

PLANNING APPLICATIONS SUB-COMMITTEE
Tuesday, 13 February 2024

Minutes of the meeting of the Planning Applications Sub-Committee held at Livery
Hall - Guildhall on Tuesday, 13 February 2024 at 10.30 am

Present

Members:

Deputy Shravan Joshi (Chairman)
Deputy Randall Anderson
Brendan Barns
Ian Bishop-Laggett
Mary Durcan
John Edwards
Deputy John Fletcher
Dawn Frampton
Deputy Marianne Fredericks
Deputy Charles Edward Lord
Antony Manchester
Deputy Brian Mooney
Deputy Alastair Moss
Deborah Oliver
Deputy Henry Pollard
Ian Seaton
Hugh Selka
Shailendra Kumar Kantilal Umradia
Jacqui Webster

Officers:

Zoe Lewis	-	Town Clerk's Department
Fleur Francis	-	Comptroller and City Solicitor's Department
Phillip Carroll	-	Environment Department
Pearl Figueira	-	Environment Department
David Horkan	-	Environment Department
Rob McNicol	-	Environment Department
Tom Nancollas	-	Environment Department
Tony Newman	-	Environment Department
Taluana Patricio	-	Environment Department
Joseph Penn	-	Environment Department
Rachel Pye	-	Environment Department
Gwyn Richards	-	Environment Department
Bob Roberts	-	Environment Department
Peter Wilson	-	Environment Department

1. **APOLOGIES**

Apologies had been received from Jaspreet Hodgson, Deputy Graham Packham, Judith Pleasance, Alderwoman Susan Pearson and William Upton.

2. **MINUTES**

The Sub-Committee considered the public minutes of the last meeting held on 26 January 2024 and approved them as a correct record.

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

Deborah Oliver declared that she sat on the Police Authority Board and would recuse herself for Agenda Item 4.

Deputy Anderson declared that he sat on the Police Authority Board. He would remain in the room but not participate in the consideration of Agenda Item 4.

Jacqui Webster and Deputy Fletcher declared interests in Agenda Item 5 and stated that they would recuse themselves for Agenda Item 5.

Deputy Fredericks declared a non-pecuniary interest in that she was a Governor at Aldgate School. She stated that she had not been a governor when the representation was sent in.

4. **MIDDLESEX STREET ESTATE, GRAVEL LANE, LONDON, E1 7AF**

The Sub-Committee considered a report of the Planning and Development Director concerning the change of use of: (i) part basement, part ground and part first floor levels of six retail units and ancillary residential and ancillary commercial areas, to provide a police facility (sui generis) and ancillary residential parking and storage areas and facilities, and (ii) part ground and part first floor levels from gym use to community space (Class F2); and external alterations including: shopfront changes, installation of plant, erection of flue and louvre treatment, works to podium level and associated landscaping including erection of garden room, associated highways works to Gravel Lane and landscaping, installation of security measures; and associated works.

The Town Clerk referred to those papers set out within the main agenda pack as well as the Officer presentation slides and an addendum that had been separately circulated and published.

Officers presented the application, highlighting that the applicant was the City Surveyor's department on behalf of the City of London Police. The City of London Police was the applicant and therefore a handling note had been prepared in accordance with the procedure.

Members were informed that the Middlesex Street Estate comprised 234 residential units, 3,819 square metres of retail space and a library. It also comprised a central podium and garden area for residents, residential blocks and a taller tower in the centre known as Petticoat Tower. There was also an existing police parking facility currently at basement level. An Officer stated that planning permission was sought for the change of use of part of the site from

ancillary residential parking and retail units to a police facility and ancillary community uses. The Officer stated that the police use was referred to as the eastern base.

Members were shown an aerial view of the site looking southwest. Gravel Lane was where the entrance to the police offices was proposed. In the centre of the site there was the podium level, which was the garden for residents. This had to be relandscaped as part of the proposals.

Members were informed that the applicant had stated that the east of the City contained significant demand for the police with nighttime related offences and had highlighted that future development of the area would increase future demand. The Officer stated that the strategic operational need in the east of the City was reinforced by the planned closure of Bishopsgate police station.

Members were informed that the applicant had submitted an operational management plan which set out how the eastern base would be operated. It confirmed that the base would be occupied by uniformed police officers who would report to the base and then go out on patrol to serve the community. There would be no custodial facilities, no police reception facility and no rapid response vehicles would be based at the site. Also, sirens would not be used when exiting the site except in exceptional circumstances. The applicant had stated this was extremely unlikely and that there would be a lower number of police officers attending the site during the nighttime.

The Officer informed Members that the operational management plan also stated that a dedicated liaison contact would be provided for residents and that the police fully recognised the sensitivity of the eastern base location and the need to avoid causing disturbance to neighbours. Compliance with the operational management plan would be secured by condition if the application was approved.

Members were shown the existing and proposed sections for the proposal including the existing police compound, proposed extended police facility and Gravel Lane frontage. Members were informed that the proposal sought to change the use of six retail units to police offices and one gym to resident facilities, which would include an estate office, a resident gym and storage facilities.

Members were informed that Officers considered there to be some non-compliance with policy due to the loss of retail as a result of the proposals, however due to the operational need for the police and the mitigation proposed to the activation of frontages through a public art proposal, Officers considered this acceptable in this case.

The Sub-Committee were shown the proposed elevation showed the public art proposal in the windows, which would be in the voids of the police offices. They were also shown the proposed works to the highway next to the police offices with new planters, bollards and a widening of the pavement. Members were also shown an image of the proposed public art to be displayed in the

voids of the previous shop fronts and they were informed that the details for this would be secured via condition.

Members were shown photographs from the Artizan Street frontage which showed the proposed entrance for the new ground floor resident cycle facilities, which would include new cycle lifts to basement level. Members were informed the previous ramp to the first floor level of the estate, was now redundant. Members were shown the proposed and existing elevations on Artizan Street.

The Sub-Committee were shown the existing and proposed elevation on Artizan Street. On the proposed elevation, due to the infilling of the previous ramp, this was considered an improvement on the existing condition. Members were shown an image of the Artizan Street elevation, showing the infilling of the ramp void.

Members were shown photographs of Artizan Street comprising the existing vehicle entrances, existing ground floor servicing entrance, existing ramp to the car park at basement level, the basement ramp and the servicing entrance. Members were informed that there would be enhanced security measures, including a barrier. Photographs of the ground floor were also shown, and these showed the informal car parking and servicing. An Officer stated that there was waste storage at this level, and the proposal sought to formalise and improve this.

The Sub-Committee were shown the existing and proposed ground floor plans. The Officer stated that the parking shown on the left of the existing ground floor plan would be formalised in the proposed floor plan and there would be two blue badge parking bays. Members were informed that there would also be new resident cycle parking facility there, waste storage and the new police parking at ground floor level, which would include higher vans and vehicles. This would connect to Gravel Lane, where the police officers would be located.

Members were shown a photo of the existing basement car park which included a metal screened area which contained the existing police compound. The proposed basement plan would switch over the existing resident and police parking. For residents there would be improved and increased cycle parking provision. There would also be the provision of electric vehicle charging and storage.

The Sub-Committee were shown a photograph of the first-floor redundant car park which could no longer be accessed as the ramps had been removed. Members were shown the existing and proposed plans for the first floor which was currently vacant space. In the proposal it would include police facilities that would link to the first floor on Gravel Lane where the offices, storage and other uses were.

Members were shown photographs and the existing and proposed plans for the podium level. They were informed that to enable insulation and waterproofing, the proposal sought to raise this level. However, step free access would be maintained on all sides. The proposal would reinstate landscaping to include

additional greening, biodiversity and flood measures. The proposal would also include a new garden room for residents.

Members were shown a number of images of the landscaping proposal and were informed that the proposal included the inclusion of an air source heat pump system and electric system, and a greening increase in area by 25%, and 30% in terms of biodiversity. There would also be the provision of electric vehicle charging, and more cycle parking, promoting a sustainable means of transport.

In conclusion, Members were informed that Officers considered this to be a finely balanced case. Officers considered that the proposal complied with the Development Plan when considered as a whole and taking into account all material considerations. It was therefore recommended that planning permission be granted, subject to all the relevant conditions being applied and a unilateral undertaking which would include ensuring compliance with the operational management plan in order to secure benefits and minimise the impacts of the proposal.

The Chairman explained that there was one registered objector to address the meeting and he invited the objector to speak.

Mr Roger Way, Chair of the Residents Association stated that in recent years, the City had approved several applications in and around the estate including the relocation of the estate office to an impractical location and discontinue the podium community hall. He raised concern about the approval of plans to install the police parking facility in the basement and stated that incidents of faulty fire alarms and the residents' extractor fans running at emergency levels had disturbed residents for hours at a time, day and night, over a number of years. He raised concern about the approval of external community heating pipe work. Mr Way also stated that in 2014, a scheme was approved to provide Petticoat Tower with a new entrance canopy and improved lighting but residents were still waiting for this. Mr Way raised concern about the approval of landscaping on Artizan Street which had resulted in planting leaking water and creating a flooding hazard in the basement. He also stated that there had been approval of the construction of a new high rise tower block beside the estate that would result in years of disruption and reduced sunlight to the estate.

Mr Way raised concern that if approved, the application for consideration would further reduce residential and public amenities, sterilise an active street and further damage residents' quality of life. He added that this prediction was shared by more than 96% of the individuals who recorded their objections to the application.

Members were informed that residents had welcomed the opportunity to be involved in a community steering group and to influence aspects of the design and implementation. They acknowledged and welcomed that the City intended to continue convening the community steering group until the project's conclusion. Mr Way requested that the applicant and the City's Housing

Officers commit to reviewing the functioning of this hybrid housing, commercial units and police base estate every five years.

Mr Way suggested a lack of foresight to plan a new headquarters off Fleet Street, close the Snow Hill and Wood Street Police Stations, close the Bishopsgate Police Station and then realise that the police would need an operational base in the east of the City. He stated that residents valued the City of London Police as an essential public service, but did not believe this proposal was in the police nor residents best interests. Mr Way stated that in planning to establish an operational base in a purpose-built housing estate, the police had pledged to be good neighbours, but when they had been asked to compromise on these designs in terms of space, proportionality or residential convenience, they had refused to engage.

Mr Way stated that the objections to the planning application had been numerous. He further stated that there remained fundamental disputes between residents and the City about the need for, and the practicality of the proposals. Objections included the creation of a multi-level podium community garden for the police's benefit, not residents, increasing congestion, traffic and pedestrian conflicts, inconvenience, having to relocate residents' vehicle and cycle parking to the basement requiring new and expensive cycle lifts.

Mr Way stated that he considered there to have been a lack of transparency and due process around the application. He stated that residents and elected Members only discovered the design including the raising of the podium three weeks after the decision was made by the Community & Children's Services Committee to declare car park areas and commercial shops surplus to housing requirements. He stated that the change to the podium had still not been formally considered by any elected Members.

Mr Way asked Members, before voting, to consider how this and previous planning decisions would affect the local community, when leaving, returning to and enjoying their homes and gardens. He stated that the residents of the Middlesex Street Estate ranged from infants to the elderly and that they varied greatly in their mobility capabilities. Some made determined but slow progress on level ground avoiding steps and ramps and using Zimmer frames in order to maintain balance. In view of this he requested a further condition requiring the applicant to maintain level access from all entrances to the podium, to the spaces that were currently accessed at that level, rather than constructing a multi-level podium.

The Chairman asked if Members of the Sub-Committee had any questions of the objectors.

A Member asked how many residential units would be affected by the application. Mr Way stated that this was approximately one quarter of the estate. He stated that residents were not objecting but were asking the Sub-Committee to make its own decision on evidence and then add a condition so that the podium did not have multiple levels. He added that every resident used the podium level because it was their garden, and it was a single level and was

currently accessible. All residents would be affected by the change to the podium level.

A Member asked Mr Way to outline the reasons why he considered his proposed additional condition necessary. Mr Way stated that his proposed condition was to retain the existing level of the podium. Raising it and having ramps and step access around meant that, for example, toddlers currently had a track they rode around the podium, but the proposed change meant they would not be able to do a complete circuit of the podium without using steps and therefore parents would be more concerned about the safety of their children. Mr Way stated that residents supported the police and would work constructively with them.

The Chairman invited the supporters of the scheme and the applicant, to speak.

Deputy James Thompson, Chairman of the City of London Police Authority Board stated that the City of London Police Estates Programme had been in operation for 15 years and he had been involved in the project for the last 9 years. He stated that when he had started as a Special Constable in the City of London Police 22 years ago, Bishopsgate and Snow Hill Police Stations were already at the end of their lives. He added that the current police buildings were beyond the end of lives and were not fit for purpose. Deputy Thompson stated that after Salisbury Square, the Middlesex Street site was the next most significant component of the Police Estates programme.

Deputy Thompson stated that the proposal would create the much needed eastern base for the city police close to Liverpool Street and Bishopsgate, one of the busiest parts of the square mile and close to two of the most important residential areas in the east of the city, Middlesex Street and Portsoken. The proposal would help regenerate the Middlesex Street Estate, as well as improve security to the site itself through physical changes, access CCTV and the police presence. It would also provide improved amenity space for residents, podium landscaping, parking, garaging, access and cycle facilities.

Members were informed that the City of London Police wished to be excellent neighbours and part of the community. The site would not be an operational hub of response officers or response vehicles and there would be no vehicles exiting with blue lights and sirens. It would be a base for local policing, ward officers and the cycle squad.

Deputy Thompson stated that nationally people mourned the loss of their local police stations. A few forces were building new ones and increasing the number of police stations in communities and these were welcomed by those communities. The presence of local policing, which this application represented, was seen almost universally as positive. He added that if planning permission was granted, he and the City of London Police senior leadership were committed to ongoing dialogue and partnership with Middlesex Street Estate residents through project delivery and throughout occupation.

Members were informed that if planning permission was not granted, the impact of finding a new site would put significant pressure and extra costs on the City Police and it would significantly damage the morale of officers and staff. Deputy Thompson stated that although he recognised that was not a planning consideration, he hoped it explained why the site was so important to the City of London Police and why they were determined to ensure they had the strongest relationship with their neighbours now and in the future. Deputy Thompson added that work had been undertaken with surveyors to ensure that this was an asset for the community and to address resident concerns. Deputy Thompson stated that he hoped Members would support the application for an important asset for the City of London Police, the City of London Corporation and communities as one that helped protect the square mile, ensuring it remained the safest business district in the world.

Commissioner Pete Doherty stated that it was vital for the City of London Police to have a presence and a base in the eastern part of the city, near Bishopsgate. He stated that the application was not just about having the space needed but also about providing the best possible service to all the residents and businesses in the City of London in one of the most busy, if not the busiest part of the City due to a very vibrant night time economy and busy transportation hubs.

Members were informed that having a presence at this site would improve the response time to the community and help deter and reduce crime in the eastern part of the City. It would also provide a closer connection and a much warmer and better integration between the police and the community in which it served.

The Commissioner stated that the City of London Police were empathetic to the concerns of residents, and had listened closely and genuinely to all of the feedback that had been provided. This had led to a decision to remove police response teams from the site to reduce disruption and noise, meaning no vehicles exiting the site on blue lights unless under exceptional circumstances. He was confident that the City of London Police continued to be a value driven organisation and pledged to be an excellent and respectful neighbour, if the application was approved and thereafter.

Mr Peter Smith from the architect, RSP, stated that he wanted to stress, as head of the design team, that the team had worked constructively with officers and residents throughout the process. The pre-application meeting took place with Planning Officers in April 2022 and resident engagement began in February 2023 with 12 meetings held prior to submission of this application. This had been followed by a further 6 meetings throughout this consultation period.

Members were informed that the submitted design was not just focused on the police accommodation, but also addressed ways to improve facilities for residents, preserve the aesthetics of the estate and provide a sustainable design solution. Consultation with residents had resulted in improvements to the basement car park to make it feel safe, bright and inviting. Increasing the current 34 permit spaces to 43 spaces would accommodate demand for visitor

and carers' parking and the current 54 cycle spaces would be increased by over 400% to 240 with new secure and accessible storage. The current ad hoc service yard arrangements were being replaced with a new managed space where bays could be pre-booked when residents and tenants were expecting a delivery. Residents also helped define the requirements for Unit 20 with the new gym facility and relocated estate management office being their preferred solution, along with adding a new community room on the podium. Mr Smith stated that working closely with residents, the designs for the podium incorporated their requests for a mix of spaces where people could meet and gather and there would be improved play facilities for children and wildlife would be encouraged.

Mr Smith stated that consultations with the Accessibility Officer had ensured that the design team had responded to the concerns about the raised area of the podium and the number of shallow gradient ramps had been increased. All four corners of the site from the stair cores were accessed by ramps, as was Petticoat Tower. The number of steps was greatly reduced.

The Sub-Committee were informed that on Gravel Lane consultations with Officers and residents had helped to introduce the concept of the new display spaces in the shop fronts for art work, local history or other community information. The development of the Artizan Street works had been progressed with Officers and residents, and would be further refined as part of any section 278 agreement if consent was given.

Mr Smith stated that residents had expressed their pride in the appearance of the estate, so the new cladding enclosures on Artizan Street had been developed with them and their preferred choice of materials was incorporated. Initial proposals for enclosing an existing refuge chute was omitted following residents' concerns and a new solution was found for concealing the route of the proposed generator flue.

Members were informed that to make the proposals more sustainable, the existing structure and fabric would be retained and reused, giving significant savings on embedded carbon, upgrading thermal performances of the proposed spaces and installing new electric heating, cooling and hot water for the police facility. This would mean it was energy efficient and would reduce operational energy and carbon. Infrastructure was being provided to encourage more sustainable modes of transport through increased cycle parking and EV charging facilities. There would be increased biodiversity using local climate resilient planting to increase urban greening and provide residents with an improved amenity space to enhance their health and wellbeing.

In his summary, Mr Smith stated that the submitted proposals responded to the concerns and feedback raised by residents and Officers and would provide major improvements to the Middlesex Street Estate, whilst also integrating an essential facility for the City of London Police to serve the local community.

The Chairman asked Members if they had any questions of the applicants.

A Member asked for clarification on who could use the podium. Mr Smith stated that it would remain entirely for use by residents. He added that as part of the works to replace the waterproofing of the roof of the police facility, the current slab of the podium would have to be taken up and as part of that the facilities for residents were being enhanced. The podium would not be used by the police.

A Member asked for clarification on whether there would be full accessibility to the podium. Mr Smith stated that it would be fully accessible and that the central section of the podium would be raised. There would be access onto it from every corner of the site via ramps that were at least 1 in 21 gradient, so they were very shallow to the point where they were not actually classed as ramps under the building regulation, they were just slopes. From whichever side of the estate residents approached the podium, there would be ramp access. From Petticoat Tower there was also ramped access. Accessibility had been reviewed with the Accessibility Officer for the City of London Corporation and the feedback was that a very slight adjustment was required to the ramps in the northwest corner. This had been implemented.

A Member asked if the applicants had addressed the specific concerns of objectors. Deputy Thompson confirmed that through the consultation, every concern had been considered and they had responded to every concern raised. He stated that the points made in the condition suggested by the objector had been resolved, that the ramped access at the lowest grade was barely noticeable. In addition, the podium height increase had been minimised to the lowest level that would achieve water tightness. The Commissioner added that noise and disruption were the main issues raised by residents. The ideal situation for the City of London Police would have been to have the base as a response base with vehicles using blue lights regularly throughout the day and evening but the police had compromised on this position and there would now not be Officers responding to emergency blue light situations from the site. Personnel and other vehicles would use the space. He stated that in this regard, the police had not only listened, but acted proactively on the feedback given and change the requirement that was initially put forward.

Mr Smith stated that any development on this site, even if not a police facility, would require insulation to meet sustainability requirements and modern building regulations. The space was designed in the 1960s as a car park and there was no insulation. The structure and ceiling height below was not suitable to insulate from below so insulation would be required on top of the slab and a change in level of the podium would be necessary. Mr Smith stated that the change in level was about 370 millimetres with gentle ramping to that over lengths of about 8 metres. He also stated that the podium was not currently level as there was a sunken garden.

A Member stated that the police had been occupying the basement car park for many years and there had been incidences of police activity disturbing residents. He gave an example of police vehicles being picked up by tow vehicles, and blocking the exits to the car park for residents with the issue not being resolved quickly. He asked what measures were in place to ensure that

when there was such an incident, that it would be dealt with far more quickly than it had been done in the past. The Commissioner stated that he was sorry to hear this and acknowledged that this must have been frustrating for residents. He stated that there were high levels of vehicle movement when the police seized vehicles from criminal endeavours and also when vehicles used to pursue and respond to emergencies, required maintenance. He added that this site would not be used to store vehicles that had been seized from criminal endeavours. Vehicles parked at the site would not be used for frequent emergency response scenarios and therefore would not require maintenance in the same way. In addition, it was hoped that by being closer to residents, if there were any issues these would be discussed and the police would endeavour to address them quickly. He reiterated that the site would not be used for the purposes that previously caused concern. The applicant confirmed a point of contact would be put in place for residents to contact with issues and these would be logged and dealt with at the highest levels.

A Member asked for more information on the public art and historical display including plans for the ongoing management to ensure it stayed fresh and vibrant.

The applicant stated that the display spaces were conceived as a location. Work had taken place with the City of London surveyors and the Destination City team. A company was being approached to effectively manage and curate that space so that it would be regularly changed. Access into the spaces was being designed to enable maintenance. The applicant explained that this was an emerging proposal and the details were required by condition and would be submitted once further work had taken place with the curators.

In response to a Member's question as to why there would be no public reception in the area, the Commissioner stated that the model being developed was in line with the different and more modern ways for the public to interact with the police i.e. digitally, through engagement, cluster meetings, pop-up spaces in the local community and making sure police were more visible locally. The building was designed as an operational base without the increased footfall that having a reception area within the building would bring.

Deputy Thompson stated that under the Police Estates Programme it was recognised that it would be desirable to have some form of counter access in the Bishopsgate area, given how busy it was. Middlesex Street Estate was not considered to be the right place for it, so further work was taking place to identify a suitable location for a police front counter space.

A Member asked about the provision of extra security on Gravel Lane to deter antisocial behaviour. The applicants stated that CCTV around the building would be significantly enhanced and the police presence should act as a deterrent. Access for police officers would be separate from any of the residential entrances, so of the six shops that were being taken for the eastern base on Gravel Lane, two of them would have live entrances for use by police personnel. Throughout the day, bearing in mind shift changes, there would be a constant police presence. There would also be CCTV coverage of the entrances and street frontage.

A Member stated that a police hub was welcomed in the eastern side of the City. She stated that an access counter would make the police more visible and enable residents to raise issues and have them resolved quickly. She stated a management plan should be drawn up in consultation with residents and Officers. The Member added that the enhancements were welcomed by residents but they were concerned about ongoing maintenance and who would be responsible for this as well as who would be responsible for the costs of servicing the new facilities. She also raised concern about vehicles leaving the building using blue lights and sirens. She asked applicants to confirm that the police facility would not impact on residents' amenities and quiet time. The applicants stated that a management plan would be in place as part of conditions and that the site would be an operational base so blue lights and sirens would only be used by exception. In addition, the Commissioner stated the importance of visibility and ease of contact and stated a formal plan was required to ensure residents could contact the police. He added that the City of London Police were in the process of publishing a new neighbourhood policing strategy to make sure they were more visible and accessible to all residents and businesses in the City. There would be more policing from the site than there had been before in this part of the City, and this was one of the benefits in having the site in one of the busiest parts of the City.

A Member commented on the significant leaking from the podium into the car park and asked if the redesign did not take place, whether the leaking would be addressed and who would pay for it. The Member also asked if the applicant could ensure the resourcing of the community gym, beyond refurbishment to cover costs such as insurance, maintenance, and cleaning.

The Interim Assistant Director for Housing and the Barbican stated that Housing Officers would work from a housing perspective with the police to put in place a comprehensive management plan and this would include maintenance. Housing would manage the residential part of the car park and the police would manage the police side. She stated that there were significant issues with the podium and water coming from it. The proposal would address 75-80% of the issues. Housing would look to fix the remaining leakage issues at the same time. The maintenance of the gym would also be included in the management plan. There was a charge each year for the maintenance of the podium and it was possible that once the works were complete and the water issues had been addressed, it could be cheaper to maintain. The Officer stated that from a housing perspective, she was supportive of the application. A Member stated that a management plan should be worked up with the department but also with leaseholders to split the cost fairly. She stated that there were some shared areas and the police would have to access the car park the same way as the residents so costs would have to be considered. The Member stated that the residents should not have to cover all of these costs. The Officer stated that there was a need in the management plan to be clear about how the costings should be split for the shared spaces and how they would be managed.

A Member asked if there would be space in the new podium garden for Members to continue the allotment style gardening currently in place. The applicant stated that they had been working with both residents and the gardening club. A visit was planned to walk around the site with residents and identify any planting that they wanted to try and retain. The gardening club used one of the garages in the basement and one of those storage areas would be retained for the gardening club. Discussions had taken place with the gardening club about adding outside taps at different locations around the podium as part of the work so that they could water and maintain the garden as currently they did not have hose coverage across the whole area.

A Member raised concerns about the lack of a police front counter for vulnerable women and girls. Deputy Thompson stated that the City of London Police were working to tackle violence against women and girls, including through a Safe Havens project, which was seeing safe havens rolled out to numerous locations across the City. A Member suggested that the public should be asked if they wanted a front counter. Deputy Thompson stated that there would be a front counter in the area but it would be in a location where there was greater footfall.

The Chairman suggested that the Sub-Committee now move to any questions that they might have of Officers at this stage.

The Chairman asked Officers whether they considered that the operational management plan would mitigate against some of the concerns that had been raised e.g. community contact and liaison and ongoing maintenance of the landscaping. An Officer stated that following consultation with residents, Officers had asked the applicant to submit an operational management plan. The applicant had confirmed that there would be no response vehicles based on the site and the plan included details about police not exiting with sirens on. There would be a dedicated contact provided for community liaison for both the operational and construction phase and this liaison was to ensure that any issues were dealt with and residents were able to report these. Officers had recommended that the scheme of protective works, which was recommended as a condition, should provide for a respite area during the construction phase and that the community steering group should continue meeting throughout the project. There was also a condition to require the applicant to comply with the operational management plan. The Officer stated that with the requirement for the applicant to comply with the operational management plan, residents' concerns would be addressed.

In response to a Member's question as to whether the operational management plan included a requirement for the ongoing liaison group set up with residents to continue, an Officer stated that a robust communications protocol would be implemented during the construction works. Post-construction, the community liaison group would continue to meet regularly with residents. The Officer stated that the applicant had shared a dedicated e-mail and telephone number for residents to raise any concerns and that the plan stated that the force would regularly undertake local meetings with residents, including cluster meetings

with the Middlesex Street State, engagement with community policing officers via local patrols and other meetings.

A Member asked whether the applicant could be encouraged not to undertake noisy work on Saturdays or if possible, not undertake any works on Saturdays due to the amount of disruption the work would cause to residents. An Officer stated that the approval of the scheme of protective works sat with the pollution control team, which fell under environmental health. She stated that it would not be possible to give that guarantee as there were many works that were required to be undertaken on a Saturday, in terms of unusual vehicle movements and large loads coming in e.g. crane lifts. She added that Officers would work with the applicant to ensure that all mitigations were put in place and it would need to be over and above the existing code of practice, given the proximity of residents.

In response to a Member's question, the Officer stated that in the current code of practice, the issue of respite areas was not explicitly addressed. Due to the proximity of the residents, quiet respite areas would be provided away from the noise.

A Member raised concerns about construction noise and stated that there was a heavy concentration of residents in the area including school children and elderly people. She asked if a condition could be added stating that there could be no Saturday or weekend working and stated that a construction programme could be built around not working at weekends. An Officer stated that there were a number of safety and engineering reasons why weekend working was sometimes required. Applying a condition requiring no weekend working would severely hamper the build and make it almost impossible to do. Officers could though ensure any works undertaken at weekends had to be completed then.

A Member asked if there was a waiting list of applications for the residents' parking bays. An Officer stated that she was not aware of any waiting lists for car parking at the estate. She clarified that there would be a reduction of 24 car parking spaces for residents of this site. There were currently 34 parking permits issued. 43 car parking spaces including blue badge were proposed as part of the application which was in excess of the permits that were issued at present. The maximum number of vehicles parking during the survey was 43.

Seeing no further questions, the Chairman asked that Members now move to debate the application.

A Member stated that the podium being raised by 300mm and the installation of air source heat pumps under acoustic shrouds so they would not be heard, represented a good example of complying with the climate change policy and a retrofit first policy. He stated that the designers had found an elegant way of raising the podium, putting in insulation and installing a ramp system. In relation to concerns raised by residents, he stated that more should be done to explain to the public that in order to help address climate change and reuse buildings, compromises such as the risen podium were necessary. He suggested that the public should be invited to a demonstration of an air source heat pump working

under an acoustic shroud to reassure them that they would not be able to hear it. He stated that more work should be done to outline what the City of London Corporation was trying to achieve in its Climate change and retrofit first policies.

The Chairman requested that Officers should provide Members data and information on emerging technologies to help inform Members' debate at Planning Application Sub-Committee meetings.

The Chairman thanked Helen Fentimen for the work she had done to bring the community together on this project over the past few months. He stated that this gave him confidence that community engagement would continue. He stated that it also provided an opportunity to learn from this example and require this level of community engagement and involvement in applications going forward.

A Member stated that this application was in his ward and he had been involved in discussions about how to use the empty space in the Middlesex Street Estate for over a decade. He stated the proposal would provide an estate office, a gym, a repaired and refurbished podium, more CCTV, secure cycle parking, a refurbished Artizan Street frontage, new car park gates, better car park lighting and painting, electric vehicle charging points, a garden room and an enhanced police presence in the area. He stated that although there were drawbacks and the proposal would need to be well-managed, the benefits far outweighed the drawbacks.

Having fully debated the application, the Committee proceeded to vote on the recommendation before them.

Votes were cast as follows: IN FAVOUR – 15 votes
OPPOSED – None
There was 1 abstention.

The recommendations were therefore carried.

Deputy Pollard who had left the meeting, Deborah Oliver who had recused herself and Deputy Anderson who had declared an interest, did not vote.

RESOLVED -

1. That the Planning and Development Director be authorised to issue a decision notice granting planning permission for the above proposal in accordance with the details set out in the attached schedule, as amended by the addendum, subject to:
 - a. the City Corporation as landowner giving a commitment (through a resolution or delegated decision) that it will comply with the planning obligations in connection with the development; and
 - b. a unilateral undertaking being executed in respect of those matters set out in the report, the decision notice not to be issued until the commitment/resolution has been given and a unilateral undertaking has been completed.

2. That Officers be instructed to negotiate the unilateral undertaking.

5. **PORTSOKEN PAVILION 1 ALDGATE SQUARE LONDON EC3N 1AF**

The Sub-Committee considered a report of the Planning and Development Director concerning the retention of a change of use of the premises from the lawful permitted use as Class E(b) (restaurant) to Sui Generis (drinking establishment) use.

The Town Clerk referred to those papers set out within the main agenda pack as well as the Officer presentation slides.

Officers presented the application and stated that planning permission was being sought for the change of use of the Portsoken Pavilion located in Aldgate Square from the Class E Cafe restaurant to a drinking establishment with a substantive food offer. There were no physical works to be carried out or under consideration and the use was already in place. As such, the permission was being sought retrospectively.

The Officers highlighted that the site was located to the north of Aldgate Square, within the existing pavilion building, which was constructed as part of the wider gyratory remodelling granted planning permission by the Planning and Transportation Committee at the beginning of 2015.

Members were informed that the western edge of the square was Aldgate School and to the east was St. Botolph without Aldgate Church. Representations had been received from both the church and 15 members of the public raising concerns including the loss of the previous use, anti-social behaviour, public safety and impacts upon the community. Officers had taken the comments received into account and in response to the representations received, restrictive conditions had been agreed with the applicant to limit the hours customers would be able to spill out into the wider area. Objectors were further notified following these agreements with the applicant. Three responses were received and were detailed in the Officer report. Further responses were received from two members of the public and one from the neighbouring church.

Members were shown a ground floor plan which included the bar and seating area and accessible toilet. Members were informed that the external seating area was provided through the grant of a pavement licence. Members were shown a basement level plan which included the kitchen, cellar and additional publicly accessible toilets. Members were informed that the applicant had agreed by way of condition that the toilets were part of the city's community toilets scheme and publicly accessible without charge or the need to purchase, during operating hours.

Members were shown a photograph of the pavilion from the northeast with the school behind it and the church to the left of the image, and an image from the southwest in which the square could be seen as being fully open to the public with pre-existing seating and bin provision.

Members were shown a photograph of the pavilion taken in January 2024, with the existing outside seating as consented through the associated licence. They were also shown a photograph of the entrance to the bar and the toilets, which was located in the west of the building.

The Sub-Committee were shown a photograph from within the square and the fountain area, which would continue to be unhindered by the seating area. They were shown a similar photograph taken from the west. Members were shown a further image showing the use as of May 2023 taken at about 5:30pm from the west of the square.

The Officer informed Members that a management plan had been submitted following the initial objections that were received and the applicant had advised that this was already being implemented throughout the square. The plan included the applicant and the operator of the bar regularly collecting customer glasses as well as general cleaning and the collection of bottles and cans brought into the square by other users of the public space. Staffing levels had been increased during busier times.

Members were shown a photograph provided to Officers by Reverend Laura Jorgenson, an objector to the application, showing activity within the square in late June 2023. The Officer stated that whilst it was recognised that the overall use of the square had increased with the introduction of the bar, footfall in the City had also increased over this time. The Officer added that to mitigate concerns, conditions were proposed that would limit spilling out from the premises other than to the areas specifically licenced for such purposes, namely the seating shown, before 5.30pm Monday to Friday during the school's term time.

The Sub-Committee were informed that following complaints about large crowds within the square, colleagues from the licencing team had inspected the site on 7 occasions in June and July 2023, when the use of the square was at its busiest, and they did not find anything of note with regards to antisocial behaviour or obstruction. They had advised that, following the provision of guidance to the premises management on how best to manage outside drinkers, no further complaints had been received by them.

Members were shown a map of nearby areas within an approximate 200m radius of the site and a further map, showing bars, pubs and also other premises licenced to sell alcohol within the same radius.

In summary, the Officer stated that the site was in a busy and lively area of the City and contributed to the vibrant and dynamic area. He stated there were many retail outlets in the immediate area, including five drinking establishments within 130 metres of the proposed site and 7 within 200 metres. He added that this would increase to 8 when The Ship pub was reinstated after redevelopment. As such the proposed use was not considered to be out of character with the location. The proposed change of use to a drinking

establishment was considered acceptable and it was recommended that the Sub-Committee grant planning permission subject to the conditions proposed.

The Officer stated that in particular; Condition 1, that would prohibit outside drinking before 5:30pm Monday to Friday during term time, and then only within the area approved under the associated pavement licence; Condition 2 that this activity should cease and all tables and chairs be removed, should the licence be revoked at some point in the future; Condition 3 that the premises would only operate under the approved management plan that was subject to a first anniversary review by the Planning Officers and subsequent revisions as required as may be seen fit by the Corporation; and Condition 4 to have membership of the community toilet scheme within three months of planning permission being granted. Other conditions had been imposed with regards to noise and disturbance and environmental health requirements as set out in the Officer report. The Officer stated that on this basis, Officers recommended that planning permission be granted by Members of the Sub-Committee.

The Chairman explained that there was one registered objector to address the meeting and he invited the objector to speak. Reverend Laura Jorgensen stated that she was attending as Rector of St Botolph's on behalf of her congregation, as a school governor on behalf of Aldgate School, as a parent of children at Aldgate School and on behalf of Wynn Lawrence, another parent. Reverend Jorgensen stated that from the inception of the public realm project to create Aldgate Square, its first objective had been to create attractive, inviting and comfortable spaces that were destinations in their own right, and stated that account must be taken of the needs of the variety of users from the community, including children and parents, workers, residents and visitors using the spaces at different times of the day. Members were informed that the opening of Aldgate Square in 2018 was transformative. The square was enjoyed at different points of the day and evening by a broad cross-section of people, including Aldgate school, residents of Middlesex Street, Mansell Street Estate, office workers, construction workers and tourists. Reverend Jorgensen stated that as the largest public square in the City, it quickly became a place for the community to gather, for children to play in the fountains and had the only grass many children, including her own, ever played on freely during weekday evenings.

Reverend Jorgensen stated that since the opening of the Portsoken Pavilion as a bar, there had been a different feel to the square. She raised concerns about the diminution of Aldgate Square as a community space, a loss of amenity of public toilets, noise from loud music, antisocial behaviour and particular concerns about the interface between children and drinkers and stated that the square was no longer a family friendly space. She raised concern about drinkers being prioritised over providing space for families, elderly residents and tourists to enjoy.

Reverend Jorgensen raised concern about who would manage the sharp interface at the eastern and western points of the pavilion, where drinkers, children and others stood or passed by in close proximity and when the barriers narrowed the path by a considerable margin for buggies and wheelchairs.

Reverend Jorgensen suggested that there might be a different outcome to the discussion about change of use if it had been taken place before the lease was awarded to the current operator in 2022.

Reverend Jorgensen raised concern that the public toilets deemed necessary to the original scheme were now closed at weekends and every morning. She stated that many people including children and people whose faith meant they did not drink, were reluctant to use them. She added that in addition, children could now not play freely in the previously very popular play fountains when surrounded by adults drinking.

Concerns were raised about the costs to build the pavilion and the public realm project as a whole and just one business taking the majority of the enjoyment of the square in warm weather, with vertical drinking taking place and no space for others after 5:30pm. It was also stated that there were other bars with outdoor spaces in very close proximity to the square.

Reverend Jorgensen stated that the change of use did not take into account a variety of users. There were many people who lived and worked and passed through this vibrant and diverse area. She stated that by granting this change of use, Aldgate Square would never reach its potential as an open space for all.

The Chairman asked if Members of the Sub-Committee had any questions of the objectors.

A Member thanked the objector for providing up to date photographs. She asked if the objector considered that the bar was managing itself proactively. She also asked whether the objector considered the situation would improve or deteriorate if the premises remained as a pub. Reverend Jorgensen stated that all through the summer the square was full of people and children could not play freely. She stated that she had had several conversations with the bar owner and they had put in place measures which were appreciated, but they were not going to turn away people from their business in the summer. She stated that many of the issues related to the sheer numbers of people using the space.

In response to a Member's question referring to the lack of complaints since the measures had been put in place, Reverend Jorgensen stated that people did not know how to make formal complaints and many people had spoken to her or complained on parents' Whatsapp groups. She raised concern that she was not written to about the proposed change of use and only happened to see a poster after the consultation date had expired.

A Member stated he understood the concerns raised but expressed concern that the lack of formal complaints meant there were no formal numbers to consider. He stated that the City was evolving and as part of Destination City, changes were being made and working together was important. Reverend Jorgensen stated that she spoke to her ward councillor and other Members. She had not considered that she would be asked to provide numbers but she had observed that children no longer played in that square and she wanted people to enjoy the space as they used to. She stated that she was not saying

that objectors wanted to exclude certain people, but they were asking not to include just one group.

A Member stated that he understood that a condition would be put on the licence such that the patrons of the drinking establishment would be excluded from the use of the park until 5:30pm and would only be allowed in a confined space so there would not be an interface between children and drinkers, unless the children were playing after 5:30pm. He asked to see a plan of the space. On the plan shown, Reverend Jorgensen highlighted the school entrance and stated that patrons did not currently stay in the small area. The Member stated that if the condition was applied, they would be obliged to. He asked if this addressed concerns. Reverend Jorgensen stated that many children wanted to play beyond 5.30pm, especially in warm weather and that people drinking came out into the space near the play fountains and did not just use the area where the tables and chairs were positioned.

The Chairman invited the applicant to speak but the applicant was not in attendance.

The Chairman suggested that the Sub-Committee now move to any questions that they might have of Officers at this stage.

The Chairman asked Officers to outline the previous licence conditions on the premises that closed in 2020, the licence conditions on the proposed premises and the situation regarding people drinking in public in the City. An Officer stated that the planning and the licencing regimes were separate regimes. The licencing regime was specifically about promoting the four licencing objectives of public safety, public nuisance, protecting children from harm and crime and disorder. The licencing regime was set up to be permissive, so unless there was an objection to an application which would then be determined by a sub-committee, the licence application was granted. The licence for the previous premises was first granted in 2018. It operated as a coffee and cake shop with alcohol ancillary to that. They closed down in 2020 and that licence was then transferred in late 2022, almost as it was, so the conditions on the licence were the mandatory conditions, including having a designated premises supervisor available at the premises. There was one additional condition which related to CCTV, but because it did not go to a sub-committee, there were no additional conditions attached to the licence.

The Officer stated that in relation to drinking in the City, there were no prohibitions on drinking in the square mile. Some boroughs were dry boroughs and had public space protection orders preventing alcohol being consumed but the City had none, so there were no restrictions on buying alcohol, opening it and drinking it.

A Member commented that the report stated that conditions were proposed that would prevent spilling out from the premises other than to an area specifically licenced for such purposes before 5:30pm Monday to Friday. He asked Officers to clarify where this area was on the plan and asked how this condition would work in view of there being no way to stop people from drinking in the square

mile. The Officer confirmed that the area was approximately the area where the tables and chairs were located. The Officer confirmed that people could visit the square and drink under the existing regime. The Officer added that it had been agreed with the applicant to prohibit drinking beyond the delineation approximately before 5:30pm Monday to Friday. The Officer stated she did not have an image with the red line marking the outline of the licensed premises but stated the structure of the building was under the premises licence and the pavement licence ran up until September 2024.

A Member commented that the original planning application was for a café/restaurant which would provide amenities including toilets for people in the area and enhance the use of the public space. The use would also be enhanced by the use of the area adjoining the pavilion with ancillary external seating. The Member stated that Aldgate Square was intended to be a community facility for mainly the school and the residents in Middlesex Street and Mansfield Street and it was clearly set out that it would be a café/restaurant and this was granted by the Committee. She added that there had been an obvious change of use and asked why enforcement action had not been taken against the change of use. The Officer stated that the sequence of events was regrettable and that the Planning Department became aware of the change of use at the end of 2022. An enforcement investigation was undertaken and that had resulted in the current planning application being submitted. Local Planning Authorities were obliged to give applicants the opportunity to apply retrospectively for planning permission. He added that if the decision was overturned, this could reopen enforcement action.

A Member asked for clarification on the definition of substantial food. The Officer stated that there was not a specific definition but a food offer would be required and this was not just a drinking establishment. The Officer stated that the previous cafe /restaurant did have alcohol consumption on the premises and the licence did allow for offsite sales of alcohol to take place. The current business was operating on the same licence.

Officers were asked to what extent they considered that the antisocial behaviour outlined by the objector was a consequence of people drinking at the establishment as opposed to people bringing drinks from elsewhere into the square or having arrived at the square inebriated from another venue. The Officer stated that several visits were undertaken in the Summer of 2023 at different times of the day and night, with many visits being at the busiest times. No anti-social behaviour was observed. Members were informed that if there was evidence that customers were undertaking anti-social behaviour, there were strong powers under the licencing regime to review the licence. Members were informed that there was a good management plan in place, there was active glass collection and monitoring and management of the spaces being used.

A Member asked what the pavilion would be used for if planning permission was not granted. An Officer stated that the lawful use of the premises was that granted by the committee in 2015, which was a café/restaurant. He added that

if planning permission was refused, the use would revert to that lawful use, notwithstanding any opportunity for the applicant to appeal that decision.

A Member asked how the 5.30pm restriction would be enforced. An Officer stated that this would be secured by a planning condition. If the planning division received complaints that this was being undertaken before 5:30pm, investigation and possible enforcement action would be taken.

A Member asked why the premises would have 3 months to join the community toilet scheme as opposed to being required to join immediately. The Officer stated that the wording could be revised to require them to join immediately.

A Member asked for further details on the policies in relation to the protection of the open space and how that interacted with the proposed use. This Officer referred to the local plan and development plan as outlined in the Officer report. He stated the space was utilised for drinking and gathering and this had been well established.

A Member commented on the references to the licensing regime and stated that there should be clarity on the plans about the area licensed. He stated that the Sub-Committee should make a decision in its own right and not by reference to the licensing regime. He also stated that there appeared to be some off-licensing provision and that if there was just an on-licence, there was control over where people drank and took their drinks. He asked if it was possible to mark out the line where people could go and could not go. An Officer stated that this application had been considered within planning terms but with due regard to an existing licence and the pavement licence for the tables and chairs. He stated that the wording of the conditions recognised that there was a delineation and a containment of those tables and chairs, and they should be contained within that area.

In response to a Member's query about the rationale for the time restriction for spilling out, the Officer stated that before 5:30pm Monday to Friday, there were sensitive neighbouring receptors in terms of amenity and users, including the school and it would not be appropriate for the bar to spill out beyond the agreed seating area into the public space. Beyond that, there was a transition to a nighttime economy. Officers considered 5:30pm to be the time that the amenity impact would no longer be to the same extent.

Members agreed to extend the meeting in line with Standing Order 40.

In response to a Member's question about on-sales and off-sales, the Officer stated that the licence permitted on-sales and off-sales and there were no further conditions on the licence to limit where off-sales could be consumed. The Officer stated that if a review was undertaken, additional conditions could be applied to prevent people taking drinks away and drinking them in that locality, but these could only be applied through a subcommittee review hearing. Members were informed that the City of London was not a dry borough and did not have a public space protection order for any day other than

marathon day and so there were currently no restrictions on people buying alcohol and drinking it in the park.

An Officer stated that a management plan was secured through the planning process. This went beyond the licencing regime and gave due regard through the planning system and the amenity and protection of the wider space. He stated that there was an imposition upon the applicant with their agreement and Officers understood that it had been successful since its implementation in the summer of 2023.

A Member raised concern that that conditions would be unenforceable, especially as people could buy and drink alcohol in the square. She added that many children would still be playing after 5.30pm.

A Member raised concern that this premises was essentially a pub which was operating close to the school entrance and asked if this would be considered by the Licensing Committee. An Officer stated that the matter under consideration was planning permission for the change of use of the building. He stated that conditions had been agreed in terms of hours of operation for the outside seating and activity and the management plan had been secured. He added that planning permission was not being sought for the wider square and the licencing regime was a separate regime. It had been discussed at the meeting so that Members were aware of the background of the matter and the restrictions and allowances that were in place. The Officer added that Members were being asked to grant planning permission subject to the conditions set out for the change of use of the pavilion itself.

Members were informed that Officers were content that the conditions had been applied, responded positively to the comments that had been received and concerns raised by the local and wider community. The Officer stated that the management plan would improve the situation in terms of the management and functionality of the square and the hours restriction would protect the amenities of local communities, residents and stakeholders, in particular the school. The Officer stated that the licencing regime was an entirely separate matter. Members were informed that the proposed change of use was considered to comply with the development plan as set out and subject to the conditions that had been set out in the report, the proposal should not have an undue impact on the amenity of those concerned.

Seeing no further questions of Officers, the Chairman asked that Members now move to debate the application.

The Chairman stated that the debate should focus on planning and not licensing matters but it was useful to have received information on the licensing regime in order to have a holistic picture. The Chairman commented that both planning and licensing conditions were enforceable. He stated that there had not been any police complaints or other complaints raised from a planning perspective. He also stated that if there were licensing concerns in the future, they could be addressed through the licensing regime.

A Member stated that the pavilion scheme was a £20 million scheme which removed the gyratory and brought the school and the church together in a community space. The square provided a space for the residents and a key part of the offering was a community café/restaurant, which was a social enterprise that would employ local people and give back to the community. The space was designed with much consultation to ensure the children from the school and the local area could play. The Member stated that play water fountains were included as part of the design and the grass was sloped so children could roll down the space. The Member stated that unfortunately the social enterprise failed during the pandemic. The Member also stated that when the unit was remarketed there were a number of people who put in for cafe use and that the operator and may not have understood planning requirements of a café/restaurant. The Member raised concern that people spilled out of the premises and that drinkers stood in the area the fountains were in so the fountains could not be turned on for children to play in them. She stated that this was not what was intended when the scheme was implemented, and the atmosphere of the open space had changed. She stated that it was not right that children would not be able to play after 5.30pm when the premises could spill out. She stated that there were not many places in the City of London where children could play and this space was designed for them. The Member stated that the pavilion would not fail if the premises closed down as there were others willing to open a café in the space.

A number of Members stated that they were not in support of a pub in an area where children played and which was close to the entrance of a school. A Member stated that there were other premises nearby where people could drink, but there were no other local spaces for the community.

A Member stated that there were lots of local families in the area without outside spaces or balconies and they should not have to leave the park at 5.30pm.

A Member stated that many people would not feel comfortable entering the pavilion to use the toilets which would be part of the community toilet scheme.

A Member raised concern that the food being provided was not a substantial offering. Another Member stated a pizza menu had only recently been uploaded to the website and he had been unable to book a table for a meal when he had tried.

A Member stated that whilst he acknowledged that Officers had worked to mitigate impacts e.g. through the management plan, he did not agree with the principle of granting permission.

A Member stated that there were issues with how the City of London Corporation, as landlord, wished to sculpt the public space. There were also issues in relation to the planning authority and what should be done from a planning perspective. There were also issues from a licensing perspective. The Member stated that from a planning perspective, he did not consider there to be a reason people could not enjoy a drink with friends in the park. He stated that

from a licensing perspective, it appeared that most of the concerns were with the specific operator and with specific instances e.g. of anti-social behaviour and he considered that these could be dealt with through enforcement and planning and licensing conditions.

The Chairman stated that the site was not in isolation in Aldgate; there were many licensed premises close to the school and the church that existed and operated in a well-enforced manner and the area was renowned for its vibrancy,

A Member raised concerns about people with pushchairs or in wheelchairs being able to get past people drinking in the space.

A Member suggested that in the future, consideration could be given to putting public space protection orders in place.

A Member stated that the square was specifically designed as an open space and suggested that if an application had been submitted for a pub in the consultation phase, it would not have been passed. She stated that consultees had been listened to and the scheme had been designed accordingly. The Member stated that if this planning permission was now granted, it would change the space.

In response to a Member's question, an Officer stated that the planning application sought planning permission for a change of use to a sui generis drinking establishment, and therefore it would cease to be a café/restaurant if the planning permission was granted.

Having fully debated the application, the Committee proceeded to vote on the recommendation before them.

Votes were cast as follows: IN FAVOUR – 2 votes
OPPOSED – 11 votes
There was 1 abstention.

Deputy John Fletcher and Jacqui Webster did not vote as they had recused themselves. Deputy Brian Mooney, Deborah Oliver and Deputy Henry Pollard did not vote as they were not present for this item.

The Chairman reported that, with the majority having refused the application, it was now important for the Sub-Committee to register their reasons for this. The Director of Planning and Development stated that Officers had been following the debate and it was clear there were concerns in relation to the use and the character of Aldgate Square, especially due to the proximity to the school, and the impact on amenity. He recommended that Officers prepare a report detailing reasons for refusal reflecting the Committee's discussion, for approval at the next meeting. A Member stated there were other reasons in policy including the improvement of the Aldgate area given the challenges, improving the open spaces, biodiversity and activity which could also be included.

RESOLVED – That the application be refused, and that Officers be instructed to prepare a report detailing reasons for refusal reflecting the Sub-Committee’s discussion for submission to the next meeting of this Sub-Committee for formal approval.

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

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

RESOLVED – That the report be noted.

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

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

RESOLVED – That the report be noted.

8. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**

There were no questions.

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

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

The meeting ended at 12.50 pm

Chairman

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