

Committee: Planning and Transportation Committee	Date: 9 July 2019
Subject: Dark House Walk city walkway alteration	Public
Report of: The Director of the Built Environment	For Decision
Report Author: Craig Stansfield, Transport Planning Manager, Department of the Built Environment	

Summary

The City has granted planning permission 18/01105/FULL for a pavilion for café, restaurant and bar uses on the Riverside Walkway at 10 Lower Thames Street (Dark House Walk). Implementation of the planning permission would require altering the Dark House Walk city walkway so as to exclude from the city walkway the area needed for the pavilion and its external private seating. The two regimes are distinct and different and one does not pre-determine the other. The pavilion would serve to enliven the Riverside Walk in accordance with the City's *Riverside Walk Enhancement Strategy* without compromising the pedestrian movement function of the city walkway and would deliver enhancements on the city walkway. The alteration of the city walkway is therefore recommended to your Committee to resolve.

Recommendations

Your Committee is recommended to:—

1. resolve to vary the resolution of the Court of Common Council made on 25 April 1991 by making a resolution in the form appended to this report as Appendices 2A and 2B; and

delegate to the Transport Planning Manager authority to insert into the resolution an appropriate date for the coming into force of the variation.

Main Report

Background

1. On 25 April 1991 the Court of Common Council resolved to declare a new city walkway, being part of the Riverside Walk at 10 Lower Thames Street, EC3R 6EN, and this declaration was made on 5 July 1991. The city walkway is shown on the city walkway declaration plan **attached** to this report as Appendix 1: C.W.D.P.4–91 (R. 789).
2. The city walkway was named “Dark House Walk” on 1 February 1993.

3. A report on the variation of the City Walkway Declaration of 1991 was deferred from the Planning and Transportation Committee meeting of 24 May 2019, for clarification of the grounds for the recommendations and for further details about the proposals. This report provides the additional information sought at the 24 May Committee meeting.

Current Position

4. On 19 February 2019 planning permission 18/01105/FULL was granted, under delegated authority, for the erection of a café/restaurant/bar (class A3/A4) pavilion and associated public realm improvements to part of the quayside walkway adjacent to 10 Lower Thames Street, EC3R 6EN. The delivery of the Riverside Walk improvements was secured by condition. The implementation of the pavilion would necessitate altering the Dark House Walk city walkway so as to exclude from the city walkway the area required for the pavilion and its external private seating. The land on which the city walkway is located is owned by the owner of 10 Lower Thames Street. The planning permission cannot be implemented without the variation of the city walkway and the two regimes are distinct.

Proposal

5. Appendices 2A and 2B to this report set out a form of resolution to effect the variation of the city walkway resolution made on 25 April 1991 so as to exclude from the city walkway the area needed for the pavilion and the external private seating area permitted by planning permission 18/01105/FULL.

Considerations: City Walkway Widths

6. The proposed variation to the city walkway would exclude from it an area that is 29.78 metres in length and of variable depth, but principally of a depth of 7.84 metres, as shown on the city walkway alteration plan **attached** to this report as Appendix 2B. The total area of the area excluded from the city walkway would be approximately 219.7 square metres.
7. The excluded area would reduce the width of the city walkway over the length of the pavilion to approximately 10.7 metres, being 9.89 metres at its narrowest point, to the west, and 11.68 metres at its widest point, to the east. This is narrower than that part of the Riverside Walk immediately to the west, i.e., Grant's Quay Wharf, but is much wider than the general width of the Riverside Walk, both across the City and in this location around London Bridge, which includes Fishmongers' Hall Wharf, Fish Wharf, Old Billingsgate Walk and Custom House Walk. This can be seen on the inset "LOCATION PLAN" (scale 1:1000) at the top of the city walkway alteration plan **attached** to this report as Appendix 2B. Old Billingsgate Walk is immediately to the east of Dark House Walk and is the widest of these city walkways in this location around London Bridge other than Grant's Quay Wharf. It is 4.01 metres in width, i.e., approximately 40% of the width of the Dark House Walk city walkway at its narrowest point if it was altered so as to exclude the area of the pavilion (i.e., 9.89 metres). As such the city walkway width including the

pavilion would be comparable or greater than other stretches of city walkway in the area.

Considerations: Public Dwell Space and Public Circulation Space

8. City walkways, as well as being public rights of way, may “include or comprise any public circulation space or precinct” (section 5(3) of the City of London (Various Powers) Act 1967) providing public dwell space and public circulation space as well as space for the public to pass and repass along the Riverside Walk. This additional width to the city walkway at Dark House Walk is currently landscaped with planters and seats.
9. As set out at paragraph 6., a narrowed Dark House Walk would remain of ample width for the pedestrian demand along the Riverside Walk. The principal consideration in terms of city walkway is whether or not the alteration of the city walkway would detract from Dark House Walk’s function as a public dwell space and public circulation space. In granting planning permission for the pavilion and its external private seating officers’ judgement under delegated authority was that it would enhance Dark House Walk in planning terms. In considering the proposal to vary the city walkway, officers have concluded that the city walkway proposals would not detract from the function of Dark House Walk as public circulation and dwell space. There are a number of factors that combined to lead to this view, as set out *below*.
10. The pavilion and its café/restaurant/bar (class A3/A4) uses would act as a destination and enhance this part of the river front bringing additional people to the Riverside Walk in general, and to Dark House Walk in particular, including at times, such as in the evenings, when the Riverside Walk can often lack activity and animation, which can lead people to avoid it, both because of a lack of inherent interest when it is underpopulated and because of concerns about personal safety when there are few other people around. There are no adjoining residents to disturb.
11. This concern to enliven and animate the Riverside Walk is one of the main objectives of the City’s *Riverside Walk Enhancement Strategy* (January 2015), which sets out that:—

A vibrant and cohesive Riverside Walk: *Much of the Riverside Walk’s land is privately owned however, encouraging new developments to provide a spacious, accessible and better connected Riverside Walk would assist in the creation of a cohesive and continuous walkway. New developments also provide the opportunity to increase active uses and owners should be encouraged to provide cafés and restaurants along the Riverside Walk, adding to its vibrancy and helping to develop it as a destination. Other elements such as appropriately located public art, play areas and event spaces would further enhance the Riverside Walk. However the provision for such active uses will need to take into account the need to provide quiet areas for residents.*

12. The City of London Local Plan 2015 similarly sets out that:—

Core Strategic Policy CS9: Thames and the Riverside

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2. *Ensuring that buildings and spaces on or near the riverside contribute to sustainable economic growth and further the aims of the Riverside Walk Enhancement Strategy, particularly through:*

.....

- (iii) *improving the vibrancy of the riverside by encouraging a mix of appropriate commercial uses and promoting office-led commercial development, whilst preserving privacy, security and amenity for residents, businesses and other stakeholders;*

.....

13. The Draft City Plan 2036 sets out that:—

Strategic Policy S19: Pool of London

The Pool of London Key Area of Change will be regenerated through the refurbishment and redevelopment of building stock and the delivery of significant public realm improvements:

.....

2. *Requiring and encouraging increased vibrancy and active frontages at ground floor level, through the provision of publicly accessible retail, leisure and cultural uses on the river frontage. New publicly accessible roof terraces and spaces will be required, where they offer good river views and do not impact adversely on the amenity of occupiers or nearby residents.*

14. The proposals also include associated public realm improvements. These include planters and public seating that have been designed in conjunction with the City Public Realm Section to ensure that Dark House Walk provides a more welcoming and inclusive environment than the existing landscaping does, and these enhancements would be fully paid for by the landowner as part of implementing the planning permission. As a result, a higher quality and more accessible public dwell space and public circulation space would be created at no cost to the City. The final details of the proposed landscaping scheme are being worked through by the developer in conjunction with the City Public Realm Section in the Department of the Built Environment and the City Gardens Section in the Department of Open Spaces.
15. The external private seating associated with the pavilion would serve to enliven the area by attracting additional users to Dark House Walk without creating confusion with the public seating associated with the planters through carefully differentiated design of both types of seating. The private seating

would be restricted to a band 2.4 metres in depth immediately in front of the pavilion and the seating would be restricted from being moved about and, in particular, moved out into the public realm, through the provision of a row of timber bollards that would be integrated into the design of the pavilion. This would leave a further band of 2.4 metres of public circulation space between the timber bollards and the nearest proposed planter, which includes public seating. This is a greater width of public circulation space than is provided at present to access the courtyard-style seating area within the planters of the existing Dark House Walk landscape design.

16. It is your officers' view that, on balance, the proposed pavilion enhances Dark House Walk as a public dwell space and public circulation space and that its benefits, particularly in terms of enlivenment of the Riverside Walk, outweigh the disbenefits of excluding from the city walkway the area required to erect it.

Corporate and Strategic Implications

17. Alteration of the Dark House Walk city walkway so as to exclude from the city walkway the area needed for the pavilion and its external private seating would allow the pavilion to be built. This would assist in meeting the *Corporate Plan 2018–23* high-level actions to "Provide world-class spaces for businesses and markets to thrive" (10.a.); "Curate a vibrant, attractive and complementary blend of uses of space" (10.b.); and "Create and transform buildings, streets and public spaces for people to admire and enjoy" (10.c.).

Implications

Financial Implications

18. The alteration of the Dark House Walk city walkway is not anticipated to have any financial implications other than the costs of placing in *City A.M.* notice of the passing of the resolution altering the city walkway and the costs of the officer time in preparing this report and the notification.

Legal Implications

19. Wording for the resolution is included in Appendix 2A for your Committee's approval. If the resolution is made, notice of the resolution describing the variation must be published in one or more newspapers circulating within the City and displayed for at least 28 days in a prominent position in the city walkway. The resolution would take effect from a date to be inserted by the Transport Planning Manager.

Property Implications

20. The alteration of the city walkway is not considered to have any property implications as the City is not the landowner.

Human Resources Implications

21. The alteration of the city walkway is not considered to have any human resources implications.

Key Risks

22. The alteration of the city walkway is not considered to present any key risks that would not be dealt with by conditions on the planning permission.

Conclusion

23. The City has granted planning permission 18/01105/FULL for a pavilion for café, restaurant and bar uses on the Riverside Walkway at 10 Lower Thames Street (Dark House Walk). Implementation of the planning permission necessitates altering the Dark House Walk city walkway so as to exclude from the city walkway the area needed for the pavilion and its external private seating. Your Committee is therefore recommended to make a resolution varying the original city walkway resolution dated 25 April 1991.

Appendices

- Appendix 1: city walkway declaration plan C.W.D.P.4–91 (R. 789)
Appendix 2A: resolution to vary the city walkway declaration
Appendix 2B: city walkway alteration plan RP-WSP-ZZ-XX-XX-RP-C-0001 REV: P04 forming an appendix to the resolution to vary the city walkway declaration

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