

## PLANNING AND TRANSPORTATION COMMITTEE

Wednesday, 12 May 2021

**Minutes of the informal meeting of the Planning and Transportation Committee held virtually at 10.30 am**

### **Present**

#### **Members:**

Deputy Alastair Moss (Chair)	Christopher Hill
Oliver Sells QC (Deputy Chairman)	Deputy Jamie Ingham Clark
Randall Anderson	Shravan Joshi
Douglas Barrow	Alderswoman Susan Langley
Peter Bennett	Alderman Bronek Masojada
Mark Bostock	Andrew Mayer
Deputy Keith Bottomley	Deputy Brian Mooney (Chief Commoner)
Deputy Peter Dunphy	Deputy Barbara Newman
John Edwards	Graham Packham
Sophie Anne Fernandes	Susan Pearson
John Fletcher	Judith Pleasance
Marianne Fredericks	James de Sausmarez
Tracey Graham	William Upton QC
Graeme Harrower	Alderman Sir David Wootton
Sheriff Christopher Hayward	

#### **Officers:**

Gemma Stokley	- Town Clerk's Department
Antoinette Duhaney	- Town Clerk's Department
Rhiannon Leary	- Town Clerk's Department
Shani Annand-Baron	- Media Officer
James Gibson	- Technology Support Partner
Deborah Cluett	- Comptroller and City Solicitor's Department
Alison Bunn	- City Surveyor's Department
Gwyn Richards	- Chief Planning Officer and Development Director
David Horkan	- Department of the Built Environment
Catherine Evans	- Department of the Built Environment
Neel Devlia	- Department of the Built Environment
Elisabeth Hannah	- Department of the Built Environment
Paul Beckett	- 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
Lucy Foreman	- Department of the Built Environment
Emmanuel Ojugo	- Department of the Built Environment
Gerald Mehrtens	- Community & Children's Services
Rachel Pye	- Markets and Consumer Protection

**Also Present:**

- Mike Lewin - Director of Transport Planning Practice, on behalf of the objectors
- Anna Parkinson – Hatfield House resident and objector
- William Pimlott – Common Councillor an objector
- Lisa Scott – Hatfield House resident and objector
- Jon Bradburn - Montagu Evans, Planning Agent, on behalf of the applicant
- Joao Bravo de Costa – resident/parent and supporter
- Tijs Broeke – Common Councillor and Chair of the City of London Academies Trust
- Manu Dwivedi -Stantec, on behalf of the applicant
- Ana Lecic – Golden Lane Estate resident/COLPAI parent and supporter
- Chris Pringle – Transport Planning Practice, on behalf of the applicant
- Mary Robey - Chair of Governors, COLPAI
- Andrew Smith – resident/parent and supporter

**Introductions**

The Town Clerk opened the meeting by introducing herself.

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 Town Clerk also reminded Members, and any members of the public observing the meeting on-line, that this was an informal meeting and that any views reached by the Committee today would therefore have to be considered by the Director of Markets and Consumer Protection or those deputising for him after the meeting in accordance with the Court of Common Council's COVID Approval Procedure and that they would make a formal decision having considered all relevant matters. The Town Clerk highlighted that this process reflected the current position in respect of the holding of formal Local Authority meetings and the Court of Common Council's decision of 15<sup>th</sup> April 2021 to continue with virtual meetings and take formal decisions through a delegation to the Town Clerk and other officers nominated by him after the informal meeting has taken place and the will of the Committee was known in open session. Details of all decisions taken under the COVID Approval Procedure would be available online via the City Corporation's webpages.

**1. APOLOGIES**

Apologies for absence were received from Alderman Alastair King, Natasha Lloyd-Owen, Oliver Lodge and Deputy Henry Pollard.

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

Susan Pearson declared an interest in agenda items 4 and 4a and stated that she would therefore not participate in these.

3. **MINUTES**

The Committee considered the public minutes of the meeting held virtually on 22 April 2021 and approved them as a correct record.

4. **FORMER RICHARD CLOUDESLEY SCHOOL GOLDEN LANE ESTATE LONDON EC1Y 0T - SUBMISSION OF DELIVERY AND SERVICING PLAN FOR THE SCHOOL PURSUANT TO CONDITION 43 AND 46 OF PLANNING PERMISSION 17/00770/FULL DATED 19 JULY 2018**

The Committee considered a report of the Chief Planning Officer and Development Director regarding the Former Richard Cloudesley School Golden Lane Estate London EC1Y 0T - Submission of Delivery and Servicing Plan for the school pursuant to condition 43 and 46 of planning permission 17/00770/FULL dated 19 July 2018.

Officers presented the case by highlighting that this item and Item 4a related to the discharge of conditions to the approved development for the COLPAI school and 66 affordable residential units on Golden Lane. Members were reminded that this development was granted planning permission in July 2018 by both the City and the London Borough of Islington. It was reported that the vast majority of the site was situated in Islington with just a small slither on the southern boundary crossing over into the City. Officers stated that the development was currently under construction with the school buildings now nearing completion. In terms of the proposal, Officers highlighted that the conditions require the approval of Delivery and Servicing Plans for both the school and the residential development together with the details for the managing and collection of refuse. The Committee were reminded that the approved scheme proposed that the delivery, servicing and waste collection for the school be via Baltic Street West and, for the residential element to be from Golden Lane. It was highlighted that the details submitted therefore accorded with the approved scheme.

Members were shown an overall picture of the approved ground floor plan depicting both the school and residential buildings. In terms of representations received, Officers reported that 81 objections had been lodged and 258 letters of support. It was highlighted that the main grounds of objection related to impact on amenity of surrounding residents and also the blocking of access to Hatfield House and Baltic Street West. Officers also referred to a further addendum report which contained 13 further letters of support as well as 2 additional objections. It was noted that none of these raised any new, substantive points.

With regard to the school, Officers reported that the school refuse store location was on the western end of the site and that, on collection days, a maximum of 3 bins would be moved to the front entrance and kept there for no longer than 20

minutes prior to being loaded onto refuse vehicles. Members were shown plans of the refuse store location and also of the refuse collection point where the bins would await collection. It was highlighted that this whole process would be undertaken by the school's Facility Management Team and that refuse vehicles removing the waste would be no larger than a 7.5 ton vehicle with collections taking place once a week for general waste and once every two weeks for recyclables. All deliveries, servicing and waste collection would take place between 10:00-14:00. Officers shared some photographs of the bin collection point from Baltic Street West and it was confirmed that bins awaiting collection would be placed on school premises. Another photograph depicting access to Hatfield House and the boundary between the school site and Hatfield House was shared.

In relation to the residential building, Officers reported that waste would be collected from Golden Lane by the London Borough of Islington refuse collection with general waste collected twice weekly and recyclables thrice weekly. Other deliveries and servicing would also take place from Golden Lane in accordance with the approved scheme.

Officers concluded by stating that it was therefore considered that the proposed Delivery and Servicing Plans were acceptable and accorded with the approved arrangements for the consented development and that, as such, both were recommended for approval.

The Town Clerk introduced four speakers registered in objection to the applications - Anna Parkinson, Hatfield House resident, Mike Lewin, Director of Transport Planning Practice, Lisa Scott, Hatfield House resident and William Pimlott, Common Councillor.

Ms Parkinson began by stating that she had lived in Hatfield House for almost 19 years and had raised three boys there, all of whom had attended the local primary school. Ms Parkinson underlined that she and Ms Scott were speaking on behalf of the residents of Golden Lane Estate who had objected to this application today. She noted that, whilst residents also had issues with the Servicing and Delivery Plan for the new residential block, they would not be pursuing their objections to the application which was the subject of agenda item 4a. With regard to this application, however, which related to the delivery and servicing of the school, Ms Parkinson reported that residents accepted that deliveries to the school (a maximum of five per day) would need to be made from Baltic Street by vehicles no larger than 7.5 tonnes between the hours of 10:00-14:00 only. Their concerns instead arose from the location of the bins awaiting collection and the safety of using Baltic Street West which was the subject of condition 46 in particular.

Ms Parkinson went on to articulate that their rejections to the current proposals were as follows – firstly, the location of the bin collection point and the effect on the amenity and safety of residents of Hatfield House, secondly, residents were of the view that the school bin store was undersized and thirdly, and most importantly, the risk to road safety from an increased number of vehicles reversing across the public footway and cycle route and using the entrance to

their homes as a service yard for the school. It was noted that the applicant proposed locating the bins for collection immediately adjacent to the ramp to the front entrance of Hatfield House. Ms Parkinson reported that one of her sons was a wheelchair user and that this ramped entrance was the only accessible one for disabled and mobility impaired people and parents with pushchairs to use in Hatfield House. It was reported that the ramp was also used to access the north vista Crescent House providing mobility access to some 200 flats in total. It was noted that the applicant had advised that there would be two refuse collections per week as different vehicles were required for general waste, dry recycling and food waste. This meant that, during the Summer, residents could expect to have at least two weeks' worth of food waste from the whole school sat in bins outside of their front entrance. Ms Parkinson stated that the applicant had made no mention of the separate disposal of human/nappy waste from the nursery. The applicant stated that bins would be left by the front entrance for a maximum of 20 minutes, but residents felt that this was clearly unenforceable and was likely to be regularly exceeded. In planning terms, it was felt that this proposal was contrary to the policy on residential amenity and, based on operations at other local primary schools, it was noted that there were no others with so few bins – even Charterhouse with just 200 pupils and no kitchens produced the equivalent of five waste bins full per week. Ms Parkinson felt that this was likely to mean that more waste collections would be necessary with more vehicle movements and more bins left outside the front entrance. Ms Parkinson informed the meeting that the applicant had also advised via email correspondence that domestic and school (i.e. the commercial waste) cannot be collected by the same vehicle which would have at least minimised the number of vehicular trips and lorries needing to use Baltic Street West.

Ms Parkinson went on to state that, as delivery and servicing was to be permitted between 10:00-14:00, with bins needing to be moved across the playground twice for each trip, this would disrupt any play or lessons taking place in the playground habitat trail and would also mean bins being dragged past the accommodation dedicated to special educational needs.

It was reported that the applicant had been unable to confirm the number of vehicular movements that would be necessary to delivery foods to the kitchens, stationery, IT equipment and furniture. In the submitted proposal, food deliveries would, again, need to come through the playground and all vehicles would need to reverse across the public footpath into the entrance to residents' homes. The view of residents was that road safety issues could be resolved by using Baltic Street East for servicing and deliveries.

Mike Lewin, Director of Transport Planning Practice shared an image of Baltic Street West and, specifically, the area where it was proposed that large vehicles were turned at the end of this road. Mr Lewin explained that he had over 30 years' experience in transport planning and traffic engineering and was also a chartered member of the Institution of Civil Engineers and the Institution of Highways and Transportation. He reported that he had been asked by residents to review the proposed servicing arrangements for the academy. He noted that these currently proposed that HGVs and refuse vehicles use Baltic Street West to turn around and service the school. Mr Lewin highlighted that

Baltic Street West was a very narrow cul-de-sac fronted by residential properties and was entirely unsuitable for large vehicles to service the school from. He reported that residents were aware of the issues facing them on a daily basis with large vehicles trying to make very difficult turning manoeuvres in a small space outside the entrances to their homes. It was noted that these vehicles would, unsurprisingly, have to sometimes mount and overhang the public footway and that the proposed turning manoeuvres would be particularly dangerous to pedestrians and cyclists, especially to children who might not be noticed high up from a large vehicle.

Mr Lewin underlined that the work that he had undertaken had identified that there was a much better option for both the school and residents and that the solution would be to continue using Golden Lane for large goods vehicles and refuse vehicles as was the case now and to use Baltic Street East for light goods vehicles. He explained that this alternative had the following benefits - it would be safer for pedestrians and cyclists, enable light goods vehicles to stop closer to the school reception and there would be no need for the school to supervise dangerous turning manoeuvres within the highway and Baltic Street West which would reduce their operating costs. Further, it would mean that deliveries could be consolidated resulting in cost savings and fewer servicing trips, no amendments would be required to the highway, there would be no dangerous reversing of HGVs into Hatfield House carpark and across the pedestrian route and the noise, air quality and odour issues associated with servicing on Baltic Street West next to residents of Hatfield House and Golden Lane Estate would be removed. Finally, the City would not need to store refuse bins on the footway between the school and residential block. Mr Lewin stated that it was therefore clear that the alternative arrangements were a vast improvement over the current proposals and would be of benefit to the school, the City and local residents. He concluded by stating that he would be happy to work with the school and the City Corporation on developing this.

Lisa Scott reported that she had lived in Hatfield House for several years and was one of several parents with small children who resided here. She stated that she felt that it was regrettable that parents of children at the school had been pitted against residents throughout the lifetime of this project. She underlined that residents were keen for construction to complete and keen for the school to open promptly and had quickly engaged with this delivery and servicing proposal each time that it had been raised in consultation and were repeatedly reaching out for a compromise. It was underlined that the Resident's Committee had further compromised today by making just one main ask which was to reasonably propose that the school leave its bins for collection outside of its own front doors and not that of residents. Ms Scot noted that the current approved permission had staff moving bins back and forth through the habitat area of the new playground during school hours and then leaving them within touching distance of the front entrance to Hatfield House. The only request from residents today was that the school staff move their bins approximately 20 meters closer to the road at the side of the school. This would then meet Islington's supplementary planning policy for bins to be within 10 meters of the road. Ms Scott added that, as waste would be collected between 10:00-14:00, this location posed no issues for children and parents arriving and leaving. It

was also felt that deliveries and servicing would be safer for residents, school visitors, pedestrians and cyclists if Baltic Street East were to be specified as it almost exclusively featured commercial properties with far less footfall and was no more narrow than Baltic Street West which had parking on both sides. Delivery on Baltic Street East would be safer as delivery and waste trucks would not be required to dodge traffic, cyclists and people.

Ms Scott went on to state that residents were still of the believe that the best eventual solution for all would be waste collection from Golden Lane. She underlined that they were very much against bins having to travel across the playground during school hours although this was actually happening now under the approved scheme. It was highlighted that residents proposals had always been for an additional small storage area at the Golden Lane entrance where bins could be collected directly from a gate as was currently the practice in other schools such as Moorland which was nearby. Ms Scott reported that residents were confident, based on their research of local schools, that current bin storage proposed for COLPAI was inadequate, creating a need for more collections or an additional store. With the agreed limit of five movements per day, additional waste collections seemed difficult to fit in and it was felt that the Golden Lane proposal would solve lots of issues with no bins travelling across the playground, no bins travelling past Hatfield House, no extra vehicles in the already horribly congested Baltic Street West and no risk of continuing conflict with residents. Ms Scott stated that today residents asked the Committee to refuse this application on the understanding that when the applicant resubmits, they propose the alternative bin storage location suggested by residents – moving the bins just 20 meters closer to the road, to the area outside the school entrance. She concluded by stating that this would then be supported by residents and could be approved by Officers without the need to return to Committee. She also reiterated that this would have no impact on the timetable for the schools opening in September and would be accepted by the Residents Committee with no inconvenience to the school.

William Pimlott spoke to represent Golden Lane residents and, in doing so, emphasised once again that Golden Lane residents wanted the best for the school and parents but stated that this current bin solution was unacceptable. He went on to state that, after a long and very noisy construction period, conducted whilst residents had no other option but to stay in their homes during a pandemic and whilst COLPAI pupils had had to be based to the school, there was now only the location of the bin collection point to be decided. He stressed that a maximum of three of the five bins in the store would be left on the street at any one time and that these bins had to be within 10 meters of the road. Residents had pointed out that this was not what this discharge application proposed and would place the bins not within 10 meters of the road which would locate them outside the window of the Headmistresses office, but further back by the door of Hatfield House. He reported that residents had a very simple request – put the school's rubbish outside the school's front door and not in front of the resident's front door and use the safest vehicle access to ensure the safety of all. It was highlighted that the traffic engineer that GLERA had engaged had been at their own cost and had looked in great detail at the options of using Baltic Street East and West and firmly believed that, for the

safety of all and, given the restrictions of the servicing hours of between 10:00-14:00, Baltic Street East was by far the safer choice. Mr Pimlott underlined that residents had no desire to delay this project and were, in fact, keen to see it finished and the school open so that they could resume normal life. He added that the only way to resolve this was for the Committee to refuse the application today so that the bin collection location could be moved to the front of the school as suggested by the residents. Residents would then also be given the opportunity to discuss their concerns about the use of Baltic Street East with Islington Highways Department. He added that this could happen very quickly with the revised application approved by Officers well before the school opening in September. Mr Pimlott concluded by stating that he hoped that Members would support the residents and refuse this application.

The Chair thanked all of the speakers in objection for their contributions and invited any questions that members of the Committee may have of them.

A Member asked Mr Lewin why the applicant challenged the findings of his report and also asked what feedback the applicant had provided to him on the contents of his submission. Mr Lewin stated that he had only received a brief note from the applicant late yesterday evening and that they justified their own proposals by concentrating on school operations and the distance that they had to trolley the refuse bins. It would therefore appear that, in coming to their solution, they had looked at the operation of the school but not paid any regard to local residents, highway safety or highway operation. He added that, in his experience, things were approached the other way around by looking at the context of the building that they were designing and looking at how a servicing solution could be fit into that building that met the context of its environment as well as the context of the building. Mr Lewin stated that he felt that this had been an oversight in the designing of this building and that the applicant had forgotten to look at the surrounding context (i.e. highway safety, highway operation and resident's amenity). He stressed that there was a much better solution that had been outlined and could be easily adopted and stated that he would be very happy to work alongside them on this.

Another Member asked Mr Lewin a question on the 'swept path analysis' and whether he had done this as part of his work on Baltic Street and, if so, what the result of this had been as it appeared from the presentation and the Officers report that large vehicles using this route this would be required to do a very tight three or four point turn at the end of a cul-de-sac. Mr Lewin confirmed that he had undertaken quite a lot of vehicle manoeuvring analysis which had shown that, to turn round at the end of Baltic Street West, vehicles actually needed to make a five-point turn which was quite difficult. They could make a three-point turn which would involve moving with their wheels on the spot and, as these were very heavy vehicles, this could ruin the threads in their tyres and also dig up the road. This was therefore a very difficult manoeuvre and would almost certainly involve vehicles having to overhang or mount the footway. This would also pose problems in terms of pedestrian and cycle safety as well as noise disturbance in this location.



Another Member noted that the school were proposing refuse and recycling collections twice per week using vehicles of a maximum of 7.5 tonnes and stated that he understood from Officers that Hatfield House, using identical ingress and egress was currently serviced six times per week by an 18 tonne vehicle. He added that he had asked City Officers to contact Islington and that Islington Highways Officers had confirmed that there had been no accidents or reported problems on Baltic Street West as a result of this. He asked Mr Lewin to comment on this and asked why, if an 18-tonne vehicle could access Hatfield House six times per week without any problems, a much smaller vehicle would be a danger in his opinion. Mr Lewin stated that whilst he was not familiar with the servicing plans for Hatfield House, he did know that an 18-tonne vehicle certainly would not be able to turn around at the end of Baltic Street West. He added that he had seen larger vehicles come down Baltic Street West and reported that they reversed the entire way down which was, in his view, a pretty dangerous manoeuvre.

A Member noted that the diagram shared during Mr Lewin's presentation depicting the Baltic Street East option had shown a vehicle reversing into the area at the end of the street whereas he understood that Mr Lewin had explained that, should this solution be adopted, there would be no need for vehicles to undertake a three-point turn or other manoeuvre which seemed to be contradictory. He also asked whether Mr Lewin would agree that Baltic Street East is a very narrow area, particularly with cars parked as they were here and on adjacent roads. Mr Lewin responded by stating that he was not suggesting that the ideal solution is for large vehicles to use Baltic Street East although he added that it was actually possible for them to turn here in a similar way to how they could turn in Baltic Street West. He added that the right solution for this scheme would actually be for large vehicles to use Golden Lane.

A Member asked Ms Parkinson to comment on delivery arrangements to Hatfield House as a resident. The Member questioned, however, the relevance of this given that she did not feel that it was safe for any dust cart to be reversing the length of the road. Ms Parkinson confirmed that a large vehicle did service the refuse store at the end of Hatfield House and did so by reversing the full length of the street from the Goswell Road entrance of Baltic Street West before turning and then reversing back into the entrance to the ramp. The vehicle then reversed down the ramp and the curb to the ramp had been adjusted in order for this vehicle to do this. After reversing down the ramp, the vehicle could not turn at the bottom and so it came back up the ramp before turning and exiting left back onto Baltic Street West, effectively using this ramp as its turning point.

The Town Clerk then introduced four speakers registered to speak in support of the applications – Ana Lecic, Golden Lane Estate resident/COLPAI parent, Andrew Smith – resident/parent, Joao Bravo da Costa – resident/parent, Jon Bradburn, Montagu Evans, Planning Agent and Tijs Broeke, Common Councillor.

Ms Lecic introduced herself as a resident of Golden Lane Estate, Basterfield House and reported that she had witnessed waste collection for her building from Basterfield service road on numerous occasions. On this basis, she could not therefore understand why this solution had been rejected by residents given that it was the most pragmatic option involving reversing but not manoeuvring. She went on to state that she also understood that Golden Lane residents were concerned that the current proposal for waste disposal would cause overflow issues but that, as a resident herself, she would be more concerned with the actual occasional overflow of residents' own bins rather than any hypothetical school bin overflow, particularly as the school has a proven record of excellent waste handling and had come up with a well thought out plan. Given that the original proposal was rejected, Ms Lecic stated that she considered the current proposal to be the only feasible alternative. Given the current situation with global warming, Ms Parkinson added that she also believed that everyone, as a community, needed to play their part in making their environment as sustainable as possible. If this meant that a waste truck needed to use less energy to collect rubbish by making shorter and less stops then she highlighted that she would support this. Ms Lecic concluded by stating that she was convinced that a strong community was only as strong as its weakest link and that this issue would be overcome as would any future issues that might occur.

Mr Smith began by underlining that he intended to make a number of factual points which were all based on trust and the way in which he felt that this issue could be resolved. Mr Smith stated that he felt that the school was a real asset for the local community, that parents of pupils here had trusted the school even before it was built and had not been let down. He underlined that there had been a dedication to the children's education and welfare with the school being OFSTED rated as 'Outstanding' within just four terms – an amazing achievement. Mr Smith reported that the impact of the delays on the school's opening so far had been very challenging with the school forced to reduce its intake which had obviously created a reduction in income. That being said, parents had trusted the school in everything it had done to deliver whilst in temporary accommodation and the school had remained oversubscribed with many children failing to get their first-place preference. Coming back to the point in hand, Mr Smith reported that the school had demonstrated an incredible record of listening, adapting and acting on its word and had successfully coexisted with businesses and residents at two local sites and could genuinely be trusted on the commitments it makes to the local community. Mr Smith highlighted that multiple concerns from residents had already been addressed throughout this whole process with the hall height being reduced, new noise reducing materials being incorporated, landscaping elements changed duct and venting elements altered, film fitted to certain windows for residents' privacy and whole usage hours at evenings and weekends reduced. Today, the applicant was offering a viable alternative to Basterfield service road which they genuinely believed was purpose built as a service road and in the initial plans for the development of the school in a well thought out Waste Management Plan.

Mr Smith went on to underline that the school had a proven Waste Management Policy that was first rate and that all COLPAI waste was to be

accommodated within the existing bin capacity. He reported that the school, currently operating at 25% capacity on the new site, was producing limited waste and could be trusted on its commitment to a minimal waste policy. Finally, Mr Smith stated that the school was flexible to any solution that was not detrimental to the children. He added that waste collection across the centre of the playground ran counter to the school's risk assessment as was not, therefore, a workable solution. Removing bins along the western perimeter of the playground as set out in the current plan would be far less disruptive and would be safer. Mr Smith concluded that the school trusted that the right decision would be taken today and questioned how the school's pupils could be told that their longed for school still could not open because a group of adults could not reach a decision on how to collect their bins.

Mr Bravo da Costa reminded Members that he had addressed this Committee three years ago on behalf of local families, hopeful that COLPAI would soon move into a new building. He added that, back then, the residential and educational needs assessment had identified a shortfall of 438 school places in the City and Islington by the academic year 2025/26. He reported that, what had happened since then was that COLPAI had been instrumental in mitigating the shortage of school places and was oversubscribed. Despite this, COLPAI was still without a home due to planning delays, five planning consultations and 67 planning conditions with some delays based on catastrophising and patchy evidence. As a result of all of this, the school had been forced to move twice now into temporary accommodation and forced to enrol fewer children than planned. The school had also experienced lockdown, home learning, anxiety and uncertainty and throughout all of this, it was reported that the school staff had been tireless in their efforts to help their pupils thrive and were succeeding. Mr Bravo da Costa underlined that the staff therefore deserved the well-designed, well-operated new school that this Committee had approved. He underlined that it was in this Committee's hands to allow the school to move in to these premises by September 2021 without further delays or obstacles and stressed that he was of the view that there was no reason for more delays or obstacles given that conditions 43 and 46 had been agreed upon long ago. Since this point, 82 people had voiced concern and 258 people had voice support. A robust technical report had addressed all concerns and the Chief Planning Officer recommended approval. Mr Bravo da Costa stressed that if these conditions were not approved at this stage either the school's daily operation would have to be entirely redesigned around the movement of bins across the site or COLPAI would need to draw up a new Waste Management Strategy and a new Premises Management Strategy which would take time and may therefore delay the occupation of the new site. He underlined that neither of these scenarios was in the best interest of the wider community or sustainable even in the short term. He added that COLPAI had already compromised on building design, school operation and facilities management and that the COLPAI community had always done its best to ensure good relations with all stakeholders and would continue to do so whilst honouring the agreements which have been reached. Mr Bravo da Costa concluded by asking the Committee to act on the Officer's positive recommendation and to listen to the hundreds of local families and help this thriving school to finally have a home.

Jon Bradburn began by stating that he acknowledged that adjacent residents had raised concerns regarding the school's servicing arrangements and assured the Committee that efforts had been made throughout the planning process to accommodate and respond to these so that the situation was as positive as it could be given the urban setting of the scheme. Mr Bradburn confirmed that the work undertaken pursuant to the original permission had seen a number of key changes around servicing that were in direct response to comments made by residents from across the estate. It was reported that the permitted scheme represented a well-considered and detailed solution that provided the basis for the servicing arrangements and that key conditions were attached to minimise the potential impact on neighbours. The detail put forward for consideration today was for how the scheme was to be serviced within the approved operational parameters to ensure that refuse collection and servicing took place outside of peak hours and at times when pupils and children were in school. Mr Bradburn added that the use of private collections and contractors would allow for timed deliveries to avoid too many vehicles arriving at any one time. It was reported that the refuse strategy had been carefully considered with school staff keeping the bins within the school site for as long as possible on collection days to minimise the impact upon residents. The London Borough of Islington's refuse team who would be responsible for collection had confirmed that they were able to operate within the proposed parameters with the strategy also supported by the technical and highway teams of both the City and Islington as well as consultees including TfL. Mr Bradburn went on to state that the servicing strategy proposed was based upon the only feasible option for the school and did not deviate from the conditions attached to the permission which itself was based on a detailed consideration of this issue. He confirmed that the school would form a key part of the local community and would make efforts to ensure that any impact was kept to a minimum. It was reported that the applicant was confident that, through ongoing communication with residents once the school was open, any issues could be managed, and the servicing adapted accordingly. Mr Bradburn underlined that Officers had recommended this for approval and it was therefore hoped that the Committee were able to support this so that the school could move forward and open their permanent home.

Tijs Broeke underlined that he was speaking today as Chair of the City of London's Academies Trust to support this application and was doing so to give a voice to the children, teachers and staff of the City of London Primary Academy, Islington and to future residents of the new housing development. Mr Broeke stated that, in his view, the original proposal for the collection of bins from Basterfield service road was the optimal solution but the proposed Baltic Street West option was a workable compromise, with the applicant here to work with the local community to find these compromises. Mr Broeke said that there was an obvious synergy in the school using the existing City Corporation collection from Hatfield House which would minimise traffic and emissions which was important to all local residents and would also involve no necessity for dangerous manoeuvres which was important for highway safety. The school's waste would remain on the school premises until immediately prior to collection. Mr Broeke stated that the school and the trust were mindful of the

inconvenience and disruption to local residents during the construction of the school and were enormously grateful for their patience. He added that they were keen to be a source of pride in the community. However, having conducted a thorough scrutiny of the issues, he reported that he was firmly of the view that the alternative option of regularly traversing the school with bins was unworkable, unsafe and unreasonable. The route proposed would compromise the three most vulnerable areas of the school – the special needs educational department, early years and nursery and arrangements for disabled visitors and staff. Mr Broeke added that the school needed to accommodate three break times for seven year groups which required space and the alternative proposal would compromise teaching and learning, compromise safe circulation from the main building to the hall and could curtail the physical activity of pupils which was particularly concerning after the confinement of the pandemic. The refuse route would necessitate 20 crossings per week.

Mr Broeke went on to state that, as was evident from the written submissions and from the parents speaking today, there was a huge strength of feeling from all COLPAI stakeholders, including parents who were also City residents. He therefore urged the City to reconsider the original Basterfield service road proposal and, if this were not viable, to approve the discharge of conditions 43 and 46 which offered a sensible and workable alternative. Mr Broeke concluded by stating that the safety of pupils and their education was of paramount importance and that any further delays could risk leaving these children without a building. As already stated, not opening the school in September was simply not an option.

The Chair invited any questions that Members may now have of the applicant and those supporting the application.

A Member noted that Mr Smith had mentioned the Basterfield House solution which had been refused even before the application came to the Planning Committee given that the service road was not actually within the ownership of the school and was private land. She added that, normally, with schemes such as this, they would be designed with bin cupboards that allowed easy access to a main road and not using private land. She questioned whether Mr Smith understood that this option could not therefore come back to this Committee and that the only thing that the Committee could do today was to accept or refuse the conditions. She added that a refusal would allow the applicant to find an alternative, workable solution that would be acceptable to both residents and the school and would probably be in time for the school's scheduled opening in September. She questioned whether Mr Smith would support this and a workable solution that fulfilled the needs of all being identified. Mr Smith clarified that he was not suggesting that the Basterfield service road solution be revisited but had referred to this to frame the fact that the school was open to any solution that seemed viable. He went on to state that he believed that the option that was now on the table was the best alternative, viable and most pragmatic option available as did the school. It would use existing infrastructure in terms of vehicles, encouraged no extra vehicular movements and would lead to minimal disruption. Mr Smith went on to clarify that a very small number of

units were being talked about and he felt that the school would demonstrate, over time, that it was able to produce a very small amount of waste – certainly less than anticipated. The Member came back to underline that the present option involved dust carts reversing along the entire length of a road which she did not consider to be safe. Mr Smith reiterated that he believed that the proposal on the table today should be approved by the Committee regardless of whether it involved vehicles reversing into the road or entering forwards as it was the same vehicle that was currently undertaking this operation and this manoeuvre and it was considered that there would therefore be no additional impact.

Another Member asked Mr Broeke why he thought that it was acceptable for bins to be kept next to the entrance of Hatfield House where they would be passed by the many residents of that block, including their preschool children instead of just around the corner next to the school entrance where, within the stipulated collection times, they would be passed only by the occasional adult visitor to the school. Mr Broeke responded by stating that this alternative option being put forward by residents was not viable. He added that bins would be kept on school premises until immediately prior to collection where a bike and a bin store was already located. These would also be integrated with existing collections and it was believed that this was the most sensible solution. The Member came back with a supplementary question to ask why the alternative put forward by residents would not be viable when the bins to be taken from the bin store would, instead of being left right next to Hatfield House, be taken approximately 15 meters around the corner and left for up to 20 minutes by the school entrance at a time when they would not be passed by school children whereas, by Hatfield House, they would be passed by residents and preschool children. Mr Broeke stressed that he had already spent some time this morning setting out why he felt that this was the case and did not wish to add anything further.

A Member spoke again to note that there was a condition within the condition which stated that the bins would not be left of the highway for more than 20 minutes. She questioned whether the applicant believed that this was enforceable and how they intended to enforce it. Mr Smith responded to state that, whether it was enforceable or not, he had already underlined that the school was a trusted entity and would adhere to this policy if that were what was set out. Gerald Mehtens referred to the addendum circulated yesterday which included a plan of the site showing the four different bin collection options. He clarified that this demonstrated that, on the one day every two weeks when there would be three bins out, this would involve recyclables such as paper, cardboard and plastic and therefore not cause any odours or attract vermin. He added that these three bins would still fall behind the entrance to Hatfield House and would not be in sight. They would sit on academy land and not public footway. The intention around ensuring that bins were placed here for no longer than 20 minutes was that the school's Facilities Management Team would move them to just inside the gate of the school at an appropriate time during the day and then move the three bins for that one day every fortnight five to ten minutes before the scheduled bin collection. On the other days there would be one bin left out (sometimes containing food waste and

others general waste) directly opposite the existing Hatfield House bin store immediately prior to scheduled collection. Mr Mehrtens clarified that, as such, those bins would not be in the way of residents of Hatfield House and would be kept very close to the school opposite the existing bin store and on the academy's own land. He added that if refuse vehicles did not arrive on time, the school would need to challenge this in the same way that anyone else with domestic waste or commercial waste paying for a service would. For clarity, Mr Mehrtens also added that, at present, Hatfield House was serviced by an 18-ton lorry that reversed the length of Baltic Street West every day. What was proposed here was a 7.5-ton lorry driving in and reversing up the ramp which the school's highways consultants had confirmed was possible.

Seeing no further questions of the applicant or supporters, the Chair asked that Members now move to any questions they might have of Officers as well as to the general debate.

A Member spoke to state that this application was plainly contrary to the City's policy on residential amenity and that it was hard to think of a more extreme contravention of this policy than allowing someone else to place their rubbish for collection directly outside the front entrance of a residential block with that rubbish to then be collected by a truck manoeuvring in what was effectively a cul-de-sac in a way that he felt would endanger other road users. He added that, in his view, there was a very simple alternative that would avoid this contravention of planning policy and that the only reason that this hadn't been adopted was because the applicant had not bothered to seek to resolve the matter in the past three years and it appeared that the City's planning officers had uncritically accepted everything that the applicant had put forward. He added that he was disappointed to not see a more intensive analysis of the alternative being proposed by residents.

Another Member reported that she had attended a recent site visit and had not been aware of any proposals for bins to be placed directly outside of Hatfield House. She did, however, note that, at the time of the site visit, there had been very large red hoarding in place around the boundary of the school site and questioned what would be placed here following construction to ensure that school land was very clearly defined. Officers confirmed that this hoarding would be removed once construction works had finished and that bins would be held here for a temporary period only. The overall proposal was for that land to remain open with no boundary treatment but the exact details for the landscaping arrangements for the site were still to be submitted.

A Member stated that, at the recent site visit, she had enquired as to what classrooms would sit on the other side of the hoarding, past which bins would be wheeled. She added that, whilst this was difficult to decipher from the plans, she believed that these would be SEN rooms and the Headmistresses Office. She went on to question whether the bins would therefore be sat outside of these rooms until collection and whether or not these could be enclosed/covered so as to protect residents from the sight and odour of these. Officers reported that the enclosure option was briefly touched upon at the site visit and had also been raised with the applicant. It was reported that when this

had originally been raised there were concerns around anti-social behaviour adjacent to the entrance of Hatfield House which is why this had not been progressed further. In terms of bin location, Officers stated that, looking at the plans, there were actually no windows in the school building adjacent to where it was proposed that the bins sit prior to collection. Officers added that the Headmistresses room was on this elevation but was towards the entrance rather than immediately adjacent to the bin holding location.

Another Member questioned whether it would be possible to have a written answer setting out how many man hours had been spent on trying to resolve the issue of bin location as he felt dismayed that Officers had failed in their duty to get both sides together to resolve this issue and come up with a practical solution.

Another Member commented that there seemed to be total disagreement as to whether the bins would be temporarily stored outside of the entrance to Hatfield House and he therefore sought absolute clarity on this. Secondly, he noted that condition 43 required that no vehicle larger than 7.5 tonnes should service the school from Baltic Street West and questioned whether this was intended to mean that the servicing was done from Baltic Street West or that if it is done from here, the vehicle had to be limited to 7.5 tonnes. Officers reiterated that, as shown on the plans, there was a yellow area shown which was adjacent to the school building, and partly behind the entrance to Hatfield House. The area was on school land and not part of public highway or the demise of Hatfield House. With regard to Baltic Street West and vehicle size, Officers reported that the condition and details provided were clear that it could only be a vehicle of 7.5 tonnes maximum on this Street which was as already approved within the original planning application – this simply provided further detail around the principle of that approval. The Member came back to ask whether the Committee were therefore limited to considering the Baltic Street West servicing option only and looking in more detail at how this was accomplished. Officers clarified that all other options were set out in the report for context only and did not fall within the scope of this discharge of details for the application. It was added that all other options set out were considered in the pre application stage and that the approved proposal was around the Baltic Street West option which was therefore the only option in front of the Committee today.

A Member commented that he felt that the correct starting point for this Committee's consideration of this application had not yet been mentioned, which was article 8d of the City's own Planning Protocol. The Member reported that, according to this article where, as in this case, the City Corporation was itself the applicant, 'particular care must be taken to ensure that the application is not subject to preferential treatment but is subject to the same rigorous evaluation as other applications'. The Member went on to state that the Committee was guided in its consideration of this application by the Officer's report and that he was of the view that there was no evidence that this report took particular care to ensure that the application was subject to rigorous evaluation. The Member gave some specific examples to support his views – first, the objectors had submitted an expert report by a transport engineer explaining why Baltic Street West was not suitable for servicing the school and,



if the particular care standard had been applied as the protocol required, Officers would have made a rigorous evaluation of the engineer's report and set out in their own report the reasons for any disagreement with specific points the engineer had made. As it stood, the engineers report had not even been mentioned within the Officer report, it was merely appended amongst the background papers. On the issue of road safety, Officers merely state that the highways team of a neighbouring local authority had expressed no concerns with no reasons given for that conclusion. The Member went on to state that late yesterday afternoon, the Committee had received some comments on the engineer's report by a planning consultant hired by the applicant and that the consultant's approach was to acknowledge the problems identified in the engineer's report and to say that they were not too bad. Another example of the absence of rigorous evaluation concerned the alternative method mentioned in the report of collecting refuse from Golden Lane. On this the report merely reproduced the applicant's case without any attempt at critical appraisal. The applicant stated that wheeling the bins across a playground with children present (something which had never actually been suggested by the objectors) would raise child safeguarding concerns. However, the recommended option before the Committee and servicing via Baltic Street West would involve the bins being wheeled across another part of the playground where children may be present and would be placed in a location for up to 20 minutes where they would be passed by pre-school aged children going in and out of their homes at Hatfield House. The Member added that the third and final example of a lack of rigorous evaluation was a statement of the representations in support of this application including 'concern about further delays to the opening of the school should the application today be refused or deferred'. He stated that, what Officers had not reported was that the applicant's time scale was not a material planning consideration and should not, to any extent, be taken into account by the Committee in making its decision. The Member also highlighted that all of the delays to date had been caused by the applicant and not residents as was set out conclusively in the GLERA submission to the Committee circulated yesterday. In conclusion, the Member stated that the absence of rigorous evaluation in the Officer's report and its likely effect on this Committee, put a decision to approve this application regrettably at risk of legal challenge. He added that he was aware of how strongly objectors felt that their views and self-evident planning grounds had been ignored and stated that he could not see this matter being brought to an end by approving this application today given that residents had also engaged the services of a traffic engineer and a law firm at personal cost to them. He felt that an approval would not only be unsound in planning terms, but could also do real harm to the school, to part of the City's electorate and to the City Corporation itself. He felt that, ironically, a vote against this would bring this matter to a timely and satisfactory conclusion whereas a vote in favour would prolong and escalate it.

Another Member spoke to state that he did not feel that it was fair to criticise Officers for the amount of hours that they had had to dedicate to this issue or for bringing it back to this Committee in the way that they had. He reminded Members that it was their decision to not leave this matter as a delegated decision to Officers but to call it in – something which he supported and had spoken strongly in favour of. He added that Officers had a duty to provide,

without fear or favour, their professional advice and opinion to this Committee and to all applicants no matter who they may be. With regard to the discharge of the condition itself, the Member referred to the previous speaker's reference to article 8d of the Planning Protocol and the need to treat all applicants fairly and transparently and to have rigorous evaluation of all applications. The Member stated that he believed that this was always done and that he believed in the integrity of the work of this Committee and its Officers. He acknowledged that it was always difficult for Members when the applicant was the City Corporation but underlined that this happened all over the country where planning committees were faced with making decisions about an application from their own authority. The Member went on to state that he had championed, along with many others, the opening of the COLPAI school as quickly as possible and certainly no later than September 2021. However, he agreed with the previous speaker that the issue of timing could not be taken into account by Members today as it was not a material planning consideration and it was important to recognise this. The Member expressed his regret that the Committee were not being presented with a scheme that pleased both parties. He reported that he had listened very carefully to both sides today and noted that, to some extent, residents were also divided on this matter. He went on to state that it was his understanding that the bins would not be placed directly outside of Hatfield House but would be kept on school land. He noted that larger trucks currently reversed down the road in question to collect waste from Hatfield House but understood that this smaller vehicle to service the school would drive into the road before doing a three point turn on the ramp at the end to exit. He felt that this was less of a threat in terms of road safety but added that he was, however, concerned at the suggestion that bins should await collection in this location for 20 minutes and he felt that this should actually be capped at a maximum of 10 minutes. He added that he would like to understand more about how these time limits would be enforceable before possibly moving amendment to this effect. Officers responded to state that they did believe that time limits on this were enforceable and that this would be a specific requirement of the planning condition. They added that, within the Delivery and Servicing Plan, there was a section setting out the monitoring and management of this with the applicant therefore giving clear undertakings as to how they would regularly monitor and assess the delivery and servicing operation both in terms of the number of deliveries and when the bins were left out. Members were assured that Officers would engage proactively with the school to ensure that this was done. In response to a further question, Officers reported that if Members wished to stipulate that bins were left out for ten minutes prior to collection, then this would be monitored and enforced in the same way and would need to be built into the Delivery and Servicing Plan with the final version of this to be agreed in consultation with the Chair and Deputy Chairman of this Committee.

A Member spoke again and referred to the comments already made on the time of the Committee that had been taken up to resolve a dispute over the location of bins. She stressed that she felt that the problem was that she felt that, quite frequently, applications came before this Committee before they were ready to be decided because there were too many pieces of information which were still unresolved. This led to conditions being placed on certain aspects with Officers

then left to resolve these. She added that she felt that the bin cover issue should have been resolved when this application was first submitted without the need to use private land or leave waste outside of other people's front doors. With regard to the potential amendment seeking to reduce the amount of time that bins were left awaiting collection from 20 to 10 minutes, the Member underlined that she felt that the window of 20 minutes was unenforceable as it were. She added that, if residents were to report that bins had been left awaiting collection for 30 minutes, unless this was witnessed by Officers, there was actually very little they could do about it. Any complaints to the refuse collection service would result in an apology for being late due to being stuck in traffic which was simply unavoidable. She concluded by stating that these unenforceable conditions should not be adopted as they gave people a false sense of hope and simply pushed a problem further down the line. She underlined that she felt that the Baltic Street West option only for all servicing was wrong and that approving these conditions would compound the problem. The Member felt that, should this condition be rejected today, the applicant and objectors would meet further and come up with a solution that ensured the safe servicing of the school within a residential area in time for the scheduled September opening of the site. The Member stated that she had confidence that there was a will on both sides to work together and find a solution that suited all and that she would be voting against this application today to allow this to happen.

Another Member spoke to state that he was also of the view that reducing the amount of time that bins were held in this location to just 10 minutes was unrealistic and would be setting the applicant up for failure, particularly when taking into account traffic and current road closures in the City.

**MOTION** - Another Member spoke to note that this matter had now been under consideration for over an hour and that the Committee had heard from all of the stakeholders and representatives on all sides. He therefore proposed that the Committee now move to vote on the recommendations. This was seconded and unanimously supported.

**AMENDMENT** - A Member indicated that they wished to move an amendment that bins be left in the location indicated for a maximum of 10 as opposed to 20 minutes prior to collection before moving to the substantive vote. This amendment was seconded and therefore put to the vote.

Votes on the amendment were cast as follows: IN FAVOUR – 18 Votes  
OPPOSED – 7 Votes.  
There were no abstentions.

The Committee then proceeded to vote on the recommendations before them within this 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 – 19 Votes  
OPPOSED – 6 Votes\*.

There were two abstentions.

*\*In accordance with Standing Order No. 38, those Members who had voted against the recommendation asked that their names be recorded in the minutes – they were Mark Bostock, John Fletcher, Marianne Fredericks, Graeme Harrower, Deputy Brian Mooney (Chief Commoner) and Barbara Newman.*

**RESOLVED** – That the Committee resolves to discharge conditions 43 and 46 of planning permission reference 17/00770/FULL with condition 46 amended to state that refuse ‘...shall not be left outside the site for a period longer than 10 minutes prior to the agreed collection time’.

**4A. FORMER RICHARD CLOUDESLEY SCHOOL GOLDEN LANE ESTATE LONDON EC1Y OT - SUBMISSION OF DELIVERY AND SERVICING PLAN FOR THE RESIDENTIAL/COMMERCIAL PARTS OF THE DEVELOPMENT PURSUANT TO CONDITION 44 OF PLANNING PERMISSION 17/00770/FULL DATED 19TH JULY 2018**

The Committee received a report of the Chief Planning Officer and Development Director regarding Former Richard Cloudesley School Golden Lane Estate London EC1Y OT - Submission of Delivery and Servicing Plan for the residential/commercial parts of the development pursuant to condition 44 of planning permission 17/00770/FULL dated 19th July 2018.

**RESOLVED** - That the Committee resolves to discharge condition 44 of planning permission reference 17/00770/FULL.

**5. PETITION RE: CITY OF LONDON CORPORATION'S CURRENT PLANNING PROCESS**

The Committee formally received the Petition presented by Mark Bostock to the 15 April 2021 meeting of the Court of Common Council regarding the City of London Corporation's current Planning process.

A Member questioned when this petition would be debated by the Committee. The Town Clerk responded to state that it was customary for those Committees directed to receive petitions by the Court of Common Council to do so in the first instance and reported that this particular petition would form part of a wider debate on the potential establishment of a Planning Panel system – a report on which would be submitted to the next meeting of this Committee.

**RESOLVED** – That the Committee receive the petition.

**6. DAYLIGHT & SUNLIGHT GUIDANCE**

The Committee considered a report of the Chief Planning Officer and Development Director concerning Daylight and Sunlight Guidance.

A Member spoke to remind the Committee why this report had been brought forward and set out that two years ago he had pointed out that, whenever this Committee considered an application for a development that entailed a loss of light to neighbouring properties, a familiar pattern was followed. First, time and

money would be spent carrying out an analysis using the BRE guidelines. Usually, the proposed developments would fail the BRE tests as regards some of the affected properties, but the Officers report would then typically suggest that this was acceptable due to the City's dense urban environment. He added that Members could not visualise how much light would be lost because the NSL and VSC of the BRE were unintelligible to lay people. Members would then therefore have to make decisions without knowing how much the affected properties would be in the dark. However, an expert consultant hired by the Corporation to deliver training on this subject recommended the use of radiance studies as a way of enabling lay people to visualise the loss of light. This led to the Member questioning in Committee why the City did not use these studies and the Chief Planning Officer at the time had responded to set out the reasons for not doing so – one of which had been that an applicant was under no legal obligation to carry out a radiance study. However, it was noted that an applicant was under no obligation to do anything, including producing a traditional BRE analysis. The Member went on to say that the issue of radiance studies had now been linked to a proposed revision of the BRE guidelines which had still not happened.

The Member highlighted that, earlier this year, he had raised the question of radiance studies again with Officers pushing back to highlight issues with the applicant gaining access to affected properties to gather accurate data. However, the Member was of the view that the applicant could be asked to seek that access especially as those affected should naturally be willing to ascertain the extent of the effect. If the applicant were still unable to gain access after trying, then they could make reasonable assumptions as recommended by the expert consultant. The Member added that he did not see why a report was required for a matter that would do something to improve the current situation whereby Members were presented with BRE analysis that they found difficult to understand and, consequently, made decisions in ignorance. However, the Committee were of the view that a report was needed, and, after some delay, it had now been presented. The Member noted that the report repeated the issue about access to affected properties without mentioning the obvious solution that he had already articulated. On the central question, the report did not deny the benefits of radiance studies and acknowledged that this could 'provide an additional layer of assessment which is helpful in understanding the impact of a development on surrounding premises, particularly if it is represented in a 3D image'. However, the report then went on to conclude that 'it is considered to be premature to require the provision of radiance analysis on all schemes on the basis that there is no existing policy or guidance basis for it'. The Member questioned why this could not be presented alongside a traditional BRE analysis to provide Members with at least some further clarity. The report also stressed that there 'may need to be a reliance on assumptions that can lead to inaccurate or misleading results' or not if the applicant makes reasonable attempts to gain access. It was noted that paragraph 20 of the report did offer some hope, stating 'nevertheless, the value of radiance analysis is recognised and Officers will continue to work with developers to provide it in appropriate circumstances where it can be used to supplement the assessment of impacts where a BRE assessment indicates there would be an adverse impact on daylight and sunlight'. To conclude, the

Member underlined that the report recommended spending £10,000 for a consultant to provide an advice note on this. He added that he opposed this and stressed that what was needed now were images that allowed Members to have some idea of what they were doing when considering applications which involved the loss of light and the provision of tools that were useful to the Committee in assessing the loss – such as radiance studies alongside the traditional BRE studies that he felt were often unintelligible. Should these tools not be provided, it was reasonable for Members to question why not and not give the benefit of the doubt to an applicant.

Another Member questioned whether Officers had contacted the BRE to determine when a new version of the guidelines would be issued. He also questioned what role, if any, radiance analysis would play in the new guidelines. He clarified that he asked this so as to determine whether, if the City Corporation progressed this under its own steam and went ahead with its own guidelines or introduced a new analysis method, it could be open to legal challenge.

Another Member commented that it appeared to be fairly clear that experts in the field felt that radiance was a better way to approach this and would address many of the problems this Committee had had with the BRE guidelines. He noted that BRE guidelines also required an understanding of the interiors of affected properties in the same way that radiance studies would and that he did not therefore foresee this as a particular hurdle. He added that he felt that it was extremely important for this Committee to truly understand the affect that new developments in the City would have on light and that the BRE analysis was not providing this level of understanding. The Member therefore felt that it would be useful for the City to spend money on developing a new policy that actually applied radiance in a way that seemed to be accepted now by the profession. He went on to express some concern around paragraph 20 of the report which appeared to set out that radiance studies would only be presented to the Committee when they were helpful to the developer and not when they might otherwise demonstrate problems with a development.

In response to these points, Officers reported that they had made contact with BRE but that they were yet to respond with a timeline for the introduction of any new guidelines. Officers reported that they had also been discussing this matter with a number of practitioners such as Gordon Ingram and others and were aware that there had been a number of workshops held between the BRE and the various practitioners as to how this would move forward. Officers had been advised that this was work in progress and would be out for consultation by the end of this year. The report therefore recommended that this should be awaited so that the City Corporation had a full understanding of the emerging guidance context.

As pointed out within the report, having an understanding of the internal layout of affected properties was one element of radiance assessments but his was also true of Average Daylight Factor (ADF) assessments as well which were generally used to understand the daylight/sunlight implications of new

residential developments and the light emitting into this rather than the impact of the development on existing properties.

The Chair spoke to state that he felt that some very valid points had been made around the robustness of using radiance studies both in terms of an expectation of applications using it and also where this could be put into policy. He went on to state that his understanding was that radiance studies had been used more in private rights of light. The Chair stressed that it was important for Members to understand what the legal position on this was in terms of the City Corporation progressing this matter unilaterally and how, if the City Corporation were unable to take this forward, how applicants were able to utilise this. In tandem with this work, the Chair asked that work around the new national BRE guidance continue without delay.

It was suggested that Officers also continue to discuss the use of radiance analysis with the BRE and also make them aware that the current situation was unsatisfactory – seeking further clarity on a timescale for the introduction of new national guidance and strongly encouraging them to include the use of radiance studies within this.

**RESOLVED** – That the Committee maintain the City’s present policy position as set out in the Draft City Plan 2036 for the present time with Officers tasked with reporting back to the Committee with information around what the legal position was on the City Corporation taking the use of radiance studies forward in terms of its own standards and methods of assessment and also on the ability of applicants to use these within their submissions. It was felt that this piece of work should be done in tandem with exploring the use of radiance studies nationally with the BRE and exploring with them precisely when new national guidance on daylight/sunlight analysis would be coming forward.

## 7. **PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT - ADOPTION AND IMPLEMENTATION**

The Committee received a report of the Director of the Built Environment regarding Planning Obligations Supplementary Planning Document – Adoption and Implementation.

**RESOLVED** – That, Members:

- Approve the Planning Obligations Supplementary Planning Document attached at Appendix 2 to this report
- Resolve to adopt the Planning Obligations SPD today and to implement the SPD from 1 October 2021.

*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.*

8. **APPROVAL OF A NON-IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR THE CHANGE OF USE OF OFFICES (CLASS E(G)(I)) TO RESIDENTIAL (CLASS C3)**

The Committee considered a report of the Director of the Built Environment regarding approval of a non-immediate Article 4 Direction to remove permitted development rights for the change of use of offices (Class E(g)(i)) to residential (Class C3).

Officers highlighted a typographical error on the title of the order at appendix 1, in that the date on the printed and published version was 2021 when it should read 2015. Officers highlighted that this was a legalistic document and the first stage in a process to replace the City's existing direction.

**RESOLVED – That,** the Committee approve the making of a non-immediate Article 4 Direction for the whole of the City of London, removing permitted development rights granted by Class MA, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 for the change of use of a building or any land within its curtilage from offices (Use Class E(g)(i)) to residential (Use Class C3), as set out in Appendix 1 to this report

9. **GW 1 & 2 - CLIMATE ACTION STRATEGY - COOL STREETS AND GREENING PROGRAMME**

The Committee received a report of the Director of the Built Environment regarding GW 1 & 2 – Climate Action Strategy – Cool Streets and Greening Programme.

**RECEIVED.**

10. **OUTSTANDING ACTIONS**

The Committee received a report of the Town Clerk regarding the Outstanding Actions.

**RESOLVED –** That Members note the report.

11. **PUBLIC LIFT REPORT**

The Committee received a public lift report of the City Surveyor for the period 07/04/2021 – 26/04/2021.

**RESOLVED -** That Members note the report.

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

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

**RESOLVED -** That the report be noted.



**13. VALID PLANNING APPLICATIONS RECEIVED BY DEPARTMENT OF THE BUILT ENVIRONMENT**

The Committee received a report of the Chief Planning Officer and Development Director 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.

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

There were no questions.

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

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

**16. 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.

**Item No(s)**

17

18 – 19

**Paragraph No(s)**

3 & 5

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**17. GLA ROADS - LAND DISPUTE WITH TRANSPORT FOR LONDON**

The Committee received a report of the Comptroller and City Solicitor concerning GLA Roads – Land Dispute with Transport for London.

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

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

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

There was no other business.

**The meeting closed at 12.33 pm**

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Chair

**Contact Officer: Gemma Stokley**  
**tel. no.: 020 7332 3414**  
**[gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)**