to ask whether Officers would characterise the applicant as being cooperative and responsive to the concerns raised around the previous management of the building. The Interim Chief Planning Officer and Development Director stated that the applicant had been somewhat tarnished by the poor management of the previous occupant of the site but that they had been very cooperative and constructive in working with both Planning Officers and Environmental Health to find solutions to address the concerns raised.

The immediate past Chairman asked that Members now move to the substantive debate.

A Member stated that, as a representative of the Ward in which this application was proposed, he had seen the original plans for the site in October 2020 which had featured extraction at first floor level on the Bishopsgate frontage of the premises. He was pleased to see that this had now been amended. He added that he was sympathetic to the issues encountered by Ms Martins and other residents in the building in recent years with the previous tenant. However, he underlined that it was important to note that this was not the same tenant, that an entirely different type of operation was proposed and that, to his mind, the proposed conditions worked up by both Planning and Environmental Health covered all of the concerns raised by residents. He concluded by stating that he was therefore supportive of this application on these grounds.

Another Member spoke to state that he was very grateful to Officers for their introduction to the application which had included reference to changes in use classes. He added that the Committee now seemed to be presented with a situation whereby if they were to refuse this application, the proposed change of use would still be possible under new regulations and, although external ducting would be required, the opportunity to impose conditions would be reduced leaving the City Corporation in a worse position than if Members were minded to approve this. He went on to state that he was of the view that the newly proposed ducting would overcome many of the issues flagged by residents living above the premises. The Member concluded his speech by stating that the use classes order issue had persuaded him to reluctantly support the application today.

A Member stated that he felt that the objector who had addressed the Committee this morning had put forward the case against the application very eloquently. In terms of planning considerations, the Member stated that the key issue here was the location of the kitchen extract duct with the report acknowledging that it was not feasible for the duct to be located internally. If the duct were to be located externally, at first floor level, this would be unacceptable from an environmental health perspective and, if the duct were to be located externally and run the full length of the building, this would be unacceptable from a conservation perspective as expressed by the Conservation Area Management Committee. The logical conclusion ought to therefore be that this property was not suitable for use by a restaurant serving hot food. However, this was not the conclusion reached within the report, which recommended the approval of the application by treating a building located within a Conservation Area as if it were not by stating that the building itself lacked architectural merit. The Member suggested that this approach undermined the whole policy of Conservation Area protection and would further damage the City's heritage. In short, the Member stated that he was of the view that this application should be refused – primarily for failing to comply with the City Corporation's policy on Conservation Areas.

Another Member also spoke on the use classes point and sought absolute clarity from Officers as to whether or not refusal of this application could

potentially have a further adverse impact on residential amenity in the future by enabling the change of use and extraction to happen anyway in such a way that would preclude the Committee from applying any conditions. The Member went on to state that the report did not suggest that this application would not undermine residential amenity, only that when weighed against the public amenity, it was recommended for approval. She added that she struggled to see sufficient public amenity by way of this particular application, especially when bearing in mind that it fell below the threshold in relation to retail and the Conservation Area points already made by a previous speaker. The Interim Chief Planning Officer and Development Director reported that, under the new Class E regulations a new restaurant occupier could move into this unit with immediate effect and utilise the existing louvres to extract without requiring planning permission. This would mean that, as a planning authority, the City Corporation would also have no grounds on which to impose conditions around servicing or the operation of the premises. In terms of the wider public benefits to outweigh any harm, Officers had been very clear that there would be a limited degree of harm associated with this application in terms of the Conservation Area. It was also felt that the Conservation Area was characterised by a vibrancy of uses and that this proposed new use was compatible with this. Finally, Members were informed that it was felt that the potential for nuisance from the ductwork was adequately and robustly addressed by the very thorough conditions that were intended to be attached to any permission granted which would also prevent any repetition of the historical problems encountered by residents.

In response to a further question regarding any evidence the City Corporation might have around excessive heat at this site, the Interim Chief Planning Officer and Development Director reported that they did not have objective evidence of this but did not dismiss the points raised by the objector highlighting that the heat extracted into Victoria Avenue may well cause heat issues. However, it was felt that the scheme put to the Committee and the proposal to take the duct to roof level - allowing any hot air to rise and be dispersed by the wind - alongside the fact that the major louvres on the property would be intake and not outtake would address this issue.

At this point, the Chairman 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.

Another Member spoke to state that she also found the issue around change of use classes difficult and stated that it seemed that the Committee seemed to be being asked to effectively approve the addition of a very large duct which would protrude by almost half a metre and therefore be very visible despite it being located at the side of the building. She added that the report also seemed to suggest that the duct would not have to be as robust as it might have been if it were to be located on public highway and that this suggested that there was also the potential for it to be damaged at low level. Finally, the Member underlined that the site was located within a Conservation Area and that installing a factory style chimney duct into this space was, in her opinion, an

error. The Member noted that whilst, under new regulations, the premises could open and function as a restaurant with immediate effect, it was unlikely to be able to operate effectively as things currently stood and was likely, therefore, to be dealt with by environmental health. She also noted that a restaurant operated very differently to a retail unit in terms of waste and deliveries. She stated that she was of the view that this premises was not adequately designed to be a restaurant and did not have the internal ducting necessary to facilitate this. With this in mind, the application should therefore be refused.

A Member spoke to state that he was very disappointed to learn that neither the applicant nor Officers had consulted directly with residents of this building on these plans. Officers had advised the Committee that the concerns raised by residents were merited and would be adequately covered by proposed conditions. However, given the concerns raised primarily around heat, he felt that, should the application be approved, Environmental Health should be asked to inspect the site after a period of operation in order to determine if this issue persists. If this were found to be the case, enforcement action should be taken to remedy it.

Another Member spoke to ask Environmental Health Officers whether, if a future occupier were to change the use of the building to a restaurant, this Committee might still have an opportunity to condition the application given that it would still require a duct to operate in this way and whether if they were to try and operate without the correct cooking flues in place, they had the power to tackle this. The Member went on to state that she was shocked to hear Officers suggest that they had all of the necessary resources in place to tackle any issues that might arise in the future when the report itself suggests that from 2012 Wasabi had been illegally using the unit for purposes other than those which they had been granted consent for with no active measures taken by Officers to deal with this. She questioned why this matter had not been brought back to this Committee over the course of the past 9 years. The Members added that she had concerns around applications such as these being granted and conditioned with the expectation that other Departments would deal with and act upon these. She underlined that the City Corporation had just one Planning Enforcement Officer at present and a limited number of Environmental Health Officers and that they were reliant on evidence (that often had to be gathered by residents over a long period of time) in order to be able to enforce any action. The Member also noted that the Conservation Area Advisory Committee objected to the installation of an external duct which would impact upon the Conservation Area setting of the building as well as on residential amenity.

Environmental Health Officers reported that any enforcement action required investigation and proof of a nuisance. This therefore constituted retrospective action in that a nuisance would have had to be reported. If a nuisance was evidenced, Officers then had powers under the Environmental Protection Act which listed statutory nuisances including things such as noise and odours. Officers went on to explain that the reason that conditions were also attached to applications as there were elements incorporated in amenity that were much more difficult to deal with in terms of nuisance. Members were also informed

that operators had a best practical means defence which meant that they were able to state that they had done all that is reasonably possible to abate a nuisance.

Officers went on to state that, with regard to new build premises or new applications, ducts which incorporated technology such as carbon filters and ultraviolet lights tended to be very large units and were therefore better planned into units prior to operation as opposed to being fitted retrospectively or being forced upon an existing premises under local authority nuisance powers. Members were informed that heat issues were more complex in that Officers were not certain as to whether this could be considered to be a statutory nuisance.

The Interim Chief Planning Officer and Development Director highlighted that, should the application be approved, under condition 14, Officers were minded to add the requirement to submit a Servicing Management Plan and to agree the wording around this with the Chair and Deputy Chairman in due course. Members were supportive of this proposal.

A Member noted that the report summary stated that “the proposed external duct would detract from the appearance of the building and the character and appearance of the Conservation Area” and questioned why Officers therefore went on to suggest, later in the report, that there was no objection to the impact that this would have. The Interim Chief Planning Officer and Development Director sought to briefly clarify this point stating that the Conservation Area Advisory Committee hadn’t objected to the application on the basis of the first round of consultation which had not included the addition of an external duct. They did, however, object to the duct as clearly set out within the report.

The Committee then proceeded to vote on the recommendations before them within the report. The vote was conducted by rollcall led by the Town Clerk with those Members present and eligible to vote asked to also confirm that they had been present for and able to hear the entirety of this item.

Votes were cast as follows: IN FAVOUR – 18 Votes

OPPOSED – 2 Votes

There were 5 abstentions.

One Member present was unable to vote due to technical issues which had led to her missing part of the debate.

The application was therefore approved.

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

5. **CITY STREETS: TRANSPORTATION RESPONSE TO SUPPORT COVID-19 RECOVERY**

The Committee considered a report of the Director of the Built Environment regarding temporary traffic management measures implemented on City streets in response to Covid-19.

Officers stated that, as Members were aware, the country continued to be in very uncertain times at present with a new national lockdown starting today. They added that the Covid-19 measures first introduced in Summer 2020 had always been delivered in anticipation of a return of City workers which had fluctuated depending upon the Tier of restrictions imposed on the City. Given the continuing uncertainty, it was now recommended that the restrictions on-street remain in place and be further reviewed in Spring 2021 in order to reassure those that were returning to the City could do so safely and comfortably.

A Member referred to the fact that the report stated that 85% of responses received had suggested that they would not support any of the measures introduced being retained long term. He added that he had concerns around using the consultation portal to gauge public opinion as he felt that it tended to be those who had complaints that would seek this out. He added that he was in favour of the scheme but had himself used the portal only to flag up issues. Officers flagged that it was important to gain feedback from the public and other stakeholders in terms of what they thought was and was not working so that measures could be adapted accordingly – as had already happened in a number of locations. Officers were also interested in gaining an insight into whether people would support the changes longer-term. It was acknowledged that the work being undertaken to gain this information was not quite the same as that that would take place around a permanent project, but it was a way of helping to inform any future decisions. If permanent changes were to be considered on any of the City streets, further and fuller consultation would take place on these in due course. The number of responses on the portal were low to date for reasons that were well understood and due to the low footfall in the City, but Officers would seek to continue to encourage and promote engagement with this.

Another Member noted that the report requested an increase in budget but did not specify which fund this would be funded from. Officers reported that a funding envelope for the Phase 3 works (including greening and seating) had been approved by the Resource Allocation Sub Committee. Additional funds had also been secured from the National High Street Fund.

A Member spoke to underline the gravity of the situation that everyone had been facing over the past ten months and to thank all for their support for this work. Nevertheless, he recognised that some of the measures that had been implemented had worked in the favour of some street users but to the detriment of others and that it was therefore important to keep the need for balance in mind when next reviewing these. He added that the role of the City Corporation was to support the City's financial and professional services and to ensure that businesses could be accessed effectively in a number of different ways. The

Member asked whether thought could also be given to trying to find a means by which the Committee could assess what value the expenditure on the introduction of these measures had had given that they had probably been installed on the assumption that a larger number of people would be returning to the City than had actually materialised. He concluded by stating that he was disappointed to learn of the poor response rates to the City's survey on these measures as this made public perception difficult to gauge. He questioned how Officers were currently communicating with the business community on these changes when many were not present in the City at this time. He underlined that their engagement and feedback as to what they really want and need to facilitate a return to work for their staff as soon as this was possible was vital.

Officers acknowledged that engagement with businesses was challenging at present and that it was difficult to make contact with them beyond what information was made available by electoral services and the like. That being said, regular updates and newsletters on the temporary measures had been sent to City businesses and feedback had been received from organisations such as the City Property Association. Members were also helpful in terms of feeding back on behalf of businesses within their respective Wards. Officers undertook to continue to communicate with all stakeholders as much as possible through all of the channels available to them.

Officers acknowledged the point raised as to benefits and disbenefits for different users of the City's streets and suggested that this was true in relation to these temporary changes being implemented and would also be true of changes brought about in delivering the Transport Strategy and Climate Action Strategy going forward. Whilst these temporary changes had, undoubtedly led to some longer journeys for some travelling by car or taxi, it should still be possible for everyone to access all businesses in the City. This would be kept under review and Members were asked to alert Officers to any particular access issues that they were aware of. Certain changes had already been made in response to concerns raised such as the change made at Coleman Street which had been done in relation to a concern regarding access to a loading bay at this location.

In terms of value, Officers acknowledged that a not insignificant amount had been spent on these changes. It was reported that transport works had all been funded by the Department for Transport – either directly or through Transport for London. Officers stated that it may be difficult to quantify value but that they could consider how best this information might be encapsulated for future updates.

Another Member recognised that it had been difficult for Officers, in present circumstances, to visit those locations where changes had been implemented and to witness for themselves how these were working. She questioned what the workaround was on this. Secondly, the Member referred to locations where pavements had been temporarily and flexibly extended noting that this meant that there was effectively a kerb separating the two separate parts of the pavement which might lead to some confusion and render these less accessible. She questioned what Officers were doing around this and proposed

longer-term changes. Finally, the Member noted the points made around equalities and accessibility – particularly for those with mobility issues – stating that she would be interested to learn the views of the City Access Group and whether any recommendations from them or other similar groups had fed into the changes and how best this Committee could have due regard to them.

With regard to assessments, Officers reported that it was frustrating to be making decisions about changes to the City's streets without the benefit of getting the day to day feedback on these that being in the City every day would ordinarily allow. Members were informed that, up until the recent introduction of Tier 4 restrictions across London and now a further national lockdown, Officers had been visiting the City and the locations concerned for 1-2 days each week. Officers had also overseen the initial installation of measures on-street and were conducting site visits as and when issues were raised even under current restrictions and once risk assessments had been undertaken.

On the point made around temporary changes and how users could equate these with any permanent, longer-term changes in respect of pavements and the like, Officers reported that the survey queried whether users were broadly supportive of the extra space, the overall the principle of this and the details of the changes made. It also provided them with the opportunity to comment on how the changes impacted upon other things such as journey times by car/taxi. Officers added that a very light-touch approach had been taken in terms of providing more space for pedestrians and that, if these were to be adapted and made permanent or semi-permanent, these walking areas would be made level and step-free.

In terms of accessibility, Officers reported that they and the Chair had engaged informally with the City Access Group on these proposals at the outset and had also consulted with Transport for All. A very comprehensive approach had also been taken in terms of Equalities Impact Assessments. In terms of how best Members could take account of feedback from these groups, Officers reported that their comments would be incorporated within all future project reports if they had provided specific feedback on these. Officers recognised that accessibility needs were multifaceted and different for different groups of people and that it was therefore important to engage with relevant groups on these matters and to ensure that the correct balance was being struck.

Another Member stated that there had previously been a signal for blind and partially sighted pedestrians at Ludgate Circus which was operational from 07:00-21:00 but that this now seemed to have been removed. He questioned whether there were any proposals to replace this and, if so, when. Secondly, the Member spoke on electric cycles and scooters utilising the City pavements noting that some travelled at speeds that were considerably in excess of 15mph. He added that these vehicles were silent and were therefore extremely dangerous to pedestrians and questioned what arrangements/enforcement was in place regarding these and potentially requiring that they be licensed or that they had speed limits imposed upon them.

Officers reported that they had raised the issue of the Ludgate Circus audible signal with TfL and were still awaiting a response on this. It was highlighted that there was also a rotating cone on the bottom of the push button here which also facilitated the safe crossing of visually impaired pedestrians.

In terms of electric scooters travelling at more than 15mph, Officers underlined that the law was clear on this issue and that if the vehicle was not speed limited, it was effectively classed as a moped or motorcycle and therefore required the necessary insurance and licences associated with these. As the Member had provided prior notice of this question, Officers had also engaged with the City of London Police to seek some information around enforcement and were awaiting a response on this. They undertook to share this with the Member once available.

The Member thanked Officers for their responses and commented that the observation of his Ward colleagues who resided on or near Fleet Street was that there had been virtually no pedestrians or cyclists here. There was, however, a particular problem with the bus stop which could now only accommodate one bus at a time that, together with the narrowing of the lanes, had created a variety of difficulties in terms of traffic jams and air pollution.

RESOLVED – That Members:

1. Note the changes made to the on-street interventions to those approved by Committees in May and June 2020 (As set out in Section 5).
2. Note the intention to change existing measures on Coleman Street and Cheapside 9as detailed in Section 4) and that cha will be exercised under authority already delegated to the Director of the Built Environment to initiate a Temporary Traffic Order.
3. Approve retaining the programme of temporary changes that are currently on-street, with a further review in March 2021.
4. Note the budget update for Phases 1 & 2 and approve an increase of £28k and the adjustments to the Phase 3 budget as detailed in Section 3.

6. RECOVERY TASK FORCE: INTERIM REPORT WITH PRELIMINARY BLUEPRINT

The Committee received a report of the Director of Innovation and Growth providing Members with an update of the Recovery Task Force's work since November 2020.

A Member noted that the City Vibrancy section referenced culture, retail, tourism and hospitality but not sport. He felt that this was unfortunate given that the City Corporation did have in place an, as yet unfulfilled Sports Strategy and that sport and exercise was perhaps more important now than ever. He added that this also linked in with improvements to the public realm. Officers reported that a City Workers Survey on leisure needs was currently being undertaken and that the responses to this would be taken into account alongside the forthcoming public engagement programme on these works.

Another Member commented that he was interested to see this paper presented as a blueprint and inferred that funds had been set aside for this work but did not specify what these were. Officers reported that budget was a key point and also fed into queries around why this work had not been a lot bolder and gone beyond the Corporate Plan. Members were informed that the work had effectively stuck within the framework of the Corporate Plan and looked at what ought to now be speeded up and tackle the unprecedented hit on the economy of the City that the convergence of both the pandemic and Brexit would bring – hence the primary focus being on business. In terms of budget, Officers were therefore looking at what had already been funded or approved and could now be speeded up within existing Departmental budgets. Any new, emerging ideas would be put to Members in due course with budgetary information attached.

Another Member questioned the strategic direction of travel on this and the overall objective which he found difficult to ascertain from the report. He added that it would be key to look at how footfall in the City could be improved in the future and stated that he was disappointed to note that, whilst there was an objective relating to making the City an attractive place in which to invest, work and visit, there was nothing on living in the City. He concluded by stating that he felt that the City Corporation currently had 2-3 important sites that were ready for development /change in use and that some big thinking was therefore needed around this which was not evident from this report. Officers took on board the point that they needed to be clearer about the overall objectives here but reiterated that this was about the direction of the City in future within the existing Corporate Plan. It was underlined that this work was really looking to drive the vibrancy of the offer in the City – everything from culture, hospitality and retail which would apply to all across the board – visitors, residents and workers alike.

A Member agreed with some of the points made by the previous speaker and stated that he felt that this report was missing any notion of what concrete actions might be needed going forward. He also felt that there was a lack of evidence to support the current position in terms of existing SMEs in the City and who we might want them to be in the future/how we might want to change the current mix. Officers highlighted that almost all of the actions detailed – both top down and bottom up – came from within existing strategies and was intended to be very practical in terms of outcomes.

Another Member agreed with the points already made, noting that it was difficult to see how the City could best influence this work. She underlined that residents had been calling out for the City Corporation to grapple with these important issues since the onset of the pandemic and added that she too was disappointed to see no reference to housing within the interim report in terms of how the City might look in the future. Recent months had shown that the local economy in suburban areas had reacted and benefitted in different ways to the City's. Officers reiterated that this work was very focused on what the City offered to all – including residents who would also be key for the future success of the City.

Another Member spoke to underline that the City had been through testing times in the past albeit perhaps not as severe as at present and that something that had been pursued in the past had been to engage directly with individual businesses as opposed to grouping them. He questioned whether this same approach could be adopted on this occasion to find out what the intentions of certain businesses were and how the City Corporation could best encourage them to return. Officers assured the Committee that they would be talking directly with businesses and residents and the general public in a very focused way over the next few months and using all future engagements undertaken by Lord Mayor, the Chair of Policy and Resources and the Chair of Planning to ask what it would take to keep them in the City post pandemic and beyond.

A Member commented that this was a very important work in terms of continuing to develop the City. She went on to echo a number of points already made around being heavily focused on rebuilding a business base for the City as opposed to looking at all components of the City including residents. She felt that the report ought to also consider whether the City's resident base should continue to grow in future as opposed to looking to reinstate what had been. This would also involve looking again at housing, and the Member added that she felt that opportunities were being missed here, particularly around sites such as Bastion House and the Museum of London site should this be vacated.

Officers concluded by highlighting that this was only one of a suite of responses that the City Corporation were taken in response to the pandemic, alongside things such as further support for businesses and, later in the year, a scheduled reopening campaign. This work was focused on the slightly longer-term period of 1-5 years and how best the City could bounce back in this time.

A Member stated that he still felt that there should be a clearer vision and much bigger picture into which this could all pitch. Officers welcomed any input that Members might have on this and how this could be made clearer and encouraged all to engage with the process.

Another Member commented that one of the biggest hurdles for people returning to the City was travel. Officers agreed with this point and stated that the way in which people work would undoubtedly change post-pandemic. However, it was also recognised that there were still many reasons for people wanting to work and congregate together and it was important for the City Corporation to look at how best to promote this.

The Chair, on behalf of the Committee, thanked Officers for all of their work on this to date and stated that he looked forward to subsequent update reports.

RESOLVED – That Planning and Transportation Committee members:

- Note the preliminary blueprint of the Recovery Task Force
- Note the plans for engaging with stakeholders.

7. **PUBLIC MINUTES OF THE STREETS AND WALKWAYS SUB-COMMITTEE**

The Committee received the draft public minutes of the Streets and Walkways Sub-Committee held virtually on 1 December 2020.

A Member commented that the City signage on the highwalk was not in fact two-level as the highwalk map was overlaid onto the street map. He added that the issue was not the street level signage or the signage on the podium itself but the fact that there was a lack of signage at the foot of the stairs joining the two together.

Another Member commented on West Smithfield public realm and stated that he was surprised to see this progressing in this way, without a clear indication of what the real uses were going to be for East and West Smithfield. He added that he was very much of the view that a holistic approach needed to be taken to this and that this sight would play a prominent role. Another Member questioned why this public realm presentation had not also come to the grand Committee and asked that all Members be given sight of this. The Chair suggested that those Members who were interested in seeing further details on this should request a copy of the slides and, if necessary, seek to discuss any points they may have with the Chair and Deputy Chair of the Sub-Committee. The Chair also assured the Committee that all eventualities were being planned for on this site and that there was no lack of vision on this.

RECEIVED.

8. OUTSTANDING ACTIONS

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

RECEIVED.

9. PUBLIC LIFT REPORT

The Committee received a public lift report of the City Surveyor for the period 26/11/2020 – 11/12/2020.

RESOLVED – That Members note the report.

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

The Committee received a report of the Interim Chief Planning Officer and Development Director providing Members detailing development and advertisement applications determined by the Interim 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.

11. VALID PLANNING APPLICATIONS RECEIVED BY DEPARTMENT OF THE BUILT ENVIRONMENT

The Committee received a report of the Interim Chief Planning Officer and Development Director providing Members with a list detailing development applications received by the Department of the Built Environment since the report to the last meeting.

RESOLVED – That Members note the report.

12. PUBLIC REPORT OF ACTION TAKEN

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

RESOLVED – That Members note the report.

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

Future Meetings

A Member noted that further meetings had now been scheduled as a result of the large number of planning applications due to be considered by the Committee in the first half of 2021. She questioned whether Members and the public could be given prior notice of what applications were due to come before the next meeting so that diaries could be managed accordingly. The Chair highlighted that there were clear and strict deadlines around agenda preparation and publication as well as around deadlines for those wishing to register to address the Committee. The Town Clerk highlighted that, as Members were aware, applications were often registered quite some time before they reached Committee and were subject to various pre-application discussions before this point. Having said that, Officers were planning ahead and did have a draft schedule of applications now scheduled for Committee over the course of the next six months and additional meetings had now been scheduled to accommodate these. It was highlighted that dates often changed or slipped with little notice and that Officers would therefore be wary of sharing this longer-term schedule too widely. The Interim Chief Planning Officer and Development Director reiterated this point and stated that he would not want to set any expectations as to when certain applications would come before the Committee. The Chair added that all applications should be given the same weight by the Committee.

Another Member agreed with the general point made around providing prior notice of applications but stated that he too was aware that they could often slip considerably for many different reasons.

The Chair concluded by stating that he was not sure that setting concrete target dates around applications was necessarily helpful, particularly when negotiations with Officers might be ongoing.

The Member stated that she was actually requesting that applications, particularly any larger ones, be flagged a meeting in advance as opposed to six months in advance as this was often easier to confirm. The Chair reiterated his point around the volatility of this.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

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

15. **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>
16 & 17	3
18	3 & 7
19-20	-

16. **NON-PUBLIC MINUTES**

The Committee considered the non-public minutes of the meeting held virtually on 15 December 2020 and approved them as a correct record.

17. **NON-PUBLIC MINUTES OF THE STREETS AND WALKWAYS SUB-COMMITTEE**

The Committee received the draft non-public minutes of the Streets and Walkways Sub-Committee meeting held virtually on 1 December 2020.

18. **NON-PUBLIC REPORT OF ACTION TAKEN**

The Committee received a non-public report of the Town Clerk advising Members of action taken by the Town Clerk since their last meeting in consultation with the Chair and Deputy Chairman and in accordance with Standing Order Nos 41(a) and 41(b).

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

There were no questions raised in the non-public session.

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

There were no additional, urgent items of business for consideration in the non-public session.

The meeting closed at 1.56 pm

Chairman

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