

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	30 March 2021
<b>Subject: Establishment of a Special Sub-committee</b>	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	10, 12
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>N</b>
<b>If so, how much?</b>	<b>N/A</b>
<b>What is the source of Funding?</b>	<b>N/A</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>N/A</b>
<b>Report of:</b> Town Clerk's Built Environment (Interim Chief Planning Officer and Development Director) Comptroller and City Solicitor's (Chief Lawyer – Planning)	<b>For Decision</b>
<b>Report author:</b> <b>Fleur Francis</b>	

### Summary

This report is required due to a forthcoming planning application by the City of London Corporation involving a significant area of public highway. The application therefore engages the restrictions in Regulation 10 of the Town and Country Planning General Regulations 1992 (prohibiting a committee from determining planning applications if that committee is responsible for the management of any land to which the application relates) by reason of the Committee's responsibility for public highway.

In order to address the restriction, the establishment of a special sub-committee to determine the application is recommended.

As the application is submitted by the City of London Corporation the arrangements in Section 8e of the Planning Protocol (requirement to adopt a Handling Note to secure separation of functions) are engaged. The Handling Note in the Appendix to this report is recommended. On the basis of the recommended Handling Note, it is recommended that the special sub-committee be constituted of all members of the Grand Committee other than those who also serve on the Committees which are promoting the proposals due to arrangements for the separation of functions, as set out in the Handling Note.

## **Recommendations**

That Planning and Transportation Committee:-

1. Adopt the Handling Note in the Appendix to this Report.
2. Establish a Special Sub-committee with the following Terms of Reference: to determine planning application reference: 20/00997/FULEIA and associated Listed Building Consent applications ref: 20/00998/LBC and 20/00996/LBC.
3. That the Special Sub-committee sits at the rising of the Planning and transportation on 22 April 2021.
4. That the Special Sub-committee be constituted of all Members of Planning and Transportation Committee other than those who are also Members of Capital Buildings Committee and Police Authority Board.

## **Main Report**

### **Background**

1. In December 2020 the City of London Corporation as Local Planning Authority (“LPA”) received from the City of London Corporation a planning application which was given planning application reference: 20/00997/FULEIA (“the planning application”) and associated Listed Building Consent applications which were given references: 20/00998/LBC and 20/00996/LBC (“the LBC applications”) (together “the applications”).
2. The planning application includes public realm and highway works, including enlarged Salisbury Square, landscaping, access and servicing arrangements, new pedestrian routes, hostile vehicle mitigation (HVM) measures, and bicycle and vehicle parking.
3. The proposals are being promoted by Capital Buildings Committee. The proposals include a new police station pursuant to resolutions of Police Authority Board.
4. The LPA has been consulting on the application and has been progressing its evaluation of the application, consultation responses and other representations, including all environmental information. At the time of writing officers consider this will be ready to report and determine during April 2021.

### **Issue**

5. Regulation 10 of the Town and Country Planning General Regulations 1992 prohibits a committee from determining planning applications if that committee is responsible for the management of any land to which the application relates. Your Committee has within its Terms of Reference “All functions of the Court of Common Council as local highway authority”. The highway authority’s responsibilities for the highway are such that where the planning application proposals involve substantial development in an area of public highway, it is

reasonable to regard this Committee as being responsible for the management of land to which the planning application relates and therefore unable, while constituted as the committee responsible for highway functions, to determine such a planning application. The planning application in this case engages this restriction.

6. The Regulation 10 requirement does not extend to Listed Building Consent applications made by the authority (which are subject to oversight by Historic England, National Amenity Societies and the Secretary of State under separate regulations). However, it is considered prudent and efficient to consider the LBC applications at the same time as the planning application and it is proposed that the LBC applications be dealt with at the same time as the planning application.

### **Handling Note**

7. Section 8e of the Planning Protocol sets out the requirement (in Regulation 64(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017) that where a local authority is bringing forward a proposal, it must make appropriate administrative arrangements to ensure there is functional separation between the persons within the authority responsible for bringing forward the proposals, and the persons responsible for determining that proposal. The arrangements considered to be appropriate are contained in the Template Handling Note at Appendix C of the Planning Protocol.
8. The Template Handling Note has been used to prepare the Handling Note for the applications. The effect is that members of Capital Buildings Committee and Police Authority Board are identified as persons involved in the promotion of the proposals. The Handling Note sets out that they should not sit on Planning and Transportation Committee when it considers the proposals.
9. The separation of functions requirement does not extend to Listed Building Consent applications made by the authority (which are subject to oversight by Historic England, National Amenity Societies and the Secretary of State under separate regulations). However, it is considered prudent and efficient to consider the LBC applications at the same time as the planning application and the Handling Note therefore includes reference to the LBC applications.

### **Proposal**

10. It is recommended that the Handling Note be adopted in the form annexed (noting it will be reviewed and updated as necessary).
11. Standing Order 27 provides that Committees may at any time constitute or dissolve Sub-committees.
12. A Sub-committee that did not have within its Terms of Reference any responsibility for highways would not be prevented, under Regulation 10, from determining the application.

13. It is therefore proposed that your Committee constitute a Sub-committee with the following Term of Reference: “to determine planning application reference: 20/00997/FULEIA and associated Listed Building Consent applications 20/00998/LBC and 20/00996/LBC”. This would be on the basis that the Sub-committee be dissolved once its Terms of Reference have been carried out.
14. Although Regulation 10 applies only to planning applications, not applications for Listed Building Consent, it is considered more effective and efficient for them to be considered together.
15. As regards the membership of the special sub-committee it is proposed that it be constituted of all Members of Planning and Transportation Committee other than those unable to participate due to separation of functions requirements.
16. On the basis of the Handling Note in the Appendix, it is recommended that the special sub-committee membership does not include those members who also serve on either Capital Buildings Committee or Police Authority Board. No officers involved in bringing forward the proposals (identified in the Handling Note) should be involved in advising the LPA or attending the special sub-committee (other than in the same way as arm’s length applicant advisers would attend).
17. In order to determine the application once the evaluation and officer’s report have been prepared, at the time of writing estimated to be during April, it is proposed that a meeting of the special sub-committee be held at the rising of the Planning and Transportation Sub-committee on 22 April 2021. If this was agreed the agenda of the Grand Committee would be managed to allow the special sub-committee’s meeting to start promptly and allow a reasonable period for the sub-committee to consider and deliberate before lunch.

## **Conclusion**

18. The establishment of a special sub-committee is recommended as set out in this report and recommendations.

## **Appendix: Handling Note**

### **Background documents: Planning Protocol**