

## PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 20 July 2021

### Minutes of the informal, hybrid meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 10.30 am

#### Present

##### Members:

Deputy Alastair Moss (Chair)	Deputy Jamie Ingham Clark
Oliver Sells QC (Deputy Chairman)	Alderman Alastair King
Randall Anderson	Alderman Susan Langley
Douglas Barrow	Oliver Lodge
Peter Bennett	Andrew Mayer
Mark Bostock	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	Deputy Henry Pollard
Tracey Graham	James de Sausmarez
Graeme Harrower	Alderman Sir David Wootton
Deputy Tom Hoffman	

##### Officers:

Angela Roach	- Assistant Town Clerk
Gemma Stokley	- Town Clerk's Department
Jayne Moore	- Town Clerk's Department
Julie Mayer	- Town Clerk's Department
Shani Annand-Baron	- Media Officer
James Gibson	- Technology Support
Charlie Pearce	- Technology Support
Simon Owen	- Chamberlain's Department
Dipti Patel	- Chamberlain's Department
Fleur Francis	- Comptroller and City Solicitor's Department
Gwyn Richards	- Chief Planning Officer and Development Director
David Horkan	- Department of the Built Environment
Bruce McVean	- Department of the Built Environment
Ian Hughes	- Department of the Built Environment
Paul Monaghan	- Department of the Built Environment
Paul Beckett	- Department of the Built Environment
Peter Shadbolt	- Department of the Built Environment
Gordon Roy	- Department of the Built Environment
Samantha Tharme	- Department of the Built Environment
Elisabeth Hannah	- Department of the Built Environment
Bhakti Depala	- Department of the Built Environment

Richard Steele	- Department of the Built Environment
Lucy Foreman	- Department of the Built Environment
Trina DeSilva	- Department of the Built Environment
Emmanuel Ojugo	- Department of the Built Environment
Toni Bright	- Department of the Built Environment
Jon Averbs	- Director of Markets & Consumer Protection
Ruth Calderwood	- Department of Markets & Consumer Protection
Peter Davenport	- Department of Markets & Consumer Protection

### **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 Deputy Keith Bottomley, Sheriff Christopher Hayward, Shravan Joshi, Natasha Lloyd-Owen, Alderman Bronck Masojada and William Upton QC.

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

The Chair declared a professional interest in relation to item 24 of the non-public agenda and reported that he would withdraw from the meeting whilst this matter was considered with the Deputy Chairman presiding over this.

### 3. **MINUTES**

The public minutes and summary of the informal, hybrid meeting held on 29 June 2021 were considered and approved as a correct record.

### **MATTERS ARISING**

**Panel Arrangements – Wider Consultation** (page 9) – A Member requested a further update on this matter and what opportunities there would be for residents and other stakeholders to feed into proposals around the possible formation of Planning Panels to consider future planning applications. The Chair reported that the Policy and Resources Committee had considered this matter at their meeting earlier this month and had requested that Officers bring forward a further report examining alternative proposals to geographic panels, after having taken on board the will of this Committee who voted to support the principle of panels but did not support the fixed, geographical nature of these. Alongside this, the Chair confirmed that an engagement strategy would also be worked up.

In response to a further question, the Chair underlined that this matter had already been debated extensively by this Committee and had sent a resolution outlining its thoughts to the Policy and Resources Committee. He assured Members that a further report would now be produced and presented to this Committee in due course and that there would therefore be a further opportunity for Members to vote according to their preferences. He confirmed that there would be greater clarity on this in terms of timescales post summer recess.

### 4. **SHORT STAY PUBLIC CYCLE PARKING IN THE CITY**

The Committee considered a report of the Interim Director of the Built Environment and Director of Planning and Development regarding Short Stay Public Cycle Parking in the City.

A Member commented that in the area of the City in which he resided, the majority of on-street parking was used by small traders and small commercial vehicles servicing City businesses and residents. He therefore cautioned against surrendering these spaces and sought assurances that short stay cycle parking standards would be met for all future developments. Officers responded to state that they were working towards retaining as many of the temporary cycle parking spaces that were currently in situ as possible as well as identifying new suitable locations for these. It was reported that current data suggested that these temporary spaces were already being well used but that further data would be gathered on this. It was also underlined that the report stated that any of the temporary cycle parking that was currently utilising on-street car parking spaces would only be made permanent with Member approval.

A Member referred to the figures in Table 1 of Appendix 2 as shocking and stated that she felt it was quite possible for developers to provide these spaces with adequate funding and some creative thinking. She cautioned against requesting financial contributions in lieu of providing the spaces and expressed concern that this could lead to the same issues encountered with social

housing provision and difficulties for Officers in terms of identifying any appropriate locations where these additional spaces could be sited given the space requirements. The Member went on to highlight that areas of the City which had the densest amount of office accommodation had the fewest areas of cycle parking and underlined the need to introduce things such as cycle hubs and to insist that developers got creative. She concluded by stating that she was against approving the recommendations around the negotiation of financial contributions.

Another Member referred to long stay, private cycle parking and stated that he was concerned that, in areas such as Carter Lane, it would be difficult for Officers to retrofit and install appropriate cycle parking. He stated that he had therefore sought assurances that the City Corporation would facilitate businesses paying for off-site cycle parking and reported that he had received this from earlier correspondence with Officers. Officers spoke to confirm that work was already underway on this and that they had identified a number of providers who were prepared to bring in the right type of parking if appropriate locations could be identified for this purpose. It was reported that this model was already in operation in Soho and would be an effective means of meeting some of the longer term need and working with private providers to improve space in some of the City's underground car parks for this purpose for example.

A Member stated that this issue underlined the importance of complying with policy - highlighting that, for many years, developers had been under providing in terms of cycle parking and facilities on site. She agreed with one of the previous speakers, stating that if developers wanted to pay for parking spaces they could pay for these in the City's car parks given that there was capacity here and the need for the City Corporation to find alternative revenue streams for these. In terms of signposting people to parking spaces, the Member commented that this should be achievable using app technology. The Member concluded by stating that she was opposed to charging developers to utilise on-street parking and was also very concerned that the Committee now found itself in this position by seemingly ignoring policy when granting planning applications. Officers responded to acknowledge that more work was required around the use of app technology and signposting available spaces.

In terms of the wider point around financial contributions being accepted in lieu of the provision of spaces, the Chair highlighted that the report set out that each application would be considered on its merits and that this would only be offered as a rare exception. Officers confirmed that they were committed to pressing developers to provide short stay cycle parking on site and would only accept financial contributions in very exceptional circumstances, in line with the London Plan 2021 policy.

In response to further comments around the introduction of cycle hubs, Officers reported that it was difficult to say at this stage when further sites would become available for this purpose but underlined that an Officer had been appointed to lead on this work. Officers undertook to provide further updates on this work to the Committee as part of the quarterly update on the Transport Strategy. The Chief Planning Officer confirmed that the City were already in

discussion with a number of schemes to discuss the incorporation of cycle hubs within these schemes.

A Member spoke again to highlight that residential and office blocks often had to retrofit to provide facilities for their residents/workers and stressed that she did not feel that this Committee should accept any applications that did not comply with policy. She added that, if it were true that a financial contribution would only be negotiated in lieu of spaces in very exceptional circumstances, then she would like to see these circumstances outlined to the Committee on each occasion with Members asked to take a final decision on this and satisfy themselves that every possible option had been explored and that this policy was not being taken advantage of. The Chair seconded this point and asked that Officers make it clear to applicants that they would be required to come before the Committee to justify any exceptions.

**RESOLVED** – That Members:

- Request that any exception to the policy and any proposed financial contribution to make up for a shortfall in short stay cycle parking be brought before this Committee for final decision.
- Delegate authority to officers to negotiate financial contributions for short stay cycle parking stands to be placed on the highway.
- Delegate authority to officers to investigate, design and install cycle parking infrastructure in appropriate locations, when funding is made available from developers under S106 contributions.

**5. GATEWAY 3/4 - DOMINANT HOUSE FOOTBRIDGE FUTURE OPTIONS**

The Committee considered a Gateway 3/4 report of the Director of the Built Environment regarding Dominant House Footbridge Future Options.

**RESOLVED** – That the Committee:

1. Approve Option 2 (concrete and joint repairs)
2. Approve the revised total estimated cost of the project at £340, 864 (excluding risk)
3. Approve budget to proceed to the next gateway (£18,000)

**6. LOCAL IMPLEMENTATION PLAN FUNDED SCHEMES 2021/22**

The Committee considered a report of the Director of the Built Environment regarding the provision of Transport for London (TfL) Local Implementation Plan (LIP) funding to the City of London Corporation for the year 2021/22.

**RESOLVED** – That Members:

- Approve the allocations up to the maximum set out in table 1, for the year 2021/22
- Delegate authority to the Director of the Built Environment in consultation with the Chair and Deputy Chairman of the Planning & Transportation Committee and the Chairman and Deputy Chairman of the Streets &

Walkways Sub Committee to allocate any additional funds which are made available by TfL in 2021/22 financial year

- Delegate authority to the Director of the Built Environment to reallocate the TfL grant between the approved LIP schemes should that be necessary during 2021/22 up to a maximum of £150,000.

7. **CONFIRMATION OF THE 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 confirmation of the 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 spoke to briefly summarise the context to this, stating that there was an existing Article 4 direction which had been in place for a number of years and enabled the City Corporation to retain local planning control over change of use from offices to housing in the City. The Government had now changed the wider context of this as part of their deregulation agenda. Members were reminded that this Committee had considered a report in May 2021 to replace the City's existing Article 4 direction with a new one which would take effect as of next year. The City Corporation were bound to give a year's notice on this to avoid any compensation liabilities and so it was therefore proposed that these steps be taken now ahead of the new direction taking effect next summer.

Officers went on to report that just ten responses had been received to the consultation on the draft direction which launched in May and that seven of these were supportive and from a wide range of significant bodies. The decision sought today was therefore about confirming the wish to take the draft direction which had been consulted on forward and providing a year's notice of this intention so that it could take effect from 1 August 2022. Officers concluded by cautioning that the Secretary of State did have the right to intervene and amend or refine the direction, however, it was reported that his office had been consulted on the draft direction and had provided no response on this to date. Officers underlined that they would maintain communication channels with MHCLG on this between now and August 2022 and report back on any issues to this Committee if necessary.

Members spoke to underline the importance of this measure for the City and express their firm support for this.

**RESOLVED – That Members:**

- Agree that it is expedient that some of the new permitted development described in class MA should not be carried out unless permission is granted by the City Corporation.
- Approve the confirmation of the non-immediate Article 4 Direction made on 13 May 2021 and coming into force on 1 August 2022 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).

- Authorise officers to take all necessary steps to give effect to the decision including publicising confirmation of the Article 4 Direction in accordance with statutory requirements.

8. **SUPPORTING THE RECOVERY OF THE HOSPITALITY SECTOR: AL FRESCO EATING AND DRINKING POLICY UPDATE, OFF-SALE AND TEMPORARY EVENT NOTICE EASEMENTS**

The Committee considered a report of the Director of Markets and Consumer Protection providing a summary of pavement licences currently granted and outlining proposals to facilitate the pavement licence application process until 30 September 2022.

Officers introduced the report by stating that it amended the Al Fresco Policy to take account of proposed legislative changes under the Business and Planning Act 2020 and also national guidance. Essentially, the amendments to the policy as set out within the report extended the time limit for providing tables and chairs under the Business and Planning Act until the end of September 2022 as opposed to the end of September 2021. It was highlighted that this was still yet to have completed the parliamentary process, but it was hoped that this would happen by the end of this week and ahead of the parliamentary recess. The report also asked that the 'zero' fee approved by Members last year be extended. Officers reported that there were approximately 84 live licences and that, introducing a fee for these would only generate around £8-9,000 in revenue, with the department actually incurring costs in terms of collecting this. Finally, it was reported that national guidance had been produced by the Centre for the Protection of National Infrastructure around counter-terrorism and this recommended that any existing CCTV was operational and that anyone involved with pavement licences, particularly the licence holder, should complete the ACT (Action Counter Terrorism) training. Officers were supportive of this and outlined that they did not feel that this was too onerous a task. Officers highlighted that many Members and those within the trade had questioned whether these provisions were likely to be made permanent but stated that this remained unclear at present. Officers highlighted that a document entitled 'Build Back Better Highstreets' released by the government earlier this year did have a section dedicated to pavement licences and did discuss these changes under the Business and Planning Act, stating that the desire was for these to be made permanent.

The Deputy Chairman referred to paragraph 10 (c) of the report, commenting that he felt that this added to the requirements for licensees and questioned whether it was necessary for them to have to consider counter-terrorism vulnerabilities in the premises risk assessment and require that they follow the new guidance/training as he felt that this seemed to be overly bureaucratic. He championed a more flexible approach to these requirements to help businesses

to get back to where they wanted to be. Officers assured the Committee that a proportionate response would be taken here.

Another Member spoke, highlighting that she had raised these same points when the matter had been considered by the Licensing Committee last week. She outlined that the national guidance around counter terrorism was clear in that if a pavement licence holder did not already have CCTV, they were not required to install it in order to meet the requirements to hold the licence. However, whilst the second part of paragraph 5 of Appendix D tracked the national guidance, the opening sentence of this paragraph confused the matter and could be read as suggesting that a licence holder *must* install CCTV to cover their pavement licence area if they had not already done so which went beyond the national guidance. She therefore questioned whether this was the City's attempt to, unusually and disproportionately, create an additional condition and require that small cafes with perhaps just one or two tables outside to have expensive CCTV equipment in operation at a time when businesses were struggling to recover from the pandemic. The Member concluded by proposing that the first sentence of paragraph 5 at Appendix D was therefore removed in its entirety.

Another Member spoke to support this point around CCTV requirements and underlined that, over the years CCTV had not been a standard requirement for either new licences or licence renewals with the Licensing Committee only tending to insist on it where there had been a problem such as antisocial behaviour leading to a licence review. He added that CCTV was also automatically installed in places such as larger nightclubs or larger premises within residential areas. The Member reported that, when this matter had been discussed at the most recent meeting of the Licensing Committee, the City of London Police had spoken to suggest that it was not their intention that every premises with a pavement licence should now have CCTV. The Member went on to state that those premises who had not previously had tables and chairs outside may find it impractical to change the focus of their existing CCTV to monitor this pavement area. He felt that this matter should be dealt with on a discretionary basis and not be made a standard requirement.

Officers responded to these points to clarify that it was not their intention to insist that all premises had a CCTV system in operation and that this paragraph was aimed at those premises who already had existing CCTV and the need to ensure that this was functional and being used and monitored. They stated that they would be happy to amend or remove the opening part of this paragraph to make this clearer to all. It was also highlighted that these points were not conditions of licence but were intended as guidance/recommendations to pavement licence holders.

With regard to proportionality, Officers reported that the placing of tables and chairs, although not necessarily that different to the old tables and chairs system, had brought to light the possible dangers associated with their positioning on the pavement, particularly with regard to terrorism. The idea of recommending training was therefore around raising people's awareness of these possible dangers and no more. It was confirmed that the training took no



longer than 25 minutes to complete and was offered free of charge. It was not therefore felt that this was too onerous a task and neither did it slow down the decision-making process for any new applications.

Officers added that they had worked closely with the Police to ensure that the approach to pavement licences was streamlined with them and were pleased to report that this had been working extremely well to date with no issues to report in the recent past around good, proportionate decision making. It was not the Police's intention to request the installation of CCTV for all premises with pavement licences but more to ensure that those who did already have the systems in place had them in working order and were regularly monitoring them. It was highlighted that this was also about the prevention of crime and disorder in general as well as counterterrorism.

After hearing Officers confirm that it was not the intention to require the installation of CCTV where it did not already exist, a Member suggested that the opening sentence of paragraph 5 of Appendix D (page 131) be deleted. He was satisfied that the second part of this paragraph very clearly dealt with existing CCTV systems and therefore tracked national guidance/national model conditions. A second Member agreed with this proposal, suggesting that the inclusion of the opening sentence of paragraph 5, Appendix D confused the policy and could cause difficulties for Officers considering applications further down the line.

Another Member requested clarity on the requirements around existing CCTV systems which he underlined may require further expenditure for licensees to upgrade or add to in order to cover the area outside of their premises. Officers clarified that a proportionate response would be expected.

Some Members underlined that they had raised these concerns at the most recent meeting of the Licensing Committee where this report had been submitted for information. Some Members advocated for the report being amended by Officers to deal with the points raised today before being resubmitted to both this and the Licensing Committee for decision.

Another Member underlined that licensed premises needed clarity on this matter and therefore expressed concern around deferring a decision today. He added that, if the only real point of contention, was the opening sentence of paragraph 5, Appendix D, then he would support the suggestion that this be deleted and ask that the Committee vote on this if necessary. Other Members spoke in support of this suggestion and the need to offer clarity to the licensing trade on requirements for the year ahead as soon as possible.

In response to a question regarding the timing of a decision on this, Officers clarified that the current legislation which permitted pavement licences would expire at the end of September 2021. If there were to be no amendments to the Business and Planning Act ahead of this date, pavement licences would no longer be in existence. If, however, the legislation which had been drafted by parliament and was in place as a statutory instrument, did gain parliamentary approval, this would be extended until the end of September 2022. A decision

on this matter would therefore be required by the end of September 2021 at the latest, although it was noted that it would be preferable for the Committee to reach a decision today so that Officers were not put in a position where they were only able to grant any applications for licences received in August for a period of just 2-3 weeks before renewing.

**RESOLVED** – That, subject to the deletion of the first sentence of paragraph 5, Appendix D, Members:

1. Agree the streamlined reapplication process as outlined in paragraph 8 of this report.
2. Agree the pavement licence duration period as outlined in paragraph 10(a) of this report.
3. Agree a zero fee for all pavement licence applications as outlined in paragraph 10(b) of this report.
4. Agree the strengthened requirement to comply with the new national Counter Terrorism Protective Security Pavement Licence guidance in para 10(c) of this report.

**9. RECOVERY TASKFORCE - UPDATE**

The Committee received a report of the Director of Innovation and Growth updating Members on the implementation of the recommendations of the Recovery Taskforce report: *Square Mile: Future City*, published in April 2021.

A Member sought assurances from Officers that the section dealing with outdoor fitness and leisure initiatives was still part of the Recovery Taskforce work. Officers were pleased to confirm that opportunities for outdoor fitness, leisure and exercise, both for individuals and as organised events, are part of the Recovery Taskforce activities and that any update on these would be provided in future reports where necessary.

**RESOLVED**, That Members note the progress made on the implementation of the recommendations of the Recovery Taskforce report, *Square Mile: Future City*.

**10. REVENUE OUTTURN 2020/21**

The Committee received a joint report of the Chamberlain, the Director of the Built Environment, the Director of Open Spaces and the City Surveyor comparing the revenue outturn for the services overseen by the Planning and Transportation Committee in 2020/21 with the final budget for the year.

**RESOLVED** – That Members note the report and the carry forward of local risk underspending to 2021/22.

**11. DEPARTMENT OF THE BUILT ENVIRONMENT BUSINESS PLAN PROGRESS REPORT Q4 21/22**

The Committee received a report of the Director of the Built Environment setting out the progress made during Q4 of the 2020/21 Departmental Business Plan.

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

**12. TRANSPORT STRATEGY: 2020/21 PROGRESS UPDATE AND 2021/22 - 2023/24 DELIVERY PLAN**

The Committee received a report of the Director of the Built Environment summarising progress with delivering the Transport Strategy in 2020/21 and setting out the Delivery Plan for 2021/22 – 2023/24.

A Member raised a question on the Beech Street and Barbican Zero Emissions Zone which, according to this report, appeared to be on hold. Officers reported that the experimental traffic order for the zero-emission street on Beech Street had been the subject of two legal challenges. It was confirmed that the hearing for the second challenge – a judicial review of the decision to continue the experiment – took place on 29th and 30th June and that the City Corporation were still awaiting the judgement from this hearing.

Members were informed that the current experiment was due to conclude in September at the end of the maximum period of 18 months allowed for experimental traffic orders. It was confirmed that, due to the judgement from the first legal challenge, the experimental order could not be made permanent through the usual truncated process. It had been hoped that it would be possible (although challenging) to make a permanent order through the non-truncated process before the experimental order expired. However, an interim order issued when the judicial review was granted permission to proceed to hearing, had prevented Officers from undertaking any further work, including public consultation, on a permanent order. It was reported that Beech Street, Golden Lane and Bridgewater Street would reopen to general traffic when the current experiment concludes in September. As yet, no decisions had been made about the future plans for Beech Street, but it was highlighted that Officers remained committed to improving air quality and the public realm in this location and the surrounding area. It was reported that Officers currently intended to go out to public consultation in the Autumn to seek views on future options on this. Finally, it was confirmed that Officers were preparing to brief local ward members and update residents and other stakeholders on Beech Street over the coming weeks.

The Member thanked Officers for this clarification and welcomed the consideration of the wider, surrounding area but questioned the planned timetable for this, stating that, for those residents who were in favour of the scheme, this would be concerning in terms of both air quality and the movement of traffic.

Another Member stated that he was personally very disappointed with the way that this had gone and asked Officers to confirm the cost of this work to date. He also asked whether Officers could confirm that, as of 18 September, the whole of the Beech Street Zero Emissions Zone would be reversed and re-open to traffic. Officers confirmed that, on 18 September, the current arrangements would end, and that Beech Street, Golden Line and Bridgewater Street would revert back to previous arrangements including access for traffic. Officers undertook to revert back to the Member in writing on the costs incurred to date on legal charges.

Another Member emphasised his support for the proposed new consultation referred to by Officers and encouraged the inclusion of easier, alternative access for pedestrians to use the higher level and not the tunnel should they wish to traverse Beech Street within this – something which he had long championed. He commented that, at present, it was incredibly difficult for pedestrians to find their way up to the higher level here, particularly at the eastern end, due to construction and the positioning of the steps. Officers responded to state that they would be very happy to consider how easier and alternative access to the highwalks might be incorporated into the consultation process as part of the wider, area- based approach proposed.

A second Member supported this point, stressing that existing signage at ground level to the podium was inadequate and resulted in this clean-air, large, open space being massively underutilised. He questioned why Officers could not address this matter without the need for any further consultation. Officers agreed that the installation of signage alone would not require specific consultation but that any wider proposals concerning access to the highwalks would.

Another Member commented on plans to raise the zebra crossing utilising Section 106 monies from the development on Golden Lane and stated that she understood that there were also plans to raise the crossing as it reached the junction of Golden Lane and Fann Street/Brackley Street. Given that this was a residential area and the fact that there was also accommodation for elderly residents in Fann Street, the Member asked that more be done to expand the use of raised crossings that not only provided protection as vehicles approached a junction, but also provided a safer, level crossing for elderly residents, and those with impairments. She stressed the need for safety measures such as these to be progressed with some urgency, particularly given the reintroduction of traffic here in the coming months. Officers responded to state that raised crossings were something that they were keen to roll out across the Square Mile in line with the Transport Strategy to improve both safety and accessibility. Officers clarified that the projects referred to by the Member were in addition to and intended to compliment the Section 106 works and that funding for these were due to come from Transport for London. Officers stated that they too were keen to see this rolled out as quickly as possible.

Officers responded to the points raised so far stating that they were unable to commit to a more precise timetable for this process but reiterated that the aim was for consultation to commence in Autumn with any changes then taking up to 12-18 months to progress thereafter. Officers underlined that they were, of course, very aware of the air quality issues here and therefore remained committed to moving this work forward as quickly as possible.

A Member, also the Chairman of this Committee's Streets and Walkways Sub-Committee, expressed his disappointment that the Beech Street experiment could not be made permanent and was due to cease in September. He underlined that this had been a difficult project for many reasons but that the

Sub-Committee's collective determination to continue with it, had allowed for further adjustments to be made to successfully address delivery issues and access problems for Barbican residents, while also accomplishing significant improvements in air quality. It was reported that there now seemed to be broad support for the project among the majority of local residents and other stakeholders. Due to the outcome of the first judicial review and the need to await the outcome of the second, there was a need to stop the experiment in September, however, the Member wished to assure local Ward Members and residents that the Sub-Committee remained fully committed to delivering a permanent scheme as soon as possible. The Member went on to state that he had asked Officers to ensure that the cessation of the current experiment would attempt to ensure that any future replacement scheme could easily utilise the changes already made so that, for example, the new cameras already installed might be switched off as opposed to removed entirely. The Committee were being informed that exact details of how the experimental changes would be disabled was being planned at present and the Member commented that he understood from a local Ward Member that many residents would like to see the new gaps in the tunnel median retained. He therefore asked whether this could also be taken into consideration should it be permitted on a legal basis. Communications on this matter would be sent to all stakeholders as soon as the position was clear and this would include Ward Members, the Barbican Association and the Golden Lane Residents Association, among others. Consultation would then begin in Autumn around a permanent scheme to deliver permanent air quality and public realm improvements in Beech Street. The Chair thanked the Member for his leadership on this matter and added the support and determination of the grand Committee to that of the Sub-Committee.

Another Member expressed concern that, on occasion, some residents appeared to have been more fully briefed on these matters than Members of the Sub-Committee. She stressed that this had been an emotive and divisive issue and underlined the need for full reports on this in future as opposed to oral updates. The Member went on to refer to the recently installed turn offs into carparks for those travelling from west to east along Beech Street which had been actioned in response to comments received. She understood that these would not now be retained with the cessation of the current project and the resulting increase in traffic but questioned this given the safety benefits they offered as well as the expenditure on this to date. Officers accepted the point that local Ward Members ought to be briefed in advance of these matters reaching Committee and apologised for any recent oversight here. With regard to the gaps in the central reservation, Officers clarified that these were originally closed for safety reasons but stated that it had been possible to open these whilst the experiment was in place due to the significant drop in traffic levels. These might therefore have to be reinstated for safety reasons if traffic levels increased, although Members were assured that the reinstallation could be relatively light touch so that, if possible/appropriate, any agreed future state could be quickly achieved avoiding any costly engineering works. The Chairman of the Streets and Walkways Sub-Committee stated that he would welcome further dialogue with Officers on this aspect in due course.

Another Member commented that opening Beech Street and Golden Lane to all traffic would create major new safety issues for local residents and expressed concerns that this would be contrary to the City Corporation's policy around the reduction of road traffic accidents in the City. He added that, whilst he sympathised with not doing too much to change the measures introduced through the experimental scheme, he also felt that it would be important to demonstrate all of the difficulties of the previous situation and the problems with/consequences of retaining Beech Street as an all vehicle access way. Officers commented that the safety implications of this were well understood and underlined that they were committed to improving road safety on the City's streets. The situation would therefore be very carefully monitored with the cessation of the current experimental scheme. Officers also clarified that these areas would revert back to previous arrangements as of 18 September.

A Member spoke to thank Officers for their commitment to consultation with Ward Members and local residents but underlined that his understanding that spend on this experiment to date had already been in excess of £1.5million. Officers reiterated that they would provide the Member with full details of costs in writing, including a breakdown of any costs associated with the legal challenges. Officers reported that this had been a useful experiment from their point of view and felt that it would support and inform them in moving towards whatever permanent solution was decided upon.

Another Member spoke to question why any future changes could potentially take 12-18 months to introduce following consultation in the Autumn, given that the current experiment had been introduced much more rapidly. Officers stressed that they hoped to be able to progress more quickly than this but underlined that this would be dependent on what emerged from the consultation process and whether there was a decision to move immediately to a permanent scheme or to initially move again to some kind of experimental traffic order which was the easiest way to compress timescales. Further details on timetable would be shared with Members in due course.

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

### 13. **CITY LIGHTING STRATEGY - UPDATE**

The Committee received a report of the Director of the Built Environment providing Members with an update on the Implementation of the City's Innovative Lighting Strategy from 2018 that sought to deliver a holistic and co-ordinated approach to lighting the Square Mile.

Officers introduced the report by highlighting that it covered a number of issues such as street lighting for the public realm as well as lighting inside and outside of City buildings. It was reported that this was originally something that the Port Health and Environmental Services Committee had taken an interest in as they had been keen to understand what was being done in terms of lighting in the context of the Climate Action agenda and the target for achieving net zero for emissions in the Square Mile by 2040. The report set out enhancements to the Square Mile, the success in rolling out LED street lighting in the City and also the numbers in terms of energy and maintenance savings. Officers stated that

the strategy had allowed them to ensure that they were delivering the right amount of light in the right places at the right time. They also pointed to the ability now, with modern technology, to be able to vary things such as lighting levels, timings and temperature. It had also provided the opportunity to look at localised issues and areas of crime and disorder and licensing hotspots that perhaps required additional lighting.

It was reported that a Member had corresponded with Officers prior to this meeting around the ability to adjust lighting levels to assist those such as running groups in the City after dark and, again, it was highlighted that new technology enabled Officers to address these matters much more easily.

With regard to lighting from buildings, it was highlighted that this was somewhat of an interim report as planning Officers were currently working on a planning advice note that would set out the best practice guidance for new developments. Officers reported that they were able to work with new developments as they came forward to look at reducing energy usage, ensuring that lighting was sustainable and complemented the public realm and that there were some good examples of this recently. It was highlighted, however, that some of the Officers powers were limited in terms of existing developments and that the Climate Action agenda would therefore prove useful in this respect around communicating the City's ambitions and setting out expectations on a wider level.

A Member who had previously worked on the introduction of a Code of Practice for Office lighting reported that, at the time, there had been some scepticism that an unenforced Code of Practice may not work. Whilst building managers themselves tended to be enthusiastic about having office lights correctly extinguished every evening, many found that their powers were also limited in terms of enforcing these practices with their own tenants.

A Member expressed her support for a further evening walkaround for the Committee to take place in the Autumn.

**RESOLVED** – That Members note the progress and next steps outlined in the report.

**14. DISTRICT SURVEYORS ANNUAL REPORT 2020/21**

The Committee received a report of the Director of the Built Environment updating them on the workings of the District Surveyor's Officer which reports to it for the purposes of building control, engineering services for the City's major infrastructure and to provide resilience to buildings and businesses within the Square Mile that may be affected by climatic and environmental risks.

Officers confirmed that building control had been severely affected by the pandemic over the past year with the amount of construction work being undertaken dropping off quite dramatically. Applications for here and the private sector therefore dropped by approximately 50% in comparison with normal levels. However, due to some relatively large schemes, income only fell by approximately 75%. The pandemic forced the surveying team to move to

working from home, which was achieved successfully, with new methods adopted for carrying out site inspections remotely. During the summer months, Officers had worked alongside the Health and Safety Team to develop a COVID secure site inspection regime this was still in operation now.

Members were informed that, in March 2021, building control lost three very experienced surveyors with over 100 years' service between them due to retirement. A recruitment process had been embarked upon with one new recruit set to join the team in September. It was reported that the team had now also taken on a third technical apprentice who would be starting university in September. The office therefore continued to evolve and grow its own building control surveyors.

It was reported that the engineering team continued to be extremely busy looking after the infrastructure of the City and had completed the London Bridge waterproofing works on budget and on time and had also been monitoring Thames Tideway through the tunnelling works that had now passed through the City and the new culvert at the bottom of the fleet. Officers were pleased to report that there had been no detrimental effects on any of the City's structure as a result of this work. It was reported that the team continued to work with the Museum of London around Smithfield and were continuing to do a lot of the repairs to the underground structures here.

With regard to environmental resilience, the team continued to look at risks associated with climate change and had recently presented their newly proposed Riverside Strategy and, earlier in the year, their Local Flood Risk Management Strategy to the Committee. It was reported that the team continued to progress resilience projects and embed resilience through their Climate Action Strategy work.

Finally, Members were informed that the new Fire Safety Act was currently going through Parliament and that this would change how building control operated. Royal Assent was expected in Spring 2022 and Officers undertook to update the Committee on this in due course.

The Chair praised the excellent work of the Environmental Resilience Team in particular and the development of things such as the Riverside Strategy.

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

15. **AIR QUALITY ANNUAL STATUS REPORT FOR 2020**

The Committee received a report of the Director of Markets and Consumer Protection demonstrating progress with actions contained within the latest Air Quality Strategy and presenting air quality monitoring data.

**RESOLVED** - That Members note the contents of the Air Quality Annual Status Report for 2020.

16. **OUTSTANDING ACTIONS**



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

**RECEIVED.**

**17. PUBLIC LIFT REPORT**

The Committee received a public lift report of the City Surveyor for the period 12/06/2021 – 02/07/2021.

**RECEIVED.**

**18. 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 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.

**19. 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.

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

**London Wall West**

A Member questioned whether the Committee could be informed who the client body was for this important site which covered Bastion House and the existing Museum of London. He went on to ask for information around the scope of this work and stated that he had been informed that the team had been advised by 'planners' that residential accommodation should not be considered as an option here. Given the importance attached to housing and the site location, nearby to existing residential areas, the Member asked whether Officers could clarify that this advice was given and, if so, the basis for it.

The Chief Planning Officer and Development Director clarified that the developer had instigated discussions with the City's planning team to discuss broad policy and key planning issues and scope the art of the possible on the site. He added that, as Members were well aware, the existing site was a very rich dynamic mix of uses, including the Museum, office space and retail. It was therefore the view of Officers that there was scope for a similarly dynamic mix of uses on the new site to include potentially offices, cultural uses, retail uses and residential uses. Officers did feel that this would be an appropriate site for

a residential development or the inclusion of an element of residential accommodation given its close proximity to the City's important residential communities to the immediate north of the site. Members were informed that Officers were keen to continue to explore possibilities around a richer, more dynamic mix of uses for this site with the developer although it was underlined that, if the developer were to opt to apply for an office-led development, this would not be contrary to policy.

The Member thanked the Chief Planning Officer for clarity on this and confirmation that residential use was not being discouraged by planners.

### **Radiance Studies**

A Member commented that this Committee had, for many years now, been assessing loss of light by a means not necessarily understood by many Members (BRE guidelines). However, two years ago, an expert consultant retained by the Corporation had first recommended the use of radiance studies as a tool that could be more easily understood. Despite this, the Member noted that the Committee had not yet been provided with a radiance study for any of the several applications it had considered in the last two years where loss of light had been an issue, including the one considered at its last meeting. The Member therefore asked for assurance that, when the Committee next considered an application that entailed a loss of light and for which a BRE assessment had been produced, a radiance study will also have been requested of the applicant.

Another Member spoke to state that the narrative included on this topic under the Committee's list of Outstanding Actions was entirely consistent with his recollection and the fact that Members had agreed that there needed to be further dialogue with the BRE on their possible adoption of radiance studies and what the legal position would be should they decide against this and the Committee still seek to mandate their use. The Member also felt that City Officers should be fully trained on the technique so that they were able to provide independent advice to the Committee regarding the results of any studies used in future applications.

Another Member underlined that she felt that it was important for Members to have every possible tool at their disposal when considering an application in order to fully understand the implications. She therefore questioned why this matter had not been progressed in the last two years and why developers would resist providing these if it assisted in terms of both Members and the general public understanding the true impact of their scheme.

Officers responded to confirm that they would be requesting radiance assessments from applicants for all future applications where a BRE assessment had been submitted. Members were also informed that Officers continued to discuss the use of radiance assessments with developers at the pre-application and application stage and were also in discussions with the BRE as to the emerging amendments to their daylight/sunlight assessments.

**MOTION** – The Member who had originally posed the questioned, moved that whenever this Committee considered an application that entailed a loss of light and for which a BRE assessment had been carried out, Officers will also request a radiance study of the applicant.

The Motion was seconded.

The Comptroller and City Solicitor intervened to caution that, when an application was received, there was a list of statutory requirements setting out what was required to validate it. In addition, there was also a local list which was considered and approved by Members. Under statutory requirements, Officers could not refuse to validate an application if the information requested was not referred to on either the local or statutory list. Whilst the Committee could therefore send a strong message to developers on the wish to see them provide this information, it was not currently a policy requirement.

The Member who had proposed the motion clarified that he had never suggested that the validation of a planning application should be questioned because an applicant had been asked to produce a radiance study and had refused to do so as this would clearly be illegal. However, he was calling for a radiance study to be requested for any application which involved a loss of light, and for which a BRE analysis had been produced. If a developer were to refuse this request, he was clear that this matter could not be forced as it was not an obligation. The Committee could, however, reasonably draw an inference as to why they had chosen not to provide this given that it was generally agreed that this was a useful tool.

The Chief Planning Officer and Development Director commented that radiance studies had now been requested for almost every major, relevant scheme that was now due to be considered by this Committee in the coming months and that the views of this Committee had been heard by Officers and developers. Officers also underlined that there was a big difference in terms of requiring and requesting such studies and highlighted that the VSC information was required as the BRE were the national authority on these matters and recommended a certain approach, with Officers therefore requiring developers to provide information in accordance with BRE guidelines. Any additional tools deemed to enhance Members' understanding and allow them to make a better judgement could, by all means, also be requested. It was confirmed that it was for the BRE to decide whether radiance was a useful tool and to endorse it if they saw fit through their review of national guidelines.

Another Member spoke to agree that this was clearly a useful tool and would enlighten discussions around applications. He therefore supported Officers requesting these but would not wish to push any further at this stage.

The Member withdrew his motion following the assurances from Officers that radiance studies would be requested of applicants for all future, relevant applications that entailed a loss of light.

*At this point, the Chair sought approval from the Committee to continue the meeting beyond two hours from the appointed time for the start of the meeting, in accordance with Standing Order 40, and this was agreed.*

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

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

**22. 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)**

23 & 24

25 - 26

**Paragraph No(s)**

3

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**23. NON-PUBLIC MINUTES**

The non-public minutes of the hybrid meeting held informally on 29 June 2021 were considered and approved as a correct record.

**24. GATEWAY 5 PLANNING & REGULATORY SERVICES CASEWORK MANAGEMENT SYSTEM (PRSCMS) PROJECT**

The Committee considered and approved a joint, Gateway 5 report of the Director of the Built Environment and the Director of Markets and Consumer Protection regarding the Planning & Regulatory Services Casework Management System (PRSCMS) Project.

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

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

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

Members raised issues concerning the Bastion House/Museum of London site, Pavement Licences and associated Security Concerns and Suicide Prevention in the non-public session.

**The meeting closed at 12.56 pm**

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Chair

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