

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	26 October 2021
<b>Subject:</b> <p>Custom House 20 Lower Thames Street &amp; River Wall, Stairs And Crane, Custom House Quay London EC3R 6EE</p> <p>Change of use from office to hotel with ground floor internal north/south public route (sui generis), ground floor museum (Class F1 (c )), flexible ground floor and roof level retail/restaurant/bar floorspace and public viewing terrace (Classes E &amp; Sui Generis (Drinking Establishment)), lower ground floor leisure facilities (Class E) and new riverfront public realm including Water Lane, Old Billingsgate Walk and Lower Thames Street (Sui Generis / C1 Hotel); works of demolition, alteration, extension and refurbishment: i.) removal of railings around riverside car park, (ii) demolition and re-building behind the retained facade of the 1960s East Block iii) demolition of 1960s East Block roof and alteration of West Block roof to erect 2 x two storey extensions to provide hotel rooms, plant and roof level retail; iv) demolition of Centre Block ground floor external stairs and replacement with new river terraces, stairs and step free ramped access (south elevation); v) alterations to and raising of the flood defence wall; vi.) facade alterations and associated works to create a first floor terrace at on the Centre Block (south elevation) and reinstated door and new ramped entrance access to West Block (west elevation); vii.) removal of railings on Lower Thames Street and alterations to Centre Block entrance on Lower Thames Street providing step free access; viii.) works to the river wall ix) other external alterations including elevational alterations; hard and soft landscaping; alterations to service ramp; provision of on site cycle parking and servicing; creation of a vehicular drop off on Lower Thames Street.</p> <p>The Proposed Development does not accord with the provisions of the Development Plan in force in the area in which the land to which the application relates is situated.</p>	<b>Public</b>
<b>Ward:</b> Billingsgate	<b>For Decision</b>
<b>Registered No:</b> 20/00631/FULMAJ	<b>Registered on:</b> 8 September 2020
<b>Conservation Area:</b>	<b>Listed Building:</b> Grade I

## Summary

The proposed development seeks to convert and change the use of the existing Grade I listed building Custom House, formally the HM Revenue and Customs Offices (Use Class E), to a hotel (Use Class C1), with flexible ground floor and roof level retail floorspace (Use Classes E & Sui Generis (Drinking Establishment)), leisure facilities (Use Class E), a ground floor museum (Use Class F1 (c)) and ancillary riverfront public realm.

This includes an application for planning permission (20/000631/FULMAJ) and an application for Listed Building Consent (20/000632/LBC).

The proposals would retain the existing building, Custom House, but to facilitate the conversion of the building associated works including demolition, alteration, extension, and refurbishment of the building. Internally works would include the demolition and rebuilding behind the eastern façade, demolition of the East Block roof and part demolition and alteration of existing West Block roof to erect 2 x two storey extensions above the East and West Blocks to provide hotel rooms at 4th floor and 2 x restaurant/bar pavilions and associated roof terraces at 5th floor. Works internally would also include the partial demolition and reconfiguration of the West Block courtyard, to include new service core and other works, demolition and alteration of existing walls and ceilings across all floors to accommodate hotel bedrooms and associated facilities, the installation of new M&E services and alterations to provide acoustic and fire protection.

Externally works would include the demolition of the Centre Block external stairs and replacement with new river terraces, stairs and ramped access across Centre, and parts of West and East Block (south elevation); the partial demolition and replacement, alterations to and raising of the flood defence wall, facade alterations and associated works to create a terrace at first floor level on the Centre Block (south elevation), the creation of a new Museum entrance and provision of a ramp to provide an alternative Museum entrance on the west elevation, the removal of railings on Lower Thames Street elevation and alterations to main Centre Block entrance on Lower Thames Street, the removal of railings to riverside quay and the replacement of railings to the Grade II\* river wall. Other external alterations include elevational alterations, alterations to the existing service ramp, regrading and resurfacing of the Quayside, along with hard and soft landscaping.

The proposal would provide 14,276 sqm of hotel floor space, providing 200 bedrooms, function rooms and meeting rooms (Class C1), 1587 sqm cafe/restaurant /bar use (Class E and sui generis), 457 sqm Museum (Class F1(c)), 504 sqm spa and leisure facilities (Class E (d)) and 2800 sqm external public realm.

During the course of the determination of the application various amendments

to the scheme have been submitted by the applicant to try and overcome issues raised. Amendments have been made in relation to the two roof top extensions to reduce their size by removing the green roofs, changes to the balcony detail for the first-floor terrae and creation of a museum space with access from land adjacent to Old Billingsgate. Towards the end of the determination period the applicant submitted further information to enable the hotel operator to close off all or part of the Quayside (new area of public realm alongside the river) for private managed events, for a significant duration of time over the course of each year.

61 objections have been received from third parties relating to a range of issues which include, but not exclusively, concerns regarding: public access, the proposed use, harm to the Grade I listed building, urban greening, and access. 16 letters of support have been received in support of the scheme, 2 letters of general comment and 1 letter withdrawing an earlier objection.

The GLA have provided a Stage 1 letter and report in relation to this scheme which states that they would support the principle of development to provide a hotel with publicly accessible internal and external spaces, subject to the submission of a final curation and public access plan that fully aligns with the principles and objectives set out in the Mayor's The Case for a River Thames Cultural Vision and his draft Public London Charter. The applicant has not submitted a curation and public access management plan; therefore, officers have notified the GLA but are awaiting comment on this matter.

TfL have provided further comment on this application during the final round of consultations to update their earlier advice regarding the acceptability of the proposal. They state that as identified in the GLA Stage 1 report should the development fail to genuinely safeguard and enhance the Thames Path, and fail to provide genuinely permanent, high quality and exemplar public access not only to the existing river path south of the site, but also to the new public realm area proposed adjacent to Custom House itself, the exceptional need to deliver public realm enhancements that significantly upgrade the Thames Path at this location may then no longer be fulfilled. In such circumstances, the proposed development would then no longer justify Mayoral and TfL support for any vehicular access from the TLRN rather than only within the site, including pick-up and drop-off facilities for taxis and coaches on Lower Thames Street. TfL also draw attention to the need to provide Pedestrian Comfort Levels in relation to the scheme, which have not been submitted.

Historic England raised no objection to this scheme but identify that the proposed works would cause some harm to the building's significance, in their view this would be less than substantial harm. They note it will be important for the City of London to be confident that this harm can be justified in accordance with the NPPF when balanced against the public benefits of the scheme.

The Georgian Group, London and Middlesex Archaeological Society (LAMAS), Society for the Protection of Ancient Buildings (SPAB), Ancient Monuments Society and SAVE Britain's Heritage all strongly object to the proposed development.

The City of London Access Group (CoLAG) have also raised concerns regarding the accessibility of the scheme for those with identified needs.

Custom House currently provides 19,698 sqm GIA of office and ancillary floorspace, this proposal would result in the loss of office floor space within the city. The applicant has provided viability assessments to demonstrate that office floor space is unviable in the longer term on this site. Officers have had this independently evaluated and the report has been agreed. Therefore, the loss of office floor space would be acceptable in this instance and the development would accord with Local Plan Policy DM1.1.

It is considered that the proposed change of use to a hotel would not be acceptable as the proposal would not accord with Policy DM11.3 of the Local Plan as it would not ensure the continued beneficial use for a historic building, and it has not been demonstrated that the proposal would conserve the amenity of existing neighbouring occupiers or provide satisfactory or safe arrangements for servicing vehicles.

This scheme would incorporate 1,474 sqm. (GIA) of flexible retail (Use Classes E) and Sui Generis (Drinking Establishment) which comprises two internal restaurant/ bar units (Use Class E(b) / Sui Generis) and two rooftop restaurants / bars with terraces (also Class E(b) / Sui Generis) and a basement Gym/Spa. In principle officers would support proposals for incorporating retail uses within the scheme as they would contribute to creating a mix of uses on the site and would provide ancillary uses to the guests of the hotel. However, officers have concerns that the proposed uses in their current form could not be run independently of the hotel function. Furthermore, officers consider that the scheme would not provide genuine activation or vibrancy at street level. The only area of activation would be the small terraces atop the grand stairs and due to the closure of the Quayside for private events and the extent of these closures the small amount of activation provided could be diminished by the fencing in of the building and Quayside, creating an extremely inward-looking environment.

The proposals include a ground floor museum situated in the north-west corner of the building and covers an area of 422 sqm (1.86% of the total building) comprising five individual rooms and an atrium with a lift up to the roof terrace area. The Museum would be accessible to the public free of charge. It would be open to the public between 10.00 and 17.00 hours, for 6 days a week.

The provision of a cultural community use celebrating the important history of



this building would be an asset to this part of London, providing local and wider communities free access to heritage and cultural information. However, due to the location of the museum in the northwest corner of the building, divorced from the river and Quayside, and from other historical areas of the building, it is not considered to be located within the optimal area of the site for a new cultural and community use. It is proposed that a Heritage Partner, appointed by the hotel, would curate, and run the museum. It is unclear how the museum would be secured in perpetuity to ensure its long-term viability and further detail is required to ensure it would be an inclusive environment independent of the hotel function, as a pure community asset.

Officers consider that the scheme does not respond to, and build upon, its key riverside location. The site also falls within a Key Area of Change, the Pool of London. The scheme would not enhance public access or provide a genuinely publicly accessible and inclusive scheme that would bring diverse vibrancy to the riverside. The proposal would not conserve or enhance a significant Grade I listed building and it has not been demonstrated that it would provide a credible cultural use, with a wider public remit, that would engage with a diverse audience to assist in the appreciation and understanding of the area. It is therefore considered contrary to Policy CS9, emerging Policies S17 and S19 of the draft City Plan, the Riverside Walkway Enhancement Strategy, or the Mayor of London's River Thames Cultural Vision.

The proposal would cause, in the language of the NPPF 'less than substantial', harm to the significance of important heritage assets, including The Grade I listed Custom House. As the statutory duties imposed by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged, considerable importance and weight must be given to the desirability of preserving the special interest and setting of listed buildings. The general duty applies with particular force if harm would be caused, as in this case, to the setting or significance of a Grade I listed building. The more important the asset the greater the weight that should be given to the asset's conservation. The effect of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to create a statutory presumption against granting planning permission for development which fails to preserve a listed building or its setting. The presumption, which is not irrebuttable, is engaged in this case. On the basis of the analysis set in the report, it is not considered that the statutory presumption has been rebutted.

The proposal would not safeguard the London Custom House and the River Wall, Stairs and Cranes as Grade I and II\* listed buildings, failing to preserve or enhance their significance. As a result of development within their setting, the proposal would fail to safeguard the settings of the Monument (grade I and scheduled ancient monument), Old Billingsgate (grade II), St Dunstan in the East (grade I), All Hallows by the Tower (grade I) and the Eastcheap, Tower

Bridge and Tooley Street Conservation Areas. The degree of less than substantial harm caused to the significance of these assets is considered to fall lower on the spectrum than the harm to The Custom House, albeit to heritage assets of high to outstanding national interest.

The proposals at roof level would fail to protect and enhance significant local views of and from the Monument, drawing some conflict with Local Plan Strategic Policy CS13(2), emerging City Plan Policy S13(bullet 2) and guidance in the Protected Views SPD. That slight harm caused to Tower Bridge, All Hallows by the Tower and St Dunstan in the East (through development within their setting) would draw some further conflict by failing to protect and enhance these identified City Landmarks and Skyline Features.

The application site is a prominent contributing key element/feature to the characteristics of LVMF strategic River Prospects from Tower Bridge (10A.1) and London Bridge (11.B1-2) and the Townscape View from Queen's Walk by City Hall (25A.1-3). The proposal would result in development which is intrusive, harming the characteristics of the Views, in conflict with Local Plan Policy CS 13(1), City Plan Policy S13 and London Plan Policy HC 4.

The scheme proposes a significant new public open space in a highly accessible, south facing, riverside location. However, the development proposal would allow the hotel operator to close all or part of the Quayside for managed events for a significant amount of time over the course of each year. Therefore, the proposed development would not result in inclusive access (as a result of closure wholly and partly for events on the Quayside) and would limit the internal public permeability of the whole building, which in turn would limit the interpretation and enjoyment of this seminal heritage asset.

Public access would be provided to the Long Room through 1 monthly tour and the opportunity for the Heritage Partner to use it for 24 times slots per year. The restricted opportunities for members of the public to access the Long Room and the disconnected location of the Museum from the rest of the building, the river and the Quayside fails to fully achieve the aims of adopted and draft development plan policy which seeks improved public access to heritage assets and enhanced interpretation of the City's heritage.

The management of the spaces internally and externally, curtailed pedestrian movement through the building and across the Quayside, along with the detailed curation, design and look-and-feel of the internal and external public realm, including the interface created between these would result in a non-inclusive form of public realm. The vibrancy and animation of the riverside for public use due to the limited active frontages and restricted publicly accessible open space would fail to deliver a fairer, more equitable and inclusive place which is welcoming to all communities and therefore conflicts with the spatial aspirations of Core Strategic Policy CS9 and the Pool of London Key Area of change Policy S19, along with guidance in the Riverside Enhancement

Strategy, City Public Realm SPD, the Mayor's draft Public London Charter and 'Expanding London's Public Realm' document.

The proposal would not comprise the highest standard of accessible inclusive design, failing to meet the access needs of all of the City's communities, including the particular needs of disabled people.

The proposal would fall very short of the minimum Urban Greening Factor and, accounting for the evident site constraints, has not demonstrated or justified that it has delivered the highest feasible amount of essential green infrastructure as a fundamental element of building and site design.

Whilst the development proposal would be in line with a number of transportation and highway policies within the Development Plan, Officers consider that due to insufficient information being provided as part of this submission, it is not demonstrated that the development would provide adequate and safe servicing, acceptable PCLs, and unfettered access to cycle and blue badge parking.

It has not been demonstrated that the proposed development would not cause undue harm to the amenity of neighbouring occupants. Insufficient information has been provided in support of the proposal to allow Officers to assess the impact of the development in relation to noise and overlooking.

As such, officers consider that the current application would not accord with the Development Plan, therefore unless other material considerations indicate otherwise, permission is to be refused.

It is considered the proposed development would provide a new hotel within the City of London which would contribute to the economic prosperity of London. However, the proposal is not considered to support strong, vibrant or healthy communities by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. Furthermore, officers do not consider that the scheme would protect and enhance the built and historic environment.

It is considered the scheme would not represent sustainable development that is socially, economically and environmentally in accordance with the NPPF.

The proposal would not conserve an irreplaceable resource in a manner appropriate to its significance, contrary to paragraph 189 of the NPPF. In accordance with paragraph 199 of the NPPF great weight should be given to the conservation of the asset, the greatest of weight, given that it is a Grade I Listed Building, a designated heritage asset of the highest order. It has been identified that less than substantial harm would be caused, therefore, in accordance with paragraph 202 of the NPPF any harm should be outweighed by the public benefits of the scheme. In terms of the combined impact on the Custom House (and Quay) and the River Wall, Stairs and Cranes and the

failure to preserve the contribution setting makes to the significance of a number of other designated heritage assets, then very considerable weight is attached which far outweighs the wider public benefit. It follows, then, that there is no material consideration to override the indication given by the Development Plan.

The public benefits of the proposal are not sufficient to outweigh the less than substantial harm to the significance of designated heritage assets. Therefore, as the development does not accord with the Development Plan, and other material considerations also indicate that planning permission should be refused, the proposal is unacceptable, and refusal of this application is recommended.

### **Recommendation**

That the Committee resolves to inform the Planning Inspectorate that were it empowered to determine the application for planning permission the Council would have REFUSED permission for the reasons set out below:

1. The proposed development would not ensure the continued beneficial use for a historic building. It has not been demonstrated that the proposal would conserve the amenity of existing neighbouring occupiers due to noise and overlooking or provide satisfactory or safe arrangements for servicing vehicles. The proposed development for the change of use of the existing building to a hotel (Use Class C1) would therefore not accord with, Local Plan Policy, CS10, CS11, DM3.5, DM11.3, DM15.7, DM21.3 and draft City Plan Policies HL3, HS3, CV3, DE5, S23, S24, and SB1, and London Plan Policies D3, D6, D13, D14.

### **Heritage**

2. The proposed development would fail to preserve the special architectural and historic interest and setting of the London Custom House (Grade I) and the River Wall, Stairs and Cranes (Grade II\*), causing less than substantial harm to their heritage significance the result of direct and in-direct impacts on setting, resulting from external and internal alterations, extensions, loss and de-contextualisation of historic fabric, plan form and character. The harm would not be outweighed by public benefits. The proposal is not in accordance with policies: London Plan Policy HC1; Local Plan Policies CS 12, DM 12.1, DM 12.3; HE1; Draft City Plan Policies S11 and HE1 and the NPPF.
3. The proposed development would fail to preserve the settings of Old Billingsgate (grade II), St Dunstan in the East Ruin (Grade I) and by association its Walls, Gates and Railings to the Churchyard (Grade II), the Monument to the Great Fire (Grade I and Scheduled Ancient

Monument), All Hallows by the Tower (Grade I), Tower Bridge (Grade I), the Eastcheap Conservation Area, the Tower Bridge Conservation Area and the Tooley Street Conservation Area, causing harm to their heritage significance and an appreciation of it by way of contribution made by elements of setting.

The harm would not be outweighed by public benefits. The development would not be in accordance with Local Plan Policies: CS 12, DM 12.1, DM 12.3; London Plan Policy HC1; City Plan Policies S11 and HE1; and policies and guidance contained in the National Planning Policy Framework (NPPF) and Planning Practice Guidance.

### **Design**

4. The proposed development would not comprise a high standard of design as a result of its architecture, in particular the roof extensions, which by virtue of their siting, height, massing, appearance and detailed design, by day and night, would fail to be visually integrated into the overall design of the building when seen from street and higher level view, which would not be sympathetic and contextual to character or history, adversely affecting the character and appearance of the host building, contrary to Local Plan Policies CS 10, DM 10.1, Emerging City Plan Policies and the NPPF and National Design Guide.

### **Strategic Views (London):**

5. The proposed development would comprise an intrusive form of development causing harm to the characteristics of London View Management Framework (LVMF) designated River Prospects from London Bridge (11B.1-2) and Tower Bridge (10A.1) including impact on the setting of the Monument as a landmark element and the Townscape View from the Queen's Walk at City Hall (25A.1-3). The development is not in accordance with Local Plan Policies: Local Plan CS 13(1); London Plan HC4; City Plan S13 and guidance contained in the LVMF SPG.

### **Strategic Views (Local):**

6. By virtue of the height, bulk, massing and appearance of the roof extensions, associated terraces and alterations to roof level, the proposal would fail to protect and enhance significant local views of and from the Monument, and would fail to protect and enhance views of identified historic city landmarks and skyline features, namely Tower Bridge, St Dunstan in the East and All Hallows by the Tower. The development is not in accordance with Local Plan Policies: Local Plan CS 13(2); City Plan Policy S13 and guidance in the Protected Views SPD.

## **Public Realm**

7. The proposed development would not result inclusive access by closure wholly and partly for events on the Quayside and limited internal public permeability which would limit the interpretation and enjoyment of a seminal heritage asset. The management, pedestrian movement, curation, detailed design and look-and-feel of the internal and external public realm, including the interface created between these would result in a non-inclusive form of public realm. The vibrancy or animation of the riverside for public use with limited active frontages and restricted publicly accessible open space would fail to deliver a fairer, more equitable and inclusive place which is welcoming to all communities whilst conflicting with the spatial aspirations of the emerging Pool of London Key Area of change. The proposal would not be in accordance with Local Plan Policies CS9, CS10, CS19, DM10.4 the overarching good growth objectives in the London Plan, London Plan policies D5, D8, S4, SI14 and SI16, Draft City Plan S17, S19, DE3, S14, OS1, CV2, HL1, the aspirations of the Riverside Walkway Enhancement Strategy SPD 2015, Mayor's Public Charter.

## **Accessible Design**

8. It has not been demonstrated that the proposed development would provide highest standard of accessible design including disabled access provisions or facilities both within the hotel development and externally within the Quayside area or adjacent areas of Public Highway. The development would not meet the highest standard of accessibility and inclusive design and would not be in accordance with Local Plan policies CS10, DM10.1, DM10.5 and DM10.8, policies D5 and E10 of the London Plan or policies S1 and S8 of the draft City Plan.

## **Highways**

9. The lay-by would result in the width of the pavement being reduced on Lower Thames Street therefore not promoting active travel by walking and diminish pedestrian comfort levels (PCL). The development would therefore not accord with Local Plan Policy DM16.1, DM16.2, emerging City Plan Policies AT1 and AT2, London Plan Policies T1 and T2, The Mayor's Transport Strategy and the City of London Transport Strategy.
10. In the absence of a scheme for offsite consolidation it has not been demonstrated that the development would facilitate safe, and efficient deliveries and servicing of the site, including adequate safety and servicing of the Quayside for events. The proposed would therefore not

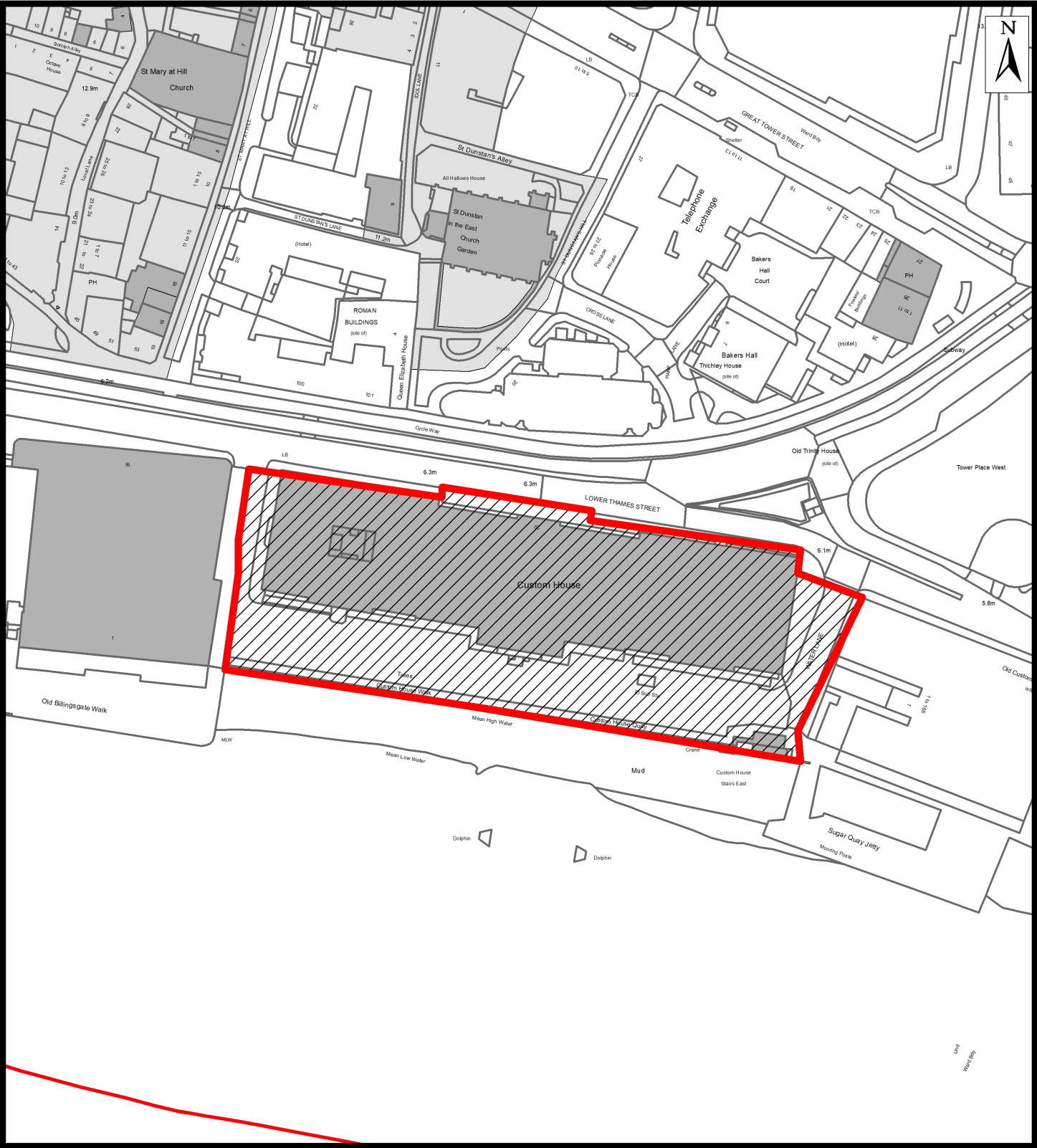
accord with Local Plan Policies DM16.1 and DM16.5, London Plan Policy T7 or emerging City Plan Policy VT2.

11. It has not been demonstrated that the proposed development would not have a detrimental impact on Pedestrian Comfort Levels as a result of the change of use of the site and the potential for increased capacity. The applicant has failed to demonstrate that the closure of the quayside would not create unacceptable Pedestrian Comfort Levels and would therefore not be in accordance with London Plan Policy T4 or TfL Pedestrian Comfort Guidance for London 2019.

## **106**

12. The applicant has failed to enter into an appropriate legal agreement to secure the provision of appropriate site specific mitigation including; Highway Reparation and other Highways Obligations; Local Procurement Strategy; Local Training, Skills and Job Brokerage Strategy (Demolition; Construction and End Use); Delivery and Servicing Management Plan (including Consolidation); Travel Plan (including Cycling Promotion Plan); Section 278 Agreement (CoL); Section 278 Agreement (TfL); Declaration of City Walkway; Visitor Management Plan; Cultural Strategy and associated Cultural Plan (including Cultural officer, Cultural Committee and Heritage Partner); Public Access Management Plan; and Quayside Events Management Plan and Planning Obligations in relation to Affordable Housing; Local Training, Skills and Job Brokerage; Carbon Reduction Shortfall; Section 278 Design and Evaluation; and S106 Monitoring Charge. The development therefore conflicts with Policy CS4 and the City's Planning Obligations SPD.





# Site Location Plan



© Crown copyright and database rights 2021 OS 100023243

ADDRESS:  
Custom House

CASE No.  
20/00631/FULMAJ

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY
-  CITY OF LONDON BOUNDARY



ENVIRONMENT DEPARTMENT





Image 1



Image 2



Image 3





Image 4



Image 5



Image 6



Image 7





Image 8



Image 9





Image 10



Image 11





Image 12



Image 13





Image 14



Image 15





Image 16



Image 17



Image 18



Image 19





Image 20

1. View from London Bridge
2. Internal office corridor
3. Flood wall and existing plant
4. Main entrance lobby off Lower Thames Street
5. Looking west from existing car park
6. Looking south towards Custom House from Lower Thames Street
7. View west from existing roof top with view of the Monument
8. Existing servicing ramp and basement entrance
9. View from the Thames Path looking west
10. View from the Thames Path looking towards the eastern block and Old Billingsgate Walk
11. View of the railings along the Thames Path
12. View south along Old Billingsgate Walk
13. View south along existing carriageway within Custom House site boundary adjacent to Old Billingsgate
14. View from Lower Thames Street looking south
15. View of the Thames Path, Grade II\* listed River Wall, Stairs and cranes
16. Central Block view from within the car park
17. Façade detail
18. Existing entrance into the car park from the West Block
19. Entrances off of land adjacent to Old Billingsgate
20. The Long Room

## **Main Report**

### **The site**

1. The site of the London Custom House is located on the north bank of the River Thames, bound by Lower Thames Street to the north, Water Lane to the east, Old Billingsgate and Old Billingsgate Walk to the west and the River Thames to the south.
2. The site covers approximately 0.947 hectares in area and contains the Grade I listed Custom House (including the Quay) and the Grade II\* listed River Wall, Stairs and Cranes.
3. Custom House comprises 19,698sq.m (gia) of offices previously occupied by Her Majesty's Revenue and Customs (HMRC) or iterations thereof since the early 19th century. It is arranged over basement, ground and first to third floors. The building is internally divided into three distinctive blocks, (i) the central block (ii) the eastern wing, and (iii) the western wing.
4. The quayside area between the building and the Riverside Walkway was most recently privately occupied as a car parking area for the use of HMRC. While historically the Quayside was publicly accessible, it has in more recent years been closed off due to the operational and security requirements of HMRC. HMRC vacated the building in June 2021 and it is now vacant.
5. The Riverside Walkway runs along the southern edge of the site, immediately adjacent to the River Wall and provides a continuous connection between the walkway at Sugar Quay to the east and Old Billingsgate Market to the west. Public access to the Riverside Walkway is provided by the section of public highway running adjacent to Water Lane from Lower Thames Street.
6. Lower Thames Street forms part of the Transport for London Road Network for which Transport for London (TFL) is the highway authority.
7. The site is well connected to public transport. It has a PTAL rating of 6b (excellent) and is located approximately 350m south east of Monument, 400m south west of Tower Hill Underground Stations and 500m north east of London Bridge Underground and Overground Stations. There are several bus routes with stops within walking distance.
8. Cycle Superhighway 3 runs along Lower Thames Street as a two-way segregated track, outside the site on the opposite side of the TLRN. The nearest Cycle Hire docking station is located approximately 200 metres west on Lower Thames Street.
9. The site is within the Central Activities Zone (CAZ) as identified by the London Plan, the Thames Policy area and the Pool of London Key area of Change (strategic Policy S19 draft City Plan).

### **The surrounding area**

10. The Eastcheap Conservation Area lies to the north of the site, on the opposite side of Lower Thames Street. The Tower of London

Conservation Area and Trinity Square Conservation Areas are within proximity of the site. On the south side of the river are the Tower Bridge and Tooley Street Conservation Areas in the LB of Southwark.

11. The site is relevant to the following Strategic Views of the London Views Management Framework (LVMF):
  - LVMF View 5A.2 (London Panorama, Greenwich Park), Landmark Viewing Corridor and Wider Setting Consultation Area;
  - LVMF View 4A.1 (London Panorama, Primrose Hill), Wider Setting Consultation Area (background);
  - LVMF View 11B 1-2 River Prospect, London Bridge (Downstream);
  - LVMF View 25A. 1-3 Townscape View, Queens Walk from outside City Hall
  - LVMF View 10A.1, River Prospect, Tower Bridge (Upstream, North bastion)
12. The site also falls within the Monument Views (of and from) as identified in the Protected Views SPD.
13. The site falls within the Thames Policy Area and Thames and the Riverside Key City Place identified in the adopted Local Plan, and the Thames Policy Area and Pool of London Key Area of Change identified within the draft City Plan 2036.
14. The site is in the wider setting of the Tower of London World Heritage Site.
15. The site is within the setting of the following Grade I listed buildings:
  - All Hallows by the Tower Church, Byward Street,
  - St Dunstan in the East and associated railings (railing Grade II),
  - The Monument
  - Tower Bridge
16. The following Grade II\* listed buildings:
  - Watermen's Hall, 17-18 St Mary at Hill and Scheduled Ancient Monument
17. The following Grade II listed buildings:
  - Old Billingsgate Market immediately to the west and Scheduled Ancient Monument
  - Adelaide House
  - 16 St Mary at Hill
  - 8 St Mary at Hill
  - 7 St Mary at Hill
  - 9 Idol Lane
  - Walls , Gates and Railings to Churchyard of Church of St Dunstan in the East
  - 26-27 Great Tower Street

18. The following Scheduled Ancient Monuments:
- The Tower of London
  - The site of the Roman Bath House
  - Waterman's Hall
  - Waterfronts below Billingsgate Market
  - The Monument
19. There are several residential properties in the vicinity of the site, these include:
- Sugar Quay, immediately adjoining to the east
  - Three Quays
  - 23 Great Tower Street, 24 Great Tower Street, 26-27 Great Tower Street
  - Beadles Flat, Bakers Hall
  - 31 Monument Street, 49 Monument Street
  - 8-10 St Mary at Hill, 16 St Mary at Hill, 19 St Mary at Hill
  - 11-12 Lovat Lane, 14 Lovat Lane, 21 Lovat Lane, 22 Lovat Lane, 27 Lovat Lane
  - 16 Byward Street
  - 12 Trinity Square, 15 Trinity Square

### **Planning History**

20. The building underwent a comprehensive and largely sensitive refurbishment in the early 1990s, carried out by HMRC, which included removal and rationalisation of mechanical services in the building, installation of a new staircase in the west wing lightwell and a part mezzanine level in the Queens Warehouse, both of which were regarded as reversible installations, reinstatement and re-use of original features, and repairs and redecoration based on historical research of original finishes. The works did not significantly alter the plan form of the West Wing and Centre Block.
21. There have been numerous minor applications since then for works largely associated with the day-to-day functioning of the building.
22. In 1999 planning permission and Listed Building Consent were granted for works associated with the creation of a public pedestrian walkway along the riverside edge of the Quay, which included the erection of railings between the Walkway and the remaining Quayside which formed part of the security requirements of HMRC.
23. On 15 December 2020, HMRC obtained listed building consent for the removal of 4 War memorials from the ground floor entrance hall (20/00672/LBC).

## **Proposals**

The following applications have been made:

20/00631/FULMAJ under which planning permission is sought for:

24. Change of use from office (Use Class E) to hotel (Use Class C1) with flexible ground floor and roof level retail floorspace (Use Classes E & Sui Generis (Drinking Establishment)), leisure facilities (Use Class E), a ground floor museum (Use Class F1 (c )) and ancillary riverfront public realm.
25. Associated works of demolition, alteration, extension and refurbishment including:
  - i. demolition and re-building behind the retained facade of the East Block
  - ii. demolition of East Block roof and part demolition and alteration of existing West Block to erect 2 x two storey extensions above the East and West Blocks to provide hotel rooms at 4th floor and 2 x restaurant/bar pavilions and associated roof terraces at 5th floor;
  - iii. demolition of Centre Block external stairs and replacement with new raised river terraces, stairs and ramped access across Centre, and parts of West and East Block; (south elevation);
  - iv. alterations to and raising of the flood defence wall;
  - v. facade alterations and associated works to create a terrace at first floor level on the Centre Block (south elevation);
  - vi. creation of a new Museum entrance and provision of a ramp to provide an alternative Museum entrance on the west elevation;
  - vii. removal of railings on Lower Thames Street elevation and alterations to main Centre Block entrance on Lower Thames Street to accommodate level access;
  - viii. removal of railings to riverside quay
  - ix. replacement railings to the river wall
  - x. and other external alterations including elevational alterations; regrading and resurfacing of Quayside; hard and soft landscaping; alterations to vehicle service ramp; provision of on-site cycle parking and servicing; creation of a coach and taxi vehicular drop off on Lower Thames Street.

20/00632/LBC where Listed Building Consent is sought for:

26. External and internal works associated with the partial demolition, alteration, extension and conversion of Custom House from office (Use Class E) to a hotel (Use Class C1) with flexible retail floorspace (Use Classes E and Sui Generis (Drinking Establishment)), leisure facilities (Use Class E), ground floor museum (Use Class F1 (c )) and ancillary riverfront public realm including:

27. External works:

- i. demolition and re-building behind the retained facade of the East Block
- ii. demolition of East Block roof and part demolition and alteration of existing West Block roof to erect 2 x two storey extensions above the East and West Blocks to provide hotel rooms at 4th floor and 2 x restaurant/bars with terraces at 5th floor;
- iii. demolition of Centre Block external stairs and replacement with new river terraces, stairs and ramped access across Centre, and parts of West and East Block (south elevation);
- iv. part demolition and replacement, alterations to and raising of the flood defence wall;
- v. facade alterations and associated works to create a terrace at first floor level on the Centre Block (south elevation);
- vi. creation of a new Museum entrance and provision of a ramp to provide an alternative Museum entrance on the west elevation;
- vii. removal of railings on Lower Thames Street elevation and alterations to main Centre Block entrance on Lower Thames Street;
- viii. removal of railings to riverside quay
- ix. replacement of railings to the Grade II\* river wall
- x. and other external alterations including elevational alterations; alterations to service ramp; regrading and resurfacing of the Quayside: hard and soft landscaping.

28. Internal works:

- i. roofing over, partial demolition and reconfiguration of West Block courtyard, to include new service core and other works;
- ii. demolition and alteration of existing walls and ceilings and erection of new across all floors in the West and Centre Blocks to accommodate hotel bedrooms and associated facilities.
- iii. installation of new M&E services
- iv. alterations to provide acoustic and fire protection

29. This report deals with both of the above applications.

- The proposed scheme comprises 24,539sq.m gea of floorspace as follows: Hotel providing 200 bedrooms, function rooms and meeting rooms (Class C1) (including back of house) 14,276 sq.m gea)
- Ground level and roof level café/restaurant /bar use (Class E and sui generis) (1587 sq.m gea)
- A Museum on part of the ground floor of the West Wing (Class F1 (c) (457 sq.m gea)
- Basement level spa and leisure facilities (Class E (d)) (504 sq.m gea)
- New external public realm (2800 sq.m.)



- Building circulation and plant areas (7754 sq.m gea)

30. The proposals are set out briefly here but are described in more detail and assessed in the relevant sections later in this report.
31. The works involve the demolition of the East Wing behind retained facades and rebuilding around a central atrium and lift core with the addition of a new 4th and 5th floor to provide hotel bedrooms from ground to 4th floors and a publicly accessible rooftop café/restaurant /bar and terrace at 5th floor. The basement, retaining existing foundations, would be lowered by to accommodate plant and the servicing bay, cycle parking and associated facilities and two disabled car parking spaces. The vehicle and cycle area would be accessed via the existing (although altered) vehicle ramp from Water Lane.
32. In the existing building the Centre Block comprises the Queens Warehouse and the original main entrance and lobby from Lower Thames Street at ground level, and the Long Room, an impressive triple height space occupying the whole of the width of the Centre Block at first floor level . The second and third floors include small office rooms along the northern edge facing Lower Thames Street.
33. The main entrance lobby housed 8 war memorials associated with Customs and Excise, some of which had been relocated in the past from other Government buildings. A separate Listed Building Application was made by HMRC for the removal of four of the memorials and granted Listed Building Consent on 15.12.2020 (app.no. 20/00672/LBC). The remaining four are not considered to be fixtures and fittings in the building and do not require consent for their removal, although they will be retained and relocated by HMRC. These memorials have now been removed, with the vacation of the building by HMRC.
34. The proposals include at basement level the removal of modern wall additions to reinstate the larger original volumes and the space would house a meeting room, back of house hotel areas and plant.
35. At ground floor in the Queens Warehouse it is proposed to remove existing timber and glazed partitioning (although some would be retained for re-use) together with a modern mezzanine (1990s) and associated exposed ductwork. The scheme would re-open the main entrance and entrance lobby from Lower Thames Street and proposes a new publicly accessible route through the Queens Warehouse to a new terrace and riverside quay. This would be open to the public between 11:00 and 18:00 hours on any day that the hotel is open for trading purposes. Food and Beverage facilities would flank either side of the route.
36. On the south elevation a new terrace is proposed with a large central stone staircase and symmetrical ramps on either side, giving access to the public quayside.
37. The Long Room at first floor level would serve as a functions and



events space for the hotel. It would be accessed by the two original staircases leading from the main entrance, together with two new lifts to. It is proposed to alter three of the existing windows on the south elevation to provide access from the Long Room to a first floor (presently inaccessible) terrace. This would require a new floor structure on the terrace and a new balustrade would be installed to the perimeter of the terrace.

38. While the Long Room would be available for bookable events and functions, it would otherwise not be publicly accessible. It is proposed that public tours would be arranged (at least one per calendar month) and the Heritage Partners would have 24 bookable timed slots a year y (a timed slot being 9am to 1pm, 1pm to 4.30pm and 4.30pm to 9pm) subject to the Rooms' availability and at the discretion of the hotel operator. The detail of this is discussed and assessed later in this report.
39. The Robing Room would be retained as a further hotel function space.
40. At second and third floor levels the office accommodation would be converted to hotel rooms along the Lower Thames Street side of the building.
41. In the West Wing the building is arranged around a central atrium which is open to the sky. The basement comprises a series of brick arched vaulted spaces; the historic Tide Waiters room is located at ground floor and the Robing Room is located at first floor level adjacent to the Long Room. The rest of the ground to third floors are arranged as offices.
42. A new Museum (use class F1(c)) is proposed in the north west corner of the West Wing at ground level, fronting Lower Thames Street and Old Billingsgate Walk. The Museum space would comprise 5 existing rooms including the Tide Waiters' Room and would be directly accessible from three entrances: the existing West Wing entrance from Lower Thames Street, a reinstated historic entrance in the West elevation, and a new step free ramped entrance alongside. The Museum would be 457 sq.m gea which comprises 1.86% of the total gea of the building.
43. The Museum would be free to access and would be open for 6 days a week (Tuesday to Sunday) from 10.00 to 17.00 hrs. It is unclear what the museum space would be used for outside of the opening hours.
44. The scheme proposes an additional 4th floor accommodating hotel bedrooms and a publicly accessible 5th floor rooftop café/restaurant/bar and associated roof terrace; this results in the roofing over of the central atrium which would be retained at ground to third floor level and internally lit from above by an artificial skylight at the base of the new fourth floor. The base of the atrium would be lowered by half a level to existing basement level and a new floor inserted at ground floor level accommodating a public bar/café alongside the adjoining Tide Waiters room and ancillary to the

Museum. A new lift in the courtyard would provide direct access to the 5th floor retail facility and external terrace.

45. A gym and spa are proposed at basement level which is proposed as a Class E leisure use and would be available to non-hotel guests. Across the rest of the west wing the existing compartmentalised office spaces would be converted to hotel bedrooms including works of subdivision, installation of bathrooms, m&e services etc. The existing ceiling would be removed at third floor level to reveal the original timber king post trusses above.

External space:

46. Externally, it is proposed that the redundant security infrastructure (railings, security hut and vehicle barrier) which was a specific requirement uniquely associated with the operations of HMRC, would be removed and the existing quayside would be resurfaced and laid out as public realm, with seating, planting and lighting.
47. The existing security railings presently prevent public access to the quay, once removed they would result in a significant area of new public realm being created along the river, known as the Quayside for the purposes of this report.
48. The scheme includes proposals for the Quayside to be closed to the public (either partially or completely) for private events up to the current area of the security railings along the Thames Path and to include further areas along Water Lane and land adjacent to Old Billingsgate.
49. The thirteen mature London Planes along the southern edge of the space would be retained and a further tree planted on Water Lane. The existing Grade II\* listed cranes would be retained in situ and the existing (non-original) railings on the Grade II\* listed river wall would be replaced. The existing riverside walkway along the riverside edge of the Quay would be retained and resurfaced and the ramp at the western edge of the walkway replaced.
50. On Lower Thames Street, for which Transport for London is the highway authority, it is proposed to create a vehicle layby for drop-offs and pick-ups and the pavement would be re-graded to achieve level access to the main entrance doors which are presently stepped.
51. The proposed plant would be located within basement areas of the building and within sections of the roof, predominantly within the eastern wing of the building.
52. The servicing of the building would be at basement level accessed by an external ramp located within the Quayside off Water Lane. The development would provide long stay and short stay cycle parking in the basement or on the Quayside. Two blue badge parking spaces are provided within the basement.
53. Highways works include the reinstatement of public realm on the Quayside after the removal of the existing car park, introduction of a taxi layby to the north of the site off Lower Thames Street, works to existing public footpaths to create level access.

## **Consultation Process**

### **Statement of Community Involvement**

54. The applicants have submitted a Statement of Community Engagement outlining their engagement with political and community stakeholders. A consultation website was launched in July 2019 and a Public Exhibition was held on 11 July 2019 at St Mary at Hill Church, for which an invitation flyer was issued to approximately 2100 addresses. Further communications were carried out in 2020, with local residents, Members and local businesses, following developments in the scheme's design.
55. 47 local workers and residents attended the Public Exhibition in July 2019 and 19 attendees completed a questionnaire. Recorded responses were generally supportive, including that the site would benefit from redevelopment and refurbishment (100%), in support of the proposed hotel uses (95%) and benefits such as opening up the quayside, opening up the previously hidden spaces of the building including new bars and restaurants and the creation of new jobs for local people.
56. Further communications were held with local residents from Sugar Quay, in particular in relation to concerns expressed about potential impact on residential amenity of servicing and deliveries, vehicle movements and potential noise and light disturbance from the rooftop terraces.

### **Planning application / Listed Building Consent Consultation Responses**

57. Following receipt of the applications they were advertised on site and in the press and have been consulted upon, both with statutory and non-statutory stakeholders. Site notices were placed at the site on 17/09/2020, 08/07/2021 and 26/08/2021 and press notices were published on 22/09/2020, 13/07/2021 and 31/08/2021.
58. Copies of all received letters and e-mails making representations are attached in full and appended to this report. A summary of the representations received, and the consultation responses is set out in the table below.
59. The views of other City of London departments have been taken into account in the preparation of this redevelopment scheme and some detailed matters would remain to be dealt with under conditions and the Section 106 agreement if permission were to be granted.
60. Revisions to the scheme were formally submitted in June 2021 and a full reconsultation has been carried out including to all those originally consulted and any other body or persons who had made representations. A summary of the representations received in respect of the revised scheme is included in the tables below.
61. Further information, including proposed public access hours to the Quayside and the building, and public access plans were submitted in August 2021 and a full reconsultation was carried out. A summary of

the representation received is included in the tables below.

### Statutory Consultees

62. The below table includes the responses received in regard to all three consultation periods for both the planning application 20/00631/FULMAJ and Listed Building Consent 20/00632/LBC.

Consultee	Comments and responses
Greater London Authority – Stage 1 letter and report	<p>The GLA summarises the strategic issues as follows:</p> <ul style="list-style-type: none"><li>• Principle of development: The principle of refurbishing Custom House to provide a hotel with publicly accessible internal and external spaces could be supported, subject to the submission of a final curation and public access management plan that fully aligns with the principles and objectives set out in the Mayor's The Case for a River Thames Cultural Vision and his draft Public London Charter (GLA report paragraphs 17-30).</li><li>• Employment and training: A recruitment and training strategy, or an alternative approach, that demonstrates how the development would provide training and employment opportunities during the lifetime of the development should be robustly secured through planning conditions or legal agreement.</li><li>• Heritage and urban design: The sensitive approach to the repair and repurposing of the listed building would result in less than substantial harm that would be outweighed by the public benefits; the significance of nearby heritages assets would be preserved. Similarly, the composition of the various LVMF and locally protected views would be preserved. Further work is required on the proposed riverfront public space to ensure activation (GLA report paragraphs 38-56).</li><li>• Transport: The proposed development is broadly supported; however, there are concerns about some detailed elements of the proposal and further discussion with TfL is required on appropriate planning obligations, especially on the detailed design and delivery of highway improvements required on routes around the site (GLA report paragraphs 57-76).</li><li>• Sustainable development: The energy strategy</li></ul>

is generally supported; however, further information on various aspects of the strategy is required before the on-site CO2 reduction can be confirmed (GLA report paragraphs 77-81).

Recommendation: - that the application does not currently comply with the London Plan for the reasons outlined above (and as set out in para 85 of the GLA report). Where these concerns are addressed the application may comply with the London Plan and the Publication London Plan.

### **Principle of development**

Policy SD5 of the London Plan states that residential or mixed-use development proposals should not lead to a net loss of office floorspace unless there is no reasonable or demonstrable prospect of the site being used for offices. Subject to viability information provided by the applicants in respect of proposed office use, hotel use is a strategic function of the CAZ and the loss of offices to hotel could be acceptable.

The principle of a hotel and restaurants on this site could be supported in strategic planning terms.

### **Public use and enjoyment of the River Thames**

London Plan makes clear that expanding opportunities and meeting the needs of all Londoners is essential to confronting inequality across London. In reinforcing the importance of publicly accessible space engendering strong and inclusive communities in London, Objective GG1 of the London Plan sets out several measures that development proposals should consider. The London Plan emphasises the need for public access and public activity on and along the riverfront, and the protection and enhancement of its historical and cultural role as an iconic feature of London. To this end, paragraph 9.16.5 under Policy SI16 of the London Plan refers to the Mayor's River Thames Cultural Vision, which aims to increase the engagement of Londoners with the river for cultural and leisure uses, including at night-time. The draft Public Charter sets out eight guiding principles necessary for the development of new public spaces.

The proposal seeks to open up the currently publicly inaccessible site by removing the railings that separate the site from the Thames Path and transforming the car park into a 2,8000 sq.m. publicly accessible riverfront space.

In addition to the external public space, public access to parts of the building is proposed. At ground floor level, a

public route through the building connecting Lower Thames Street to the Thames Path is to be introduced and a publicly accessible terrace would face onto the River Thames. Two rooftop pavilions would also be accessible by the public. Public access to these internal spaces would be available during the normal hours of their operation. Access, however, to the riverside external public space should be unrestricted as prescribed in the draft Public London Charter.

GLA requires that a final curation and public access management plan be submitted to the GLA prior to Stage 2 referral.

### **Employment and training**

A recruitment and training strategy, or an alternative approach, should be robustly secured through planning conditions or legal agreement.

### **Heritage and Urban Design**

#### Heritage

The proposed works to Custom House involve: the conversion of the spaces in the West Wing and Central Block; extensions to provide rooftop pavilions; demolition and re-building behind the retained facade of the East Block; and the demolition and replacement of external stairs on the Central Block with terraces, stairs and step-free access and alterations to the facade of the Centre Block's south elevation to create a terrace at first floor.

A sensitive approach to repairing and repurposing has been adopted; this has resulted in minor external changes, namely the rooftop additions, to the appearance of Custom House. When the minor external alterations are combined with the internal changes, GLA officers conclude that notwithstanding the comprehensive listing of the building as a Grade I asset any harm resulting from these works would be less than substantial and would be outweighed by the public benefits of the scheme.

The Grade II\* listed River Wall, Stairs were also built in 1817 as part of the Laing-designed Custom House. The two Grade II\* listed Cranes were added in the 1820's and 1830s. The work proposed to these listed assets would cause no harm to their significance, therefore conserving their significance.

The site is in proximity of Eastcheap Conservation Area, Tower of London Conservation Area, Trinity Square Conservation Area, many listed buildings including the adjacent Grade II Old Billingsgate Market and the

	<p>UNESCO World Heritage Site Tower of London with its numerous listed structures. GLA officers conclude that there would be no harm caused to these heritage assets. The significance of these heritage assets would therefore be conserved in line with London Plan Policy HC1.</p> <p>London View Management Framework (LVMF) – the proposal would preserve the composition of the relevant affected views</p> <p><u>Urban Design</u></p> <p>The provision of a generous zone of south-facing public space along river edge is a key benefit of the scheme and the rooftop additions are simple and refined. Consideration should still be given to providing community and or commercial uses along Lower Thames Street to better activate and animate this frontage, albeit in appropriate ways given the street's role as part of the London's strategic highway network. Furthermore, the applicant is encouraged to further develop the design of the public spaces inside and outside the building and to provide clarity on how public access would be secured. For example, giving careful thought to the uses provided on ground floor together with introducing more greenery and planting, better lighting, street furniture and informal play spaces around the building will promote activation of the public spaces.</p> <p><u>Fire Safety</u></p> <p>A fire safety statement prepared by suitably qualified personnel at Norman Disney &amp; Young has been submitted with the application in accordance with Policy D12 of the London Plan. The measures contained within the statement should be robustly secured as part of any planning permission.</p> <p><u>Inclusive Access</u></p> <p>London Plan Policy D5 seeks to ensure that proposals achieve the highest standards of accessible and inclusive design (not just the minimum). The application demonstrates how inclusive design principles have been applied to address entry into the building and circulation. However, only 5% of the bedrooms are proposed to be wheelchair accessible from the outset. This does not accord with London Plan Policy 4.5 and Policy E10 of the Intend to Publish London Plan. To comply, 10% of the proposed guestrooms should be wheelchair accessible or 15% accessible in line with the relevant British Standard BS8300-2:2018 Code of practice.</p> <p>In terms of the proposed public realm, this should also</p>
--	---

exemplify principles of inclusive access and should be designed to be accessible, safe and convenient for everyone, particularly the disabled and older people. Special attention should therefore be paid to ensuring that gradients are gentle and surface materials are durable, slip resistant, and conducive to wheelchair users and people with walking aids.

## **Transport**

### Healthy Streets

The Thames Path is a strategically important pedestrian link in terms of providing safe access to the river as well as a walking route. Due to the scheme's sensitive and prominent location, the application should demonstrate an exemplar approach to the river frontage.

The development proposes removing the existing riverside car park and using freed up space to create a new river terrace for walking, cycling, and public events. This would improve pedestrian comfort levels by widening the existing walkway currently restricted by this car park.

The new riverside walking and cycling area would expand and enhance London's strategic active travel network, which is strongly supported. It will be essential to ensure convenient and pleasant step-free access to the riverside terrace from all sides of the site, increased urban greening, comfortable and welcoming street furniture for people to stop and rest, and high quality, durable surfacing such as York stone. This may require carriageway raising, kerb realignments and level changes.

An access strategy for the riverfront should also be secured by planning condition or in a Section 106 agreement, and explicitly required to follow the Mayor's 'Public London Charter'. This is important as the riverfront terrace is proposed to remain as private land rather than being adopted as public highway. Permanent public access to the new public realm area adjacent to the river path should also be secured in perpetuity for both pedestrians and cyclists.

Public realm improvements are also required at Old Billingsgate Walk, Water Lane and along the entire site frontage on Lower Thames Street. Old Billingsgate Walk and Water Lane should integrate seamlessly with the new public realm proposed along the River Thames. These routes are vital to the future success of the new riverside terrace as a new walking and cycling route, and necessary in order to enable and encourage walking and cycling to



the new development from Bank, Tower Hill and Monument stations.

#### Cycle and Car Parking

Cycle parking locations have been provided but the detailed design of all cycle parking eventually delivered on-site must comply with the London Cycling Design Standards (LCDS), which should be secured by condition.

The proposal is car free except for two disabled spaces in the basement servicing area. The applicant should however demonstrate how these spaces will be accessible when the proposed servicing areas are in use, which is unclear.

#### Deliveries and Servicing

Draft delivery and servicing (DSP) and operational management plans (OMP) have been provided with the application and final, more detailed versions should be secured by condition and discharged in consultation with TfL. The draft DSP should be updated to include a stronger commitment to off-site consolidation to reduce overall deliveries.

#### Lower Thames Street

The proposal includes a new 15-metre vehicle drop off on Lower Thames Street, which would be able to accommodate a single coach or up to three taxis. Usually, all servicing and access would be expected to be from within the site rather than the TLRN. Given the exceptional need to deliver certain public realm improvements and upgrade the Thames Path, vehicle drop-off on the TLRN may be acceptable.

The applicant, however, needs to demonstrate that the 15-metre vehicle drop-off proposed can be safely delivered without increasing highway safety risk and with sufficient capacity to discourage and prevent over-ranking by taxis and private hire vehicles.

As a result, detailed designs for the Section 278 works proposed on the TLRN should be submitted and approved by TfL prior to determining the application. Initial designs and a Stage 1 Road Safety Audit (RSA) and Designer's Response have already been included in the TA. The Safety Auditor's recommendations must also be considered in the final detailed design.

#### **Sustainable Development**

The applicant has submitted an energy assessment,

	<p>which is generally compliant with London Plan. Further information, however, is required before the on-site reduction can be confirmed.</p> <p>The site is in Flood Zone 3 and partially benefits from flood defences. The FRA considers the risk of flooding from a range of sources in line with London Plan Policy SI12 and concludes that the site is at low risk of flooding from all sources. Basement flood gate and flood defences improvements are proposed and safe access in the event of a breach flood scenario has been identified.</p> <p><u>Urban Greening</u></p> <p>In line with London Plan Policy and objectives G1 and G5, urban greening has been included in the design approach to the refurbishment of the building and redevelopment of the site. The proposed records an Urban Greening Factor score of 0.07. This score is substantially lower than the target score of 0.3 for non-residential schemes set out in the Intend to Publish Plan and the emerging local plan. The applicant should therefore explore additional greening measures in order to improve the UGF score.</p>
<p>Transport for London</p> <p>17/09/2021</p>	<p>Following the recent applicant proposal to limit public access at the riverside, and the City Corporation's request in response for Pedestrian Comfort Levels (PCLs) to be calculated for all proposed layout and access scenarios. TFL would point out some key parts of the Mayor's Stage 1 report are relevant to those matters, Paragraphs 57 – 61 and 72.</p> <p>As was made clear in the Mayor's Stage 1 report, should the development proposal fail to genuinely safeguard and enhance the Thames Path, and fail to provide genuinely permanent, high quality and exemplar public access not only to the existing river path south of the site, but also to the new public realm area proposed adjacent to Custom House itself, the exceptional need to deliver public realm enhancements that significantly upgrade the Thames Path at this location may then no longer be fulfilled.</p> <p>In my view, in such circumstances, the proposed development would then no longer justify Mayoral and TfL support for any vehicular access from the TLRN rather than only within the site, including pick-up and drop-off facilities for taxis and coaches on Lower Thames Street.</p> <p>Furthermore, TFL would draw attention to key information on Pedestrian Comfort Levels (PCLs) which feature in</p>

	<p>some emerging and adopted City of London local policy and guidance. It should be noted that there are specific PCLs in relation to tourist attractions, which include hotels.</p>
Historic England	<p>Historic England raise no objection to the applications on heritage grounds and provides the following Summary:</p> <p>“The Grade I listed Custom House is highly significant for its monumental classical architecture and for its historic role in London’s history as a trading port. The proposal to convert the building for hotel use would cause a low level of harm. It will be for the decision-maker to determine whether this would be outweighed by public benefits, which include providing public access to the building and its riverfront. We urge you to ensure that fully inclusive public access is guaranteed by the proposals should you be minded to grant consent.”</p> <p>Historic England outlines the building’s significance as follows:</p> <ul style="list-style-type: none"> <li>• One of London’s most important monumental neo-classical buildings</li> <li>• It is the fourth or fifth Custom House on or near the current site since the 14th century and has been at the heart of City trade for centuries. It follows that the building is highly significant for its historic role in the development of London as a trading port.</li> <li>• The building also has very high architectural significance, which is characterised by Laing’s and Smirke’s late Georgian neo-classical design in Portland stone.</li> <li>• The late Georgian interior survives mostly intact in the historic centre block and west wing. The centrepiece is Smirke’s ‘Long Room’, the public place where customs duties were historically paid and business conducted.</li> <li>• Other highly significant interior rooms include the entrance hall from Lower Thames Street with its stone staircases, the Queen’s Warehouse fronting the river and Smirke’s Robing Room in the west wing. The Robing Room is notable for its double height interior and panelled finishes. The other original interior spaces are former cellular offices, which are generally functional and plain.</li> </ul> <p>Historic England outlines the proposals and their impact as follows:</p>

	<ul style="list-style-type: none"> <li>• They note that the rooftop proposals have been amended to avoid partial demolition of the west wing roof structure and have been reduced in scale.</li> <li>• The current proposals are to convert the building from its current use as an office for HM Revenue &amp; Customs to a hotel. The cellular former offices are proposed as hotel rooms, with the Long Room and Queen's Warehouse proposed as restaurant/bar and function room spaces. We welcome the provision of public access to these spaces, which we consider would be a heritage benefit. The weight of these heritage benefits depends on how inclusive the public access is.</li> <li>• Identify removal of current harmful modern accretions in these large and significant spaces as a further heritage benefit.</li> <li>• Refer to other interventions including roofing over the west internal courtyard, contemporary rooftop pavilions on the east and west wings, a limited number of new openings and a new stone staircase in the classical manner from the south (Thames) side.</li> <li>• The principal impact on the significance of the listed building would result from the proposed rooftop pavilions. These are intended as an integral part of the hotel offer, but also as publicly accessible café/bar spaces offering fine riverside views.</li> <li>• The proposed pavilions are designed to be simple, lightweight and unobtrusive, but would nevertheless have a visual impact on the roof profile of the building from certain views (mostly from the opposite side of the river), and so on the architectural composition of the Custom House's principal elevation. The impact relates to the introduction of contemporary architectural elements to the mostly original roof profiles of the east and west wings, causing some visual harm. However, they would be set back from and form discreet additions to the two wings without threatening the primacy of the centre block.</li> <li>• Interventions in the historic fabric of the building, including the creation of new openings and alterations to existing window openings, are limited and would have a minor impact on the significance of the historic building."</li> <li>• In Historic England's view the level of harm to the significance of the historic building caused</li> </ul>
--	---

	<p>by the interventions described above is low.</p> <p>Historic England outline their position as follows:</p> <ul style="list-style-type: none"> <li>• Historic England accepts that the Custom House could be converted for hotel use without causing unjustified harm to its significance. We welcome the restoration and re-use of the most significant interior spaces in their original form.</li> <li>• However, the proposed works would cause some harm to the building's significance. In our view, this would comprise a low level of less than substantial harm in the language of the NPPF, principally due to the loss of some fabric relating to some of the internal interventions (new openings, dropping window sills etc.), and due to the provision of the proposed pavilion roof extensions that have a visual impact on the overall composition of the building in some views.</li> <li>• It will be important that the City of London is confident that the low level of less than substantial harm identified above is justified clearly in accordance with NPPF paragraph 193. The harm will then need to be weighed against public benefits of the proposals (NPPF paragraph 196).</li> <li>• The public benefits would include a range of heritage benefits that we broadly welcome. These include the provision of a long-term sustainable use for the building, and the restoration and enhancement of its principal interior spaces. The benefits also include making them publicly accessible, and creating a new public space along the Thames that would integrate the building with the Thames Path and enhance its setting.</li> <li>• We believe that public access to the highly significant historic interiors is an important potential heritage benefit, but one that will only be realised if access is socially and economically inclusive. We urge you to give sufficient weight to this issue as part of your decision-making process.</li> </ul>
Historic England letters 16.07.2021 and	Historic England do not wish to offer any further comments for the planning application. It is suggested that this application should be determined in accordance with national and local policy guidance and that the views of the

25.08.2021	City's specialist conservation adviser are sought.
<p>Historic England letters</p> <p>16.07.2021 endorsed by Secretary of State</p> <p>08.09.2021 and</p> <p>25.08.2021 endorsed by Secretary of State</p> <p>27.08.2021</p>	<p>The local planning authority are authorised to determine the application for listed building consent as deemed fit.</p>
Historic Royal Palaces	<p>Historic Royal Places do not raise objections to the proposals and have commented as follows:</p> <p>"The applicants and their Design Team consulted with us in September 2019 and presented to us the design proposals and the impacts on the views from the Tower of London World Heritage Site.</p> <p>We note from the application documents that the southern elevation of this grade 1 listed building would be little changed apart from provision of a minor extension at roof level. This would not significantly increase the overall height of the building however and would have an almost imperceptible effect on the setting of the Tower of London World Heritage site in the protected LVMF view 25A.1.</p> <p>We welcome the landscape improvements and the public access to the quayside and terraces, together with the proposals to curate a regular programme of events so that this important riverside location becomes a truly public space.</p> <p>Improving the connectivity and vibrancy of the riverside walk is key to the Mayors' River Thames Cultural Vision. Whilst the application proposals do contribute to this vision, we would like to register with you formally HRP's disappointment that the scheme does not address the wider strategic opportunity to improve the overall walking experience between the two bridges in terms of connectivity, wayfinding and pedestrian congestion and the opportunity to master plan the whole area between the river and Lower Thames Street. We wonder therefore whether this might bear further investigation in</p>

	<p>consideration of potential s106 agreements.</p> <p>In summary, we do not raise any objection to the proposals, welcome the landscape improvements and public accessibility within the application site, but would regret any loss of opportunity to contribute to wider strategic improvements along the riverside.”</p>
The Georgian Group	<p>The Georgian Group objects to the application for listed building consent.</p> <p>Their letter outlines the history of the building and notes that:</p> <p>“The Grade I-listed Custom House is a building of considerable importance as the work of David Laing and Robert Smirke, two leading architects of the early-19th century. The building is a fine example of an early Government building, intended to house a number of related functions, and survives in a legible form despite later changes. The external appearance of the building is little altered since the Smirke phase and retains a clear hierarchy between the wings and central block. With the exception of the east wing, the floorplan of the building survives in a largely unaltered state. The Long Room and Robing Room, each with a very specific functional and ceremonial purpose, are unique survivals within Georgian London, as is the whole building as rare surviving purpose built office space. The building also shows an early and innovative use of fireproof construction in the warehouse facilities on the lower floors.</p> <p>The Georgian Group raises the following concerns:</p> <ul style="list-style-type: none"> <li>• Regarding the extensive works that ... are proposed to the historic fabric both within the building and to its elevations. Due to the harm that would be caused by the proposed works described in this application, the Group’s position remains that the conversion of the Customs House into a hotel is not the most viable option</li> <li>• The provision of hotel accommodation within the wings of the Customs House - in particular, the west wing where a considerable amount of historic fabric survives - will cause harm to the significance of the building – in particular the considerable amount of subdivision of cellular office space to create hotel bedrooms</li> <li>• The provision of services into the rooms would require major intervention into the historic fabric</li> </ul>

	<ul style="list-style-type: none"> <li>• The harm caused has not been accompanied by a clear and convincing justification as required by para 194 of the NPPF</li> <li>• The addition of two glazed roof pavilions would alter the hierarchy of spaces of the east and west wings with the Centre Block , altering an integral element of the original design</li> <li>• Alteration of existing first floor windows to doors on the southern elevation would harm the composition of the southern elevation by altering the hierarchy of windows</li> <li>• The erection of the roof pavilion would harm the historic fabric of the West Block, by the removal of original construction. Information is required regarding the structural integrity of the building and its capacity to accommodate the proposed extensions</li> <li>• When considering the accumulated harm that the various elements of the scheme would cause, the Group does not believe that the proposed use as a hotel poses the most optimum viable use for the Customs House. Paragraph 192 of the NPPF requires Local Authorities when determining applications to take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'.</li> <li>• The City of London Local Plan states that 'proposals for change from offices will normally be refused if the building or site is considered to be suitable for long-term viable office use' – with this being incorporated within Policy DM 1.1. The Group urges your Local Authority to abide by this policy as the Customs House is suitable for long-term viable office use.</li> </ul>
<p>Second letter – Georgian Group 04/11/2020</p>	<p>The Georgian Group reiterates:</p> <ul style="list-style-type: none"> <li>• its belief that a significant level of harm would be caused by the conversion of the West Wing office spaces to hotel rooms.</li> <li>• The harm caused by the addition of the 2 roof pavilions to the architectural interest of Custom House</li> <li>• The west wing roof pavilion would cover the lightwell to the West Wing, an important and original design element which would have provided light into the office spaces below</li> <li>• The Georgian Group supports the aim of opening the building for the public, but greater clarification is</li> </ul>



	<p>needed over the access into key spaces</p> <ul style="list-style-type: none"> <li>• Requests that the application is deferred until a public round table discussion is held on the future of this grade I designated heritage asset.</li> </ul>
<p>Third letter – Georgian Group 09/06/2021</p>	<p>The Georgian Group reiterates its concerns, focusing on the importance of the surviving office spaces.</p> <ul style="list-style-type: none"> <li>• The Custom House as a purpose-built governmental building is an early example of its type and a rare survival today. The contribution the well-preserved office suites and their fittings make to the importance of this building is substantial. Conversion of the office suite spaces into hotel rooms will require sub-division which would be harmful to the significance of Custom House.</li> <li>• The central section is home to the exceptionally important Long Room designed by Smirke, with the equally impressive Queen's Warehouse located underneath. Escaping much of the damage when a portion of the southern facade collapsed, the western wing retains large elements of Laing's original design. The cellular form of the office suites survive, as does the hierarchy of spaces illustrating the relative importance of the officials working within the building. Surviving largely intact, the panelling, cornices, doors and skirtings in the office suites contribute to the significance of the building. This surviving fabric and plan-form in the west wing of the building articulates the former practices of the nearly 2,000 officials employed here during its heyday.</li> <li>• Large-scale office buildings in a well-preserved state are rare outside of Westminster. Located further west along the River Thames, Somerset House by William Chambers set a new scale for Governmental buildings following William Kent's Treasury early in the 18th century and preceded Soane's Board of Trade and Privy Council, later remodelled by Charles Barry. Following the conclusion of the Napoleonic wars, the state initiated a large number of building projects in the capital. Custom House was one of these, along with The General Post Office by Smirke which was demolished in the early 20th century.</li> <li>• The survival of Custom House and the well-preserved state of its interior spaces contributes considerably to the architectural and historic interest</li> </ul>

	<p>of this grade I listed building. Every effort should be made to conserve this building and the interior fittings to protect this heritage asset for future generations. In line with paragraph 193 of the NPPF, the greatest weight should be afforded for the conservation of this grade I listed building.</p>
<p>Fourth Georgian Group letter 02/09/2021</p>	<p>The Georgian Group advises that the amended plans and further information provided by the applicant have not resolved their previous concerns and therefore the Group maintains its objections to this application for Listed Building Consent.</p> <p>As part of their representations The Georgian Group have submitted a Significance Assessment by the Architectural History Practice which they urge the Local Planning Authority to give particular attention to when determining the application.</p>
<p>London and Middlesex Archaeological Society (LAMAS)</p>	<p>LAMAS have written as follows:</p> <p>“Custom House is a Grade I listed building and is therefore a designated heritage asset of national importance, and the impacts of any proposed development must be assessed with this in mind. A custom house has been known to exist on this site since the 14th century, with the present building constructed in 1812-17 by David Laing, and the centre block rebuilt by Robert Smirke in 1825-8. The east end of the Custom House was rebuilt as office space after World War II bombing.</p> <p>The Custom House is an iconic representation of the history of the City of London, forms an element in the setting of the World Heritage Site of the Tower of London, and Tower Bridge, and sits at the gateway to the City, attracting the attention of the many tourists using the River Thames. As such, the Custom House should be considered as having the highest significance.”</p> <p>LAMAS raises the following concerns:</p> <ul style="list-style-type: none"> <li>• the addition of two glazed pavilions which will be visible from the riverside of the building would seriously despoil the external aspect of the building, resulting in substantial harm to the asset. Paragraph 194 of the NPPF applies.</li> <li>• “the proposed changes will result in the removal of many internal doorways and the creation of hotel rooms and bathrooms, with associated services, also resulting in significant harm to the asset. Further, the proposed change of use (Use Class E) to a hotel (Use Class C1) will restrict the access of the internal spaces to hotel guests only, for example, the Long Room on the first floor and will</li> </ul>

	<p>not deliver the public benefits that would outweigh the harm or loss to the building. We would maintain that the harm caused to the building by proposed alterations and its conversion into a hotel will not provide the required substantial public benefits required by Paragraph 195 of the NPPF.”</p> <ul style="list-style-type: none"> <li>• “LAMAS support SAVE Britain’s Heritage view that there are many examples of listed buildings re-imagined as successful public buildings, and that the City of London Corporation should give consideration to finding a more public role for the Custom House in line with the Greater London Authority’s recently published cultural strategy for the Thames.”</li> <li>• “The Committee is of the opinion that the applicant has failed to appreciate the significance of the Custom House building as a nationally listed Grade I building in a world heritage site setting. Therefore, in view of the requirements of NPPF paragraphs 194 &amp; 195, the Committee requests that Listed Building and Full Planning consents be refused on the grounds of the substantial harm it would cause to this designated historic asset.”</li> <li>• “We further recommend that the City of London consider the establishment of a public consultation process to reconsider the proposed conversion of Custom House into a hotel and to consider other alternative uses for such an iconic building.”</li> </ul>
Second LAMAS letter 21/09/2021	<p>LAMA requests that Planning permission and LBC be refused on the grounds of harm caused to the designated heritage asset:</p> <ul style="list-style-type: none"> <li>• The Custom House is one of the oldest purpose-built office buildings in the London and as such, should be considered as having the highest significance. Within the West Wing, the proposed changes and creation of hotel rooms and bathrooms will result in the loss of the original layout of the office spaces resulting in significant harm to the building.</li> <li>• The restricted access to the interior e.g. Long Room would not deliver the public benefits to outweigh the harm or loss to the building caused by proposed alterations and conversion to hotel.</li> <li>• The two glazed pavilions would spoil the external aspect of the building resulting in substantial harm to the asset.</li> <li>• The managed access to the Quayside would not meet the objectives of the City of London</li> </ul>

	Corporation as outlined in the Riverside Walkway Enhancement Strategy.
Society for the Protection of Ancient Buildings (SPAB)	<p>SPAB object to the listed building application.</p> <p>They raise detailed observations in respect of structural assumptions that have been made in the submission including:</p> <ul style="list-style-type: none"> <li>• The proposed change of use and alterations are dependent on Building Control approval which can often result in far more invasive alterations</li> <li>• Engineering strategy for existing floors needs to be more clearly defined including addressing whether the floors are capable of withstanding the loads associated with the change of use – for e.g. large function area in the Long Room, cantilevered staircases, Smirke’s unique iron floor in the Centre Block so that the potential consequences of the proposed change of use can be understood</li> <li>• Querying the foundation strategy for the East Wing</li> </ul> <p>In addition to structural concerns SPAB consider that</p> <ul style="list-style-type: none"> <li>• the considerable intervention and loss of plan form and loss of historic fabric would be contrary to para 193 of the NPPF</li> <li>• that the proposed glazed pavilions would result in loss of intentional primacy of the Centre Block</li> <li>• the creation of a riverfront terrace is welcomed but that riverfront access would be achieved in any event once HMRC move; it is not dependent on this proposal and therefore this is not a robust justification in terms of public benefit.</li> <li>• Agree with SAVE that this is a missed opportunity to discuss a more prominent public role for a building which has, to date, been hidden from the public.</li> <li>• refer to GLA’s The Case for a River Thames Cultural Vision (2019) noting the untapped potential for tourism on the Thames, particularly in relation to the river’s heritage and natural assets.</li> </ul> <p>In summary SPAB register their objections and urge that the application is refused.</p>
Ancient Monuments Society	<p>The Ancient Monuments Society (AMS) objects to the LB application and recommends that it is refused.</p> <ul style="list-style-type: none"> <li>• AMS refers to the Significance Assessment prepared by Architectural History Practice</li> <li>• With the exception of Somerset House, the west wing of Custom House is the earliest surviving</li> </ul>

	<p>example of purpose-built office space in London</p> <ul style="list-style-type: none"> <li>Given the historic importance of the Custom House's west wing as the forerunner to modern office buildings in the City, we question if a hotel use for this Grade I listed building would be appropriate. The application would involve carving up the intact original Georgian office spaces for hotel rooms and en-suites, and this would cause irreparable damage to the remaining decorative features. It would also cause harm to our understanding of how these spaces were used and how they related to the main Custom Hall. The large light wells were also considered an innovative feature at the time, allowing for useable internal workspaces, and the enclosure of these light wells to create additional floor space and the roof top additions is particularly harmful.</li> <li>It has not been satisfactorily demonstrated that an ongoing office use consistent with the building's conservation - particularly in the west wing - would be would not be viable, and given the high level of significance attributed to this building, the AMS recommends the application is refused.</li> </ul>
SAVE Britain's Heritage	<p>SAVE object to the applications for planning permission and listed building consent and request a deferral of the applications for the following reasons:</p> <ul style="list-style-type: none"> <li>" support the comments of the Georgian Group in terms of the harmful impact of the proposals on the 19<sup>th</sup> Century fabric of the Custom House. Do not consider that the harm to this Grade I listed building can be justified in accordance with para 194 of NPPF. This is particularly relevant to the proposed interventions and alterations within the western wing, which remains largely intact (as originally built to designs by David Laing in 1817), required for the conversion of office space to hotel rooms, and the proposed pavilion roof extensions on the east and west wings."</li> <li>" Considers that the new ownership of the Custom House presents a once in a lifetime opportunity to open up the building to the people of London once again. This is particularly relevant given the large amounts of public money spent on the 1992 refurbishment scheme overseen by SKF Architects. Although in public ownership for over 200 years as the Headquarters of Customs and Excise and built as a partly public building, the Custom House has</li> </ul>

	<p>had very limited public access for the last 50 years, and has been effectively cut off since the high security railings were installed in the 1990s. While we are not opposed to the principle of hotel use, we consider in particular that the 180 ft Long Room - one of the most magnificent spaces in London - should be opened up more fully as a public space - as originally designed. Under the submitted plans, the Long Room would be for exclusive use of hotel guests.”</p> <ul style="list-style-type: none"> <li>• “Wish to emphasise the importance of securing public access to the riverside terrace at all times to ensure that the stated public benefits of this scheme are meaningful public benefits. We consider that any scheme coming forward on this site would be required to open up the river side of Custom House ---- in line with the Greater London Authority’s recently published cultural strategy for the Thames, not just a luxury hotel scheme. We believe that it is incumbent on the City of London, and the British Government who remain the freeholders of the site, to guarantee this provision or secure it in perpetuity.”</li> <li>• “SAVE wishes to object to the above applications in their current form, and calls on the City Corporation to defer the decision on these proposals until public a round table discussion is held on the future of this most important public building, involving representatives from the City Corporation, the GLA and others. The forum should allow a more wider ranging discussion of uses, some of which may be compatible with the current plans. Let's not squander this once in a generation opportunity. If your authority proposes to determine the applications in their current form and is minded to grant consent, we will request them to be called in for determination by the Secretary of State.”</li> </ul>
Second letter from SAVE 22.01.2021	SAVE reiterates its objections in a second letter, emphasising the importance of public access as integral to any proposals and the need to secure a long term curated cultural programme for Custom House to enable meaningful public access
Third letter from SAVE 04.08.2021	<p>SAVE submits a further letter of objection and offers further comments on the significance of the West Wing and the extent of public access</p> <ul style="list-style-type: none"> <li>• underlining the unique historic importance and rarity of the Custom House as one of the oldest purpose-built office buildings in the country,</li> </ul>

	<ul style="list-style-type: none"> <li>• The historic significance of the Custom House is in strong part derived from the surviving layout of the virtually unaltered West Wing, with its hierarchically set out floors of naturally lit and ventilated office spaces around the central atrium lightwell. The plan form of the West Wing, combined with the survival of original regency fireplaces, internal trims, interior glazing, and joinery is of high historic, evidential and architectural significance in heritage terms.</li> <li>• This innovatory model of design by architect David Laing has remained largely unaltered and in continual use by its original client (HM Customs) for almost 300 years and is therefore integral to the character and significance of the building. It also attests to the Custom House being one of the earliest ancestors of the modern office building, which remains a hallmark of the City of London to this day.</li> <li>• It is therefore essential that the plans seek as little change to the layout of original office spaces in the west wing as possible, including minimising subdivision and loss of historic detail, so as to retain the significance and rarity value of this wing of the building as highlighted above.</li> <li>• Whilst SAVE acknowledges the amendments made regarding public access to the Custom House Quayside</li> <li>• Terrace, they do not consider the extent of access proposed or the level of detail regarding how access is to be managed to be sufficient to allay their previous concerns.</li> <li>• We remain of the view that permanent public access to the terrace must be secured in perpetuity in order for this project to succeed, and to meet the strategic policy vision for the wider North Bank walkway vision shared by the City of London Corporation (CoLC) and the Greater London Authority (GLA).</li> <li>• historical documents dating from the 1920s and 1960s show that public access to the quay on public land has been hotly debated for at least a century.</li> <li>• SAVE wish to reiterate the importance of securing public access to the riverside terrace at all times to ensure that the stated public benefits of this scheme are meaningful new public benefits.</li> </ul>
--	---

	<ul style="list-style-type: none"> <li>• They consider that any scheme coming forward on this site would be required to open up the river side of Custom House in line with the GLA's recently published cultural strategy for the Thames, not just a hotel scheme. Therefore, limited weight should be given to removing the current security railings as a public benefit when weighing up these overall benefits.</li> <li>• It is incumbent on the CoLC, and the British Government who remain the freeholders of the site, to guarantee this provision or secure it in perpetuity - forming a wonderful south facing river terrace for Londoners to enjoy fresh air, and a magnificent prospect of the Thames.</li> <li>• Concerns that the plans do not provide sufficient detail on how events on the quayside terrace will be laid out, managed and controlled without compromising public access to the Thames Path.</li> <li>• The terrace could be available for events but not events which take several days to set up and require the closure of a large part of the terrace, but rather events which could include occasional receptions and parties requiring no more than roping off part of the terrace for say an afternoon or evening event.</li> <li>• , public access must</li> <li>• Public access must be provided and guaranteed, and the open character of the terrace must be protected.</li> <li>• Access to the Long Room SAVE We welcome the applicant's pledge to appoint a Culture and Events Officer to co-ordinate annual events</li> <li>• within the Long Room and other important historic interiors of the Custom House, in line with requests</li> <li>• made by SAVE in our previous correspondence. However, the plans lack sufficient detail on how a range of</li> <li>• events will be managed and curated, including longer form events such as exhibitions and installations</li> <li>• which have the potential to make the Long Room a genuinely publicly accessible space.</li> <li>• Instead, the applicant's 'Cultural and Community Strategy' states that the hotel operator will have unrestricted discretion over all use of the Custom</li> </ul>
--	--



	<p>House's historic interiors at all times, with no further details provided. For instance, no detail is given on how many and what types of publicly accessible events are proposed to be held in the Long Room, as opposed to private hotel only uses.</p> <ul style="list-style-type: none"> <li>• It is vital in our view that the Long Room remains a flexible space without permanent built-in furnishings such as serveries and sofa table seating so it can serve for a variety of events which could include receptions, lectures, concerts, exhibitions and banquets according to need. Its special quality stems from being a very large indoor space with potential for a continuing mix cultural events and functions that allows a great range of people to experience and enjoy it.</li> <li>• SAVE therefore call for a more robust and detailed Cultural and Community Strategy setting out minimum expectations for publicly accessible events in the Long Room to be put forward as a strict condition for any subsequent planning and listed building consent agreements.</li> </ul> <p><u>An alternative cultural vision</u></p> <p>SAVE wish to draw the local planning authority's attention to the further possibility for enhancing the cultural offer and public access to the Long Room and the Custom House more generally. Further to our previously submitted alternative vision drawn up by architect John Burrell, I attach an updated cross section showing how the Custom House could be transformed into a publicly accessible space worthy of its national historic significance</p>
War Memorials Trust	<p>The War Memorials Trust refers to 8 memorials which will be relocated from Custom House to a new HMRC location, on HMRC's vacation of the building.</p> <ul style="list-style-type: none"> <li>• “ the Trust has been engaged with HMRC regarding the proposal to relocate the war memorials. The charity is aware of how highly regarded and cared for their memorials are, with Remembrance services being regularly held and attended. Staff at HMRC have gone to great length to ensure that these particular memorials are not forgotten and are appropriately relocated. This is not an attitude shared by all custodians and is one to be</li> </ul>

	<p>commended.”</p> <ul style="list-style-type: none"> <li>• “War Memorials Trust generally feels relocation should only take place when a war memorial is at risk. However, as with all war memorial issues this is not black and white. It is important to consider who is commemorated by a war memorial and with whom the remembrance legacy lies. In this case the war memorial commemorates former employees of HMRC. It has meaning to HMRC as an organisation and they continue to use it as part of their commemorative activity. A war memorial is not a fixture and fitting of a building but an active site of remembrance. In such a case it would be appropriate to move the war memorials with the organisation rather than leaving them in situ within a building no longer associated with the organisation of those commemorated and where successor employees cannot easily pay their respects.”</li> </ul> <p><b>City of London response:</b> The Trust raises concern that the removal of the memorials has not been addressed in the planning or listed building applications. Since their letter a separate application for listed building consent has been made on behalf of HMRC and approved on 15.12.2020 (app.no. 20/00672/LBC) for the removal of 4 War Memorials. It was considered that the removal of the remaining 4 memorials did not require listed building consent. The War Memorials Trust was a consultee for this application and responded with advice in line with that above.</p>
Port of London Authority	<p>The PLA welcome the proposals to create a new public open space and riverside promenade – in line with PLA’s Vision for the Tidal Thames (2016) (The Thames Vision) which includes the goal to see more people enjoying the River Thames and its banks.</p> <p>The PLA:</p> <ul style="list-style-type: none"> <li>• Welcomes the removal of the security fencing which presently separate the Riverside Path from the quay</li> <li>• Recommends that appropriate Riparian life Saving equipment are retained and/or provided</li> <li>• notes that the existing river steps to the foreshore located in the south east corner of the proposed development appear unchanged. Access to/from the foreshore via these steps must be retained as part of the development proposals.</li> </ul>

	<ul style="list-style-type: none"> <li>• welcomes that reference, including timetables is given in the Transport Assessment and Travel Plan to the nearby riverbus services available from Tower Pier, located a couple of minutes away from the proposed development</li> <li>• advises that the potential role of the pier in the delivery and servicing arrangements should be considered in accordance with draft City Plan 2036 policy VT4.</li> <li>• Notes the details of the external lighting for the scheme and that the PLA should be consulted on quayside events, particularly on any temporary lighting.</li> <li>• Notes that a new outfall is proposed to the River Thames which will require separate licence from PLA</li> </ul>
Second letter PLA 10.09.2021	<p>No significant additional comments to make.</p> <p>They state that within the submitted cultural and community strategy it is noted that a number of organisations, including the Port of London Authority will be invited to join the culture and community committee. This is welcomed and the PLA would be willing to participate in the committee.</p>
Environment Agency 08/10/2020 20/01/2021 04/08/2021 09/09/2021	<p>The Environment Agency initially raised objections to the proposals on that grounds that there was encroachment into the River Thames flood plain and that details of raising of the flood defences should be clarified.</p> <p>Following receipt of revised and additional information the EA has removed its objection advising that the proposals now provide an overall flood storage net gain of just over 4m3 and that the Flood Risk assessment meets the requirement of the TE2100 Plan.</p> <p>There is no sleeping accommodation proposed in the basement which is for less vulnerable use only and the changes to the ground floor are above the tidal breach level.</p> <p>EA raises no objection.</p>
Natural England	Has no comments to make on the application
Natural England second and third email	Natural England have no further comments to make on this application.

22.07.2021 and 10.09.2021	
Thames Path National Trail	“The Thames Path National Trail runs along Custom House Wharf, should this development take place, we ask that Public Access is legally protected and enhanced along the Thames Path National Trail without let or hinderance with no obstructions to the right of passage by foot at any time. This is in accordance with The Draft London Plan under Policy SI16 Waterways- use and enjoyment.”
Lead Local Flood Authority	Following the submission of revised and additional information the LLFA confirms that its observations in respect of the increased risk of flooding due to encroachment has been resolved in conjunction with the Environment Agency, that a Flood Emergency Plan has been prepared and an issue clarified regarding the continuity of the flood defence. The LLFA recommends the imposition of conditions regarding SuDS measures, measures to prevent flooding during construction and evidence of Port of London Authority and Environment Agency permits for discharging to the River Thames.
London Borough of Tower Hamlets	“The London Borough of Tower Hamlets supports the observations made by Historic Royal Palaces. There are no objections to this particular proposal because its impact on the Tower of London World Heritage Site would be almost imperceptible in protected LVMF view 25A.1”
Tower Hamlets second letter 26.07.2021	The Local Authority raises no objection to this application.
Tower Hamlets third letter 08.09.2021	Tower Hamlets has no observations to make.
London Borough of Southwark	<p>LB Southwark raises no formal objection but comments that:</p> <ul style="list-style-type: none"> <li>• The proposal would not adversely impact on existing vehicular traffic or public transport infrastructure;</li> <li>• The proposed lay-by on Lower Thames Street is unacceptable due to disruption and safety of traffic on Lower Thames Street and the narrowing of the footway for pedestrians;</li> <li>• Concern re planned temporary closure of the footway on Lower Thames Street during the construction period; request that LB Southwark</li> </ul>

	<p>be consulted on receipt of a revised CMP;</p> <ul style="list-style-type: none"> <li>• Electric vehicle charging points should be provided</li> </ul>
<p>The City of London Access Group (CoLAG)</p> <p>06/10/2021</p>	<p>CoLAG have provided a set of agreed meeting minutes which form their response to this application.</p> <p>CoLAG Feedback:</p> <ul style="list-style-type: none"> <li>• Applauding concept of using important building in positive way, bringing an alternative source of income.</li> <li>• Noted that the plans were very complicated, and that the management of the building would be a key issue, with lots of competing uses.</li> <li>• Main concern is that Lower Thames Street is one of the main arteries of London and the proposal to use pathway for parking or access would be hazardous and potentially slow the transport time on the roads.</li> <li>• Could the existing access onto Water Lane be used to provide a layby drop off area in this location instead.</li> <li>• Disappointing that blue badge parking is within the basement, not at ground level. This is not a truly accessible or inclusive design. There is a need for these to be visible, would prefer to have disabled parking spots on the ground level; potentially on Water Lane.</li> <li>• The changing places toilets are located in the wrong place. They will need two changing places toilet: one for museum one for main atrium. Changing places is just in relation to one area of the development. A disabled person would have to travel significant distances. These need to be more centrally located.</li> <li>• Planning to host private events and using majority of space for private events in the peak times (Fridays, Saturdays, Sundays and the summer). Key revenue generator seemingly outweighs the key benefits to the public.</li> <li>• Needing to negotiate what times are they referring to and needing to be more constrained in relation to public access</li> <li>• It was concerning to see that access was</li> </ul>

	<p>determined by a person's affluence. The City is hoping to improve accessibility and social mobility, but this is not being shown in the presentation.</p> <ul style="list-style-type: none"> <li>• Is a hotel use in this location required, could a public exhibition space or other use be more valuable to the City, the current design aims to increase profitability. How can we maximise public benefit?</li> <li>• There is seemingly a lot being crammed into the project, and access seems like a last-minute addition. Not liking the idea of narrow corridors or restricted spaces that require being escorted everywhere.</li> <li>• Strongly feel that if the access facilities are not 100% and do not provide an exemplary scheme, they should be rejected. Not wanting to set a precedent.</li> <li>• Primarily concerned with the exterior. The footways are far too narrow once the space is filled with stalls and tables. The exterior is difficult for someone in a wheelchair or with a pushchair to negotiate. Those ramps from the Quay side have very sharp turning corners, they will be practically impossible for anyone to negotiate around that.</li> <li>• Do the doors off that immediate bank of stairs have sensors? Similarly, to get to the ground floor disabled toilet people will have to go through double doors do these have sensors. Knowing from personal experience that these doors are fire retardant, thus heavy.</li> <li>• Museum is a 'no-go' area for people who are disabled. There is no guarantee that people will be able to get in via access points. In an emergency disabled people will be unable to get out via step-free access doors. Assuming there will be places of safety, however, the only safe place in a burning building is outside.</li> <li>• Could a Sesame Lift be provided for fire evacuation?</li> <li>• Are internal and external doors to be automatic or have sensors, as especially exterior doors can be extremely heavy,</li> <li>• Central atrium is too messy and not easily</li> </ul>
--	---

	<p>negotiated by anybody who is in a wheelchair or with a push chair.</p> <ul style="list-style-type: none"> <li>• If Quayside is closed for an event, especially on Water Lane, it would be impossible to access the public cycle parking.</li> <li>• The current layout does not allow for sufficient space. Not sure of the jurisdiction of planning officers over internal furniture.</li> <li>• Do we know how long the ramp is? Exceeding maximum length, and something which should be looked into regardless of the resting points. It is compliant but still very long.</li> <li>• Seconding KK's comments regarding potential exclusiveness of hotel. A London heritage building is being taken from the public.</li> <li>• Level access from the taxi drop off; has this been discussed with transport engineers? Some taxi drivers can't deploy ramps with level access.</li> <li>• Provision of toilets. There is only one accessible WC on the ground floor. There is the potential for people to abuse the accessible facility given the number of people who could be at events. Needing to take into consideration the travel distances for disabled people.</li> <li>• At least one toilet should be ambient disabled for every 4 cubicle (1.2 meters wide, potentially hosting baby change facilities)</li> <li>• Changing places facilities. How does this work between hotel and museum use? If the museum shuts will people be able to access facilities through the hotel?</li> <li>• Fire evacuation: Policy D5 for inclusive design. Needing to have a fire evacuation lift.</li> <li>• Are they going to meet the strategy for wheelchair accessible rooms (policy E10 London Plan). Are there any rooms proposed with a hoist? Inclusive hotels network (further guidance) increasing hotel offering. Spatially they could provide it, but a question to put back to design team.</li> <li>• Could the hotel become part of the Inclusive Hotels Network?</li> <li>• Mayor of London's dementia friendly venues charter (published). Will the museum here be</li> </ul>
--	--

	<p>dementia friendly, and meet the toolkit?</p> <ul style="list-style-type: none"> <li>• Signage and navigation is an issue, especially for changing places and accessible toilets, and generally how to get around.</li> <li>• Lots of clutter, needing to design for neurodiversity. Has anything been discussed in terms of acoustics? Needing to consider the British standard for neurodiversity (public consultation, adopted in 2022).</li> <li>• Widths of the corridors in the gardens / terraces - (page 9) garden entrance that is only 1500mm wide (slide 19) café bar 5<sup>th</sup> floor. Noticed that most of those pathways just edge over the 1800mm-width mark. There ought to be passing places in line with building regs and standards. Ramp would not compliant without passing places.</li> <li>• If there any cycle parking for adaptive bikes? Not wanting to lock a bike up outside.</li> <li>• Site lines – people in wheelchairs are already having to negotiate a difficult environment, already a narrow space, this becomes really problematic if they cannot see where they are going.</li> <li>• In accordance with the London Plan, members can understand a desire to reduce vehicle access. However, members would not support the notion if they cannot access their destination because they rely on private cars / taxis.</li> <li>• Pavement pinch points – are they intending to do anything about that?</li> </ul>
--	---

### Public consultations

A total of 462 residential addresses were consulted as part of the full planning application ref. 20/00631/FULMAJ and Listed Building Consent ref. 20/00632/LBC. Notification letters were also sent to 246 properties in Billingsgate.

Following three rounds of public consultation to date 17/10/2021 letters have been received from members of the public and local residents comprising 16 letters of support, 4 of general comment and 61 of objection, 2 of general comment and objection and 1 letter withdrawing a previous objection. Copies of all letters and Representations are attached as background papers to this report.



The letters of support cover the following grounds:

Topic	Comment
<p>Heritage and public facilities</p> <p>Further responses received following the second round of consultations</p>	<ul style="list-style-type: none"> <li>• A sensitive restoration of the building which will bring benefits to Londoners and visitors alike, in particular the rooftop facilities</li> <li>• Look forward to a new hotel with retail, restaurant and entertainment additions to the area.</li> <li>• Quayside and roof terrace will offer unique northside river views</li> <li>• An exciting proposal to open up the building and enhance the North Bank experience</li> <li>• The publicly accessible uses on the ground floor will assist with increasing the vibrancy of the Pool of London and enhance the setting and significance of this Grade I listed building</li> <li>• The scheme retains and enhances the majority of the existing building fabric</li> <li>• The scheme shows what can be achieved with imagination, effective collaboration with heritage bodies and good oversight, to reinvigorate dowdy and inaccessible government buildings in a way which respects and restores the heritage and opens up access so that the public can access that heritage, history and architecture</li> </ul> <ul style="list-style-type: none"> <li>• Opening up of the interiors of the Listed Building to the public who would be able to walk through the lobby, visit other floors and rooftop bar.</li> <li>• Sensitively bring back parts of Custom House to their former glory.</li> <li>• Keep the building occupied, in use and viable.</li> <li>• Find the plans a fitting and appropriate legacy.</li> <li>• The proposal allows for previous atmospheres to be recreated through the careful restoration proposed.</li> </ul>
<p>Public space</p> <p>Further responses received following second round of consultations</p>	<ul style="list-style-type: none"> <li>• Existing use of the building is sub optimal, particularly the blocked off quayside.</li> <li>• Pleased to note the public space created on the north bank to take my family</li> <li>• Scheme proposes widening and enhancing of the riverside walk which is a major and necessary improvement</li> <li>• The river terrace could be a lovely new public space with great views over the Thames</li> </ul> <ul style="list-style-type: none"> <li>• Improvements to the North Bank of the river through landscaping, enhancing the view of Custom House and enhanced public realm.</li> </ul>

	<ul style="list-style-type: none"> <li>• Create new publicly accessible views of London from the roof top bar and opened up previously private outdoor parts of Custom House.</li> <li>• The proposals would bring more people to this area.</li> </ul>
Traffic Management	<ul style="list-style-type: none"> <li>• Satisfied that traffic will be managed to avoid traffic nuisance to adjacent residents</li> </ul>
Employment opportunities  Further responses received following second round of consultations	<ul style="list-style-type: none"> <li>• The hotel would offer a cross section of employment skills which is greatly needed in London</li> <li>• The development would create new jobs.</li> </ul>
Future investment	<ul style="list-style-type: none"> <li>• Investment in the long-term future of the City of London</li> </ul>
Further responses received following further rounds of consultations in relation to:	
Museum  second round of consultation  Third round of consultation	<ul style="list-style-type: none"> <li>• The plans for a museum that honours the public service that took place on site resonate with former officers.</li> <li>• Pleased with the evolved proposals to add a new museum.</li> </ul>
Cultural and Community Strategy  Third round of consultation	<ul style="list-style-type: none"> <li>• Pleased with the evolved proposals to include a Cultural and Community Strategy.</li> </ul>

The letters of general comment cover the following:

Topic	Comment
Ecology and greening	<ul style="list-style-type: none"> <li>• Note that trees are being retained but concerned about limited greening and low UGF.</li> </ul>
Public accessibility	<ul style="list-style-type: none"> <li>• Concerns expressed to ensure that the development is accessible to the public and local residents</li> <li>• Will the public riverside footpath remain open during the hotel's operation and what will the public restrictions be throughout construction</li> <li>• Welcome the improvement to the public walkway but opposed to the space being occupied by food</li> </ul>

	<p>stalls as on the South Bank.</p> <ul style="list-style-type: none"> <li>Concern that public access to Quayside is properly secured under the planning permission and S106 agreement</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>What will the long term on local traffic be when the coach and taxi drop-off is created</li> </ul>
Historical artefacts	<ul style="list-style-type: none"> <li>The building contains significant historical artefacts which need to be preserved and safeguarded prior to works commencing</li> </ul>
Further responses received following further rounds of consultations in relation to:	
Noise (Second round of consultation)	<ul style="list-style-type: none"> <li>Paragraph 182 of the NPPF should be adhered to, in that the hotel use does not unreasonably restrict the use and servicing of Old Billingsgate Market.</li> <li>In order to comply with this the hotel rooms (in particular in the west wing of Custom House, closest to Old Billingsgate Market) should have appropriately strong double glazing so that no noise or noise from servicing disturbs hotel guests in their rooms. It may be sensible for bedroom windows in the east elevation of Custom House to be non-openable to avoid risk of guests being disturbed.</li> <li>There should be acknowledgement of this in the decision notice to ensure the operation of the hotel does not place an undue restriction on the running of the existing events business in Old Billingsgate Market.</li> </ul>

The letters of objection cover the following:

Topic	Comment
Public access	<ul style="list-style-type: none"> <li>"This is the ideal moment to improve public access to what is a grand national public building, designed as offices, but once much more open than it has been latterly. The Long Room, in particular, also the former Robing Room and King's Warehouse at least, ought to be seen by more people more frequently. Even more basic is the desirability of general public access to the riverside terrace, which could be facilitated through the centre of the building, much as has happened at Somerset House. The present proposals are deeply disappointing and a huge missed opportunity in failing to provide such access to the public as a whole".</li> <li>Proposal is a privatisation of London's civic heritage – does not represent proper access for the wider public – for example for children</li> <li>More effort should be made to create a more inclusive</li> </ul>

<p>Further responses received following second round of consultations</p> <p>Further responses received following Third round of consultations</p>	<p>alternative</p> <ul style="list-style-type: none"> <li>• Another Thames-side gem should be sought such as the Southbank Centre or Somerset House, which we do not have on the City side of the river. The proposal would be a loss to London and a missed once in a generation opportunity</li> <li>• This is public land which should be opened to the public</li> <li>• The proposal would conflict with draft City Plan 2036 aim to open heritage spaces to attract a wider cultural demographic</li> <li>• A wasted opportunity to revitalise an imposing historic and iconic riverside building</li> <li>• The fabric of buildings such as Custom House constitutes a heritage asset which is 'owned' by - and should be accessible to all</li> <li>• Support for SAVE Britain's Heritage suggested plans for an alternative ensuring the building stays in public use and regenerating this stretch of the river</li> <li>• The proposed public access offer is very restricted and controlled, in terms of hours, accessibility to areas of building</li> <li>• There is less and less evidence along the riverfront of the heyday of London as a great international port. Custom House is a cultural and historic beacon on the north bank which should not be compromised by the external proposals</li> <li>• Custom House used to contain a Smuggling Museum and the public could visit the principal rooms; this building should be preserved as part of our cultural heritage with rights of public access</li> <li>• Provision must be made for the former Long Room, long hidden from view, to be open to the public as much of the original internal layout be retained.</li> <li>• The river walkway should not be blocked from public use</li> </ul>
<p>Use</p>	<ul style="list-style-type: none"> <li>• Conflicts with adopted and emerging Local Plan and London Plan policies to protect office use and the primary business function of the City; there has been no attempt to market the site as an office led alternative</li> <li>• Conflicts with draft City Plan 2036 policy for office-led cultural use</li> <li>• Custom House in its various iterations on this site</li> </ul>

	<p>has been at the heart of London trading for centuries. Use parts of its office space for start-ups or small companies to encourage growth and protect its history</p> <ul style="list-style-type: none"> <li>• This little known and under-appreciated building has potential to become a major public building, a flagship and long term asset for the City</li> <li>• The development should be used in a way that acknowledges and explores the role of the building in London's history and respects the architecture of Custom House.</li> <li>• The change of use to an expensive hotel would be at the expense of the building's working history and its built heritage and would be a loss to Londoners.</li> <li>• The exclusivity of a luxury hotel development contradicts with draft City Plan 2036 for office led cultural use as part of the City's ambition to open up heritage spaces to attract a wider cultural demographic</li> <li>• A Customs Museum would be a better use of the building</li> <li>• The interior could be put to a variety of uses including small offices, exhibition halls and galleries</li> <li>• The Tate Modern and Somerset House are examples of successful re-uses of historic buildings</li> <li>• The building is a unique symbol of London's history, both maritime and commercial and if safeguarded would be a magnet to draw tourists back to London</li> <li>• Questioning the need for another hotel in the City post-Covid and whether a better proposal can be made for the site.</li> </ul>
Harm to Grade I listed building	<ul style="list-style-type: none"> <li>• "Proposed works, which would if carried forward cause significant and unjustifiable harm to a Grade I listed building. The west wing of the Custom House is the least altered part, the only place where David Laing's building of 1817 remains legible. Significant alterations should not be permitted there. That is the part of the building, the major rooms of the central block apart, that should be most carefully handled in conservation terms. Further, the proposed additions of glazed pavilions on both the west and east wings would be an architecturally unfortunate intervention from an external standpoint."</li> <li>• A truly civic building of London and nation-wide importance – change to it should be taken very seriously – hotels involve lots of alteration</li> <li>• The Georgian offices which are a unique survival</li> </ul>

<p>Further responses received following second round of consultations</p> <p>Further responses received following Third round of consultations</p>	<p>would be needlessly destroyed</p> <ul style="list-style-type: none"> <li>• The light box pavilions on the roof would detract from the integrity of the principal façade, harm the symmetry of this classical building and destroy its external roofline.</li> <li>• The rooftop additions would result in substantial harm or at least a high level of less than substantial harm</li> <li>• The rooftop additions would harm the setting of nearby listed buildings, in particular the reflective illuminated box and roof terrace paraphernalia</li> <li>• The harm to the building is not outweighed by public benefits</li> <li>• The current scheme is far too intrusive and a more sensitive solution should be sought</li> <li>• No justification of the rooftop additions has been offered from an architectural or historic point of view</li> <li>• The removal of war memorials is a sad idea which runs counter to common sense and decency</li> <li>• The current proposals fail to fully take on board the compromising yet elegant classical language of Custom House and seek to adapt the building some what arbitrarily to modern hotel requirements.</li> <li>• The additional rooftop newbuild seems excessive given the large size of Custom House and will disrupt views across the Thames from shipping and the South Bank.</li> <li>• There appears to be an attempt to prettify the riverside terrace with 'soft' landscaping, whereas its character as a unique, formally working yard with associated features might be retained with interesting reminders of past usages.</li> <li>• The proposed terrace at first floor level suggests an aggressive amount of intervention and over-conversion to suit what are thought to be modern expectations.</li> <li>• Too many of London's old buildings are being destroyed, is it really necessary to have yet another luxury hotel in London.</li> </ul>
Urban Greening Factor	<ul style="list-style-type: none"> <li>• The development achieves a very low UGF which could be improved upon</li> </ul>
Employment and training opportunities	<ul style="list-style-type: none"> <li>• A recruitment and training strategy should be sought to demonstrate how the development would provide training and employment opportunities during the lifetime of the development.</li> </ul>
Further responses received following further rounds of consultations in relation to:	
Access	<ul style="list-style-type: none"> <li>• The equal access requirements should be addressing</li> </ul>



(Third round of consultation)	in a less intrusive manner, retaining historic stairs and other features.
-------------------------------	---

### **Policy Context**

63. The development plan consists of the London Plan 2021 and the City of London Local Plan 2015. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix B to this report.
64. The City of London has prepared a draft plan which is a material consideration to be taken into account.
65. Government Guidance is contained in the National Planning Policy Framework (NPPF) July 2021 and the Planning Practice Guidance (PPG) which is amended from time to time.
66. There is relevant GLA supplementary planning guidance and other policy in respect of: Accessible London: Achieving an Inclusive Environment SPG (GLA, October 2014), Control of Dust and Emissions during Construction and Demolition SPG (GLA, September 2014), Sustainable Design and Construction (GLA, September 2014), Social Infrastructure (GLA May 2015) Culture and Night-Time Economy SPG (GLA, November 2017), London Environment Strategy (GLA, May 2018), London View Management Framework SPG (GLA, March 2012), Cultural Strategy (GLA, 2018); Mayoral CIL 2 Charging Schedule (April 2019), Central Activities Zone (GLA March 2016), Shaping Neighbourhoods: Character and Context (GLA June 2014); London Planning Statement SPG (May 2014); Town Centres SPG (July 2014); Mayor's Transport Strategy (2018) and the Culture 2016 strategy.
67. Relevant City Corporation Guidance and SPDs comprises Air Quality SPD (CoL, July 2017), Archaeology and Development Guidance SPD (CoL, July 2017), City Lighting Strategy (CoL, October 2018) City Transport Strategy (CoL, May 2019), City Waste Strategy 2013-2020 (CoL, January 2014), Protected Views SPD (CoL, January 2012), City of London's Wind Microclimate Guidelines (CoL, 2019), Planning Obligations SPD (CoL, July 2014). Open Space Strategy (COL 2016), Office Use (CoL 2015), City Public Realm (CoL 2016), Culture Mile Strategy (2018); Cultural Strategy 2018 – 2022 (CoL, and relevant Conservation Area Summaries.

### **Material Considerations:**

#### **City Plan 2036:**

68. The draft City Plan 2036 was approved for consultation by the Court of Common Council in May 2020, with amendments to reflect the updated Use Classes Order and adoption of the City Corporation's Climate Action Strategy, in January 2021. The draft City Plan 2036 was published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

between 19 March 2021 and 10 May 2021. As such, it is a material consideration in the determination of applications.

69. The National Planning Policy Framework, July 2021, paragraph 48, indicates that:

“Local planning authorities may give weight to relevant policies in emerging plans

according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

70. The draft City Plan 2036 has progressed through three rounds of public consultation – on Issues and Options between 19 September 2016 until 2 December 2016; on a full draft plan between 12 November 2018 and 28 February 2019, and on the Regulation 19, pre-submission draft, between 19 March and 10 May 2021.
71. The Regulation 19, pre-submission consultation, generated responses from 171 individuals or organisations, making approximately 1,100 individual comments on various policies in the Plan.
72. The largest number of comments and objections to the draft City Plan were in relation to the impact of tall building development upon heritage assets, in particular the Bevis Marks Synagogue and the need for more specific planning policy on tall building locations and tall building heights. The Mayor of London has indicated that, as currently drafted, the City Plan 2036 is not in conformity with the London Plan in relation to planning policy for tall buildings. Elsewhere, the Mayor indicates that the City Plan vision and approach aligns well with the London Plan Good Growth objectives. The Mayor did not comment specifically on policies for hotels and the night time economy, other than in relation to the City’s Culture Mile, or comment on policies for the Pool of London.
73. Whilst the Mayor has raised an issue of non-conformity with London Plan policies in relation to tall buildings, he has confirmed that the Plan aligns with London Plan Good Growth principles and has not commented on policies which directly impact on Custom House, indicating that planning weight can be applied to those policies, subject to other comments or objections raised during the Plan consultation.

74. In terms of assessing the impact of the proposals for Custom House, a number of policies in the draft Plan are considered to be significant. The following paragraphs summarise the consultation responses to these policies, highlighting where there has either been support or objection which might impact on the weight to be attached to these policies in the determination of the proposals for Custom House.
75. Strategic Policy S6: Culture, Visitors and the Night-Time Economy sets out the City Corporation's strategic approach to maintaining and enhancing the City's cultural offer, requiring the submission of Cultural Plans for major development. Six comments were received on this policy, including comments in support of the approach which sees culture as complementary to office development. Where negative comments or objections were received, these dealt with the need for smaller scale development to provide culture plans and the potential impact of cultural activity on the amenity of residents in the north west of the City. No specific comments relating to the application of this policy in the Pool of London were received.
76. Policy CV3: Hotels provides a criteria based approach to the location of new hotel development, including that proposals "ensure continuing beneficial use for historic buildings, including enhanced public access to and interpretation of that heritage, where appropriate". Two comments were received on this policy, one emphasising the need to promote cycling and walking and public transport access to hotels and one highlighting the need for flexibility to allow hotels to come forward on appropriate sites, welcoming the impact of the new policy on the Culture Mile area.
77. Policy S8: Design, provides the strategic framework to deliver a high quality of design and layout in buildings and the public realm, including requirements for publicly accessible spaces within buildings, free access to roof terraces and spaces, including in tall buildings, along the river and around City landmarks, delivering buildings which are inclusive and which provide an active street frontage. This policy attracted 11 comments which raised a number of detailed issues and objections as well as support. There was objection to the requirement for internal pedestrian routes and free to enter roof terraces for all office buildings, but an acceptance that this could be appropriate in individual developments. Other objections related to the detail of delivery of zero carbon buildings and the need to apply circular economy principles. There were also several expressions of support for active frontages, provision of active travel and for access to roof terraces. No specific comments were raised at the applicability of this policy to development in the Pool of London.
78. Policy S11: Historic Environment, principally sets out policies for the conservation and enhancement of heritage assets in the City of London, in line with national planning policy and legislation. The policy also sets out the City Corporation's intention to improve public access to heritage assets to enhance the experience and interpretation of these assets. This policy generated one of the largest responses to the

Plan, with approximately 150 objections. These objections related in the most part to the need to conserve and enhance the setting and the heritage importance of Bevis Marks Synagogue, with other objections relating to the protection of the Tower of London, St Paul's Cathedral and the listed structure of the Barbican. Where comments were made on the issue of public access, they were largely supportive. No objections related to the application of policy on the City's riverside.

79. Policy OS1: Protection and provision of open spaces, is concerned with the protection of existing open spaces and the provision of additional space. The policy also seeks additional publicly accessible spaces and pedestrian routes in major commercial and residential development, and to secure public access to existing private spaces. Only 2 comments were received on this policy, one being a detailed comment on litter in open spaces. The other was an objection to the expectation of public access through all buildings, and a request that this be amended to access where feasible and practical.
80. Policy S17:Thames Policy Area, provides strategic guidance for development within the designated Thames Policy Area. A key plank of policy is to ensure delivery of the City's Riverside Walk Enhancement Strategy, including through protecting and enhancing public access along the riverside walk, improving access to the River, improving vibrancy of the riverside and providing publicly accessible roof terraces.
81. Policy S19: Pool of London, then provides more detailed and specific guidance for development and the public realm for that stretch of the riverside from London Bridge eastwards to the City boundary. Policy S19 seeks the provision of retail, cultural and leisure uses, increased vibrancy and active uses and publicly accessible uses, the provision of cultural events, arts and play spaces. Specifically, the policy promotes a continuous publicly accessible riverside walk which is accessible to all.
82. Six representations were received on Policy S17. Three of these were comments or requests to change detailed terminology with no impact on the policy. One comment related to the impact of lighting on wildlife. Of the remaining comments, one was strongly in support of enhanced public access to the riverside, the other raised concerns about public access to roof terraces, suggesting that this should only be where 'practical or viable'.
83. There were 2 representations made on Policy S19. One sought additional wording to preserve and enhance heritage assets and ensure public access in a socially and economically inclusive way, building on the policy wording in the draft Plan. The other representor made comments on behalf of Canon Capital Developments, the long lessee of Custom House. These comments were generally supportive of the proposed policy direction for the Pool of London, but suggested amendments to reflect the lessee's position as an important stakeholder in the redevelopment of Custom House.
84. The above summary of responses to key policies in the Plan has

demonstrated that the level of comment and objection to key elements of the City Plan which deal with public access to buildings and spaces, including rooftop spaces, seek improved interpretation of heritage assets and improvement of the Riverside Walkway, has been minimal. There have been objections to public access through buildings, but not to the principal, only the interpretation and application on all buildings. The principal objections to policies which have been relied upon by the City Corporation in determining the proposals for Custom House have been made by the lessee of Custom House.

85. In accordance with paragraph 48 (b) of the NPPF, the City Corporation does not consider that there have been substantive and unresolved objections to draft City Plan policies as they impact upon the proposals for Custom House and therefore considers that these policies can be afforded weight in the determination of the planning application.

## **Considerations**

### **Relevant Statutory Duties**

86. The Corporation, in determining the planning application has the following main statutory duties to perform:
- to have regard to the provisions of the development plan, so far as material to the application, local finance considerations so far as material to the application, and to any other material considerations. (Section 70 Town & Country Planning Act 1990);
  - to determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
87. In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990);
88. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
89. In considering the planning and listed building applications before you, account has to be taken of the documents accompanying the application, the further information, any other information, and consultation responses, the development, plan, and other material considerations including SPGs, SPDs, emerging policy.
90. There are policies in the Development Plan which support the proposal and others which do not. It is necessary to assess all the policies and proposals in the Plan and to come to a view as to whether in the light of

the whole Plan the proposal does or does not accord with it.

National Planning Policy Framework (NPPF 2021)

91. The NPPF states at paragraph 2 that “Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
92. It states at paragraph 8 that achieving sustainable development has three overarching objectives, being economic, social and environmental.
93. In respect of sustainable development, the NPPF states at paragraph 10 that ‘at the heart of the Framework is a presumption in favour of sustainable development.’ At paragraph 11(c ) the NPPF states that for decision-making this means:
94. Paragraph 10 states that “at the heart of the Framework is a presumption in favour of sustainable development”. That presumption is set out at paragraph 11. For decision-taking this means:
  - a) approving development proposals that accord with an up-to-date development plan without delay; or
  - b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
95. Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:
  - a) the stage of preparation of the emerging plan (the more advanced its preparation the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Chapter 8 of the NPPF seeks to promote healthy and safe communities.



96. Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.
97. Chapter 9 of the NPPF seeks to promote sustainable transport. Paragraph 105 states that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health”.
98. Paragraph 112 states that applications for development should give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport; it should address the needs of people with disabilities and reduced mobility in relation to all modes of transport; it should create places that are safe, secure and attractive and which minimise the scope for conflicts between pedestrians, cyclists and vehicles; it should allow for the efficient delivery of goods and access by service and emergency vehicles.
99. Paragraph 113 states that “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed”.
100. Chapter 12 of the NPPF seeks to achieve well designed places. Paragraph 126 advises that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
101. Paragraph 130 sets out how good design should be achieved including ensuring developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and create places that are safe, inclusive and accessible and which promote health and wellbeing.
102. Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change.

It should help to; shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including conversion of existing buildings.

103. Paragraph 154 states that new developments should avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.
104. Paragraph 159 states that Where development is necessary, in areas at risk of flooding, the development should be made safe for its lifetime without increasing flood risk elsewhere.
105. Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment demonstrating that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment, it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
106. Chapter 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 195 of the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
107. Paragraph 197 of the NPPF advises, "In determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness."
108. Paragraph 199 of the NPPF advises "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

109. Paragraph 200 of the NPPF states “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”
110. Paragraph 202 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” When carrying out that balancing exercise in a case where there is harm to the significance of a listed building, considerable importance and weight should be given to the desirability of preserving the building or its setting.
111. Paragraph 203 states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
112. Relevant Supplementary Planning Guidance is contained at Appendix B.

### **Good Growth Objectives and Social and Economic Inclusivity**

113. ‘Good Growth’ is defined in the London Plan as growth which is socially and economically inclusive and environmentally sustainable – underpinning all London Plan policies – it is the way in which sustainable development is achieved in the Capital (paragraph 1.01). It is the ‘golden thread’ running through the principle and detail of decision making, encapsulated in Good Growth core objectives, GG1-GG6 of the London Plan. Of particular relevance here are GG1 and GG5.
114. GG1 states Good Growth is inclusive growth. To build on London’s tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in development and planning must achieve an overall positive contribution to London, allow for social integration and for all to benefit in the opportunities of growth. Decisions must support a London for all Londoners across all the demographics regardless of background, or social and economic circumstances to engage independently with choice and dignity, breaking down barriers, challenges and inequalities they face, creating a fairer, more inclusive and equal City. Everyone should have a share

in London's prosperity, culture and community.

115. CG2, making the best use of land, includes understanding what is valued about existing places; London's heritage holds local and strategic significance for the City and the special features that Londoners value about a place such as cultural, historic or natural elements should be used to guide and stimulate growth. The Mayor's Good Growth by Design programme will ensure developments are of high quality.
116. GG3, creating a healthy city, requires developments use the Healthy Streets Approach to prioritise health in all planning decisions and make decisions which would improve air quality, create more green infrastructure and space for play, and promote more active and healthy lives. Plans should mitigate any potential negative impacts, maximise potential positive impacts, and help reduce health inequalities, for example through the use of Health Impact Assessments.
117. GG5, Growing a good economy, seeks to ensure the benefits of economic success be shared more equitably, providing physical and social infrastructure, whilst promoting London's rich heritage and cultural assets.
118. CG6, increasing efficiency and resilience, seeks to improve energy efficiency and support a move towards low carbon circular economy and ensure buildings are designed to adapt to changing climates. Developments should create safe and secure environments.
119. This Good Growth agenda is amplified by strategic policy developments at a national, London and local level, in particular to build back better post-Covid. The first report of the Covid Recovery Commission, 'Levelling Up Communities' (2020), identifies London as having the highest poverty rates in the UK, despite being the most economically successful city. It concludes on themes seeking to close the equality gap which focus on i.) people-focused decision-making ii.) building community resilience iii.) improving mental and physical health and iv.) providing educational opportunities with a focus on wellbeing. A key focus was to renew an emphasis on people and places, rather than more abstract regional wealth gaps, focusing more on the wellbeing of individuals, families and communities which are left behind at a local level.
120. The Good Growth objectives and the 'Levelling Up' agenda are amplified by recent City Corporation published policy which seeks to harness the opportunities of a post-Covid shift and re-position, transforming the City as a world class and inclusive centre for business and culture open to all. These visions, which are material considerations, are contained in 'City Recharged: Our Vision for London in 2025 (2020), 'The Square Mile: Future City: creating the world's most inclusive, innovative and sustainable business ecosystem' (2021) and 'Culture and Commerce: Fuelling Creative Renewal' (2021).
121. The Corporation report, 'City Recharged: Our Vision for London in 2025' (2020) seeks to retain the City's competitiveness, including

becoming a world-leader in inclusion, setting the inclusivity bar for other UK cities. Within the vision there is a stated aspiration of creating a public policy 'diversity lens', reflecting that of the Good Growth objectives, through which to assess impacts, while delivering innovative ecosystems, a vibrant offer and outstanding environments which appeal to a diverse demographic and audiences. There is a focus on blending commerce and culture which reaches out to non-traditional City audiences to create a diverse place by day and night. There is a prioritisation on addressing diversity, from ethnic and gender to socio-economic, in order that everyone feels they belong in the City.

122. The Culture and Commerce report seeks to deliver i.) creative activation ii.) culture and commercial exchange and iii.) Creative Enterprise Hubs, in an inclusive manner which enriches the City's ecosystem. It also seeks a public realm which extends beyond traditional boundaries and welcomes a wider demographic and underrepresented groups in the use of space.
123. This has been furthered in the report, 'The Square Mile: Future City' (2021), which seeks to make the City the most inclusive, innovative and sustainable in the world, through delivery of a vibrant use offer and outstanding environments in which all belong. A further Corporation strategic document, 'Culture and Commerce: Fuelling Creative Renewal' (February 2021), a report of the Culture and Commerce Taskforce, seeks to harness the economic and inclusion potential of the creative sector in driving a post-Covid recovery.

### **The Mayor's Public London Charter**

124. The draft Public London Charter (2020) has been produced to fulfil a commitment made by the Mayor in the London Plan to set out the rights and responsibilities for the users, owners and managers of public spaces. The Charter aims to provide a basis for the delivery and management of public spaces in new developments. It sets out 8 principles to meet the objectives of the London Plan which seek to ensure that public realm is safe, accessible, inclusive attractive, well-connected and easy to understand, service and maintain. It advocates for public realm that is open and offers the highest level of public access irrespective of land ownership, with landowners promoting and encouraging public use of public space for all communities.
125. The 8 objectives are: Public Welcome; Openness; Unrestricted Use; Community Focus; Free of Charge; Privacy; Transparency; and Good Stewardship.
126. Planning and managing should welcome the public and foster an open and accessible network of well-designed and amenable streets and spaces, this must be at the heart of planning for a healthy, inclusive and prosperous city.
127. Research shows that the most regulated public spaces in London are

those owned and managed by commercial landowners. Where this type of 'corporatisation' of the outdoors occurs, Londoners are concerned that people can feel, or are, excluded from parts of their own city. The central premise of the Public London Charter is to ensure appropriate management and maintenance arrangements are in place for the public realm, which maximise public access and minimise rules governing the space.

128. The value of our public realm for individuals and communities is extensive. It enables a sense of togetherness and provides opportunities for meeting people; this is especially true when community or cultural events are taking place. Easily accessible outdoor spaces contribute to an increased sense of well-being, for young families, those without gardens, and older people who might be lonely and less likely to leave their local area on a regular basis.
129. Londoners say they value the fact that public space provides easily accessible, and free, outdoor space, to be used how they want. Landowners and managers should seek to minimise the impact on the general use of the public space when planning temporary commercial events that may come with a cost. These should be announced in advance and should not unreasonably compromise the accessibility and enjoyment of the space for other users either through their frequency or the extent of the space that is used.
130. Public space should be managed to respect the privacy and private property of all users. Where CCTV or other surveillance or data harvesting technologies are used, they should protect people and property in a way that is both legal and compliant with regulators' codes of practice; they should not be solely used to obtain biometric information.
131. Compliance with the Public London Charter should be clearly signposted. Users should have easy access online and on site to the principles of the Charter together with details of the owner and management company of the space, and any regulations that apply. Any regulations should be developed transparently and through public consultation with interested parties and relevant stakeholders.
132. Public space should be managed on behalf of all Londoners. Day-to-day supervision should be informal, with both supervision and maintenance carried out in a manner which is considerate of all users.
133. The Charter provides a benchmark and supports a consistency of experience for all Londoners and visitors, to ensure that the public realm is accessible and inclusive.

### **Considerations in this case**

134. In considering the planning and listed building applications before you, account has to be taken of the documents accompanying the application, the further information, any other information, and consultation responses, the development, plan, and other material



considerations including SPGs, SPDs, emerging policy.

135. It is necessary to assess all the policies and proposals in the Plan and to come to a view as to whether in the light of the whole Plan the proposal does or does not accord with it.

136. The principal over-arching issues in considering this application are:

- The extent to which the proposals comply with the Development Plan.
- The extent to which the proposals comply with the NPPF
- Contribution to the economic success of the City
- The loss of existing office floor space and the change of use to hotel-lead scheme with accompanying flexible uses
- The direct heritage impact arising from the change of use, alteration and extension of the Grade I listed London Custom House, and the associated Grade II\* River Wall, Stairs and Cranes
- The in-direct heritage impact, the result of change in settings contribution to the heritage significance of numerous designated heritage assets, and an appreciation of it.
- The achieving of high-quality architecture and good design to deliver Good Growth by Design and a beautiful place.
- The impact on strategic London and City designated views in the London View Management Framework (LVMF); of and from the Monument as identified in the Protected Views SPD and of City Landmarks and Skyline Features as identified in the Protected Views SPD.
- The impact of the proposal on The Tower of London World Heritage Site
- The impact of the proposal on any archaeology beneath the site
- The accessibility and inclusivity of the development
- Transport, servicing, cycle parking provision and impact on highways
- The proposed public realm benefits and cultural/community offer
- The impact of the proposal in terms of energy and sustainability
- The impact of the proposed development on the amenity of nearby residential occupiers, including noise, overlooking, daylight, sunlight and light pollution
- The environmental impacts of the proposal including wind microclimate, flood risk, air quality, building resource efficiency, energy consumption and sustainability
- The requirement for financial contributions

## **Principle of Development**

137. The Local Plan Core Strategic Policy states that when considering development proposals, the City Corporation will take a positive approach that reflects the presumption in favour of sustainable

development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

138. The loss of the current office floor space, and the change of use of the site to provide a hotel with ancillary uses, provision of retail uses, and the provision of a museum is to be considered.

#### Loss of existing office floor space

139. Custom House currently provides 19,698 sqm GIA of office and ancillary floorspace arranged over basement, ground, mezzanine and 3 upper floors. A surface car park is located to the south of the site and can accommodate approximately 80 cars. The building has been occupied by HMRC or other iterations of government customs since the early 19th Century but has been vacated. The area immediately surrounding Custom House is predominantly office use, with event space adjacent at Old Billingsgate and residential opposite to the East at Sugar Quay.
140. The proposals seek the change of use from office (Use Class E) to primarily hotel use (Use Class C1) with additional uses including Museum (Use Class F(1)(c)), food and beverage facilities (Use Class E or Sui Generis). The proposal does not include any independent office, therefore resulting in the loss of 19,698 sqm GIA of office and ancillary floorspace.
141. The City of London Local Plan 2015 and the proposed Submission Draft City Plan 2036 promote the delivery of a world class business city and the protection and provision of office floorspace. Local Plan policies CS1 and DM1.1 and proposed Submission Draft City Plan 2036 policies S4 and OF2 seek to protect existing office accommodation.
142. Policy DM 1.1, protection of office accommodation, requires applications be refused that would result in the loss of office accommodation where the site is considered to be suitable for long-term viable office use and there are strong economic reasons why the loss would be inappropriate.
143. To meet the requirements of Core Strategic Policy CS1 and Policy DM 1.1, applicants proposing the loss of office accommodation will need to provide robust evidence relating to the current and long term unsuitability of the site for office use and that the proposed change would not adversely affect the existing beneficial mix of commercial uses in the area or prejudice the primary business function of the City. Applicants will need to provide robust evidence to demonstrate that the building has depreciated such that office use is not viable or suitable in the long-term. Evidence will need to address the physical state of the building and its functional and locational obsolescence. Marketing evidence will be required to show that there is no recent or likely future demand for continued office use on a site.

144. Emerging Policies S4 and OF2 of the draft City Plan require the protection of existing office stock from being lost to other uses where the existing floor space would be viable in the longer term or where the loss would cause harm to the primary business function of the City.
145. Evidence provided in support of planning applications should take into account the potential for the building to meet a variety of office needs including, where appropriate, the potential for sub-division to provide smaller office suites, the potential to provide accommodation suitable for start-ups or 'move-on' accommodation and the potential for comprehensive redevelopment to re-provide office floorspace.
146. The Office Use Supplementary Planning Document sets out detailed criteria for evaluating the long-term viability of office accommodation and requires the submission of a viability appraisal and evidence of marketing in support of an application for change of use.
147. The applicant has not undertaken formal marketing of Custom House for alternative office use but has submitted an 'Office Market Review and Assessment of Letting Potential' report. This report categorises Custom House as a Grade B office space. It suggests that the size of Custom House, its internal configuration and Grade I Listed status and the availability of more suitable Grade A office space in the EC3 and EC4 areas would mean that it would be unlikely to let to a single occupier. Similarly, the size of the building and the restrictions imposed by its Grade I listing indicate that it would not be attractive to SMEs or a serviced office provider.
148. In support of the Market Review and Assessment Report conclusions, the applicant has submitted an economic viability assessment. The City Corporation appointed independent consultants to review the Assessment and provide advice to the City Corporation on whether the assessment meets the terms of Policies CS1 and DM1.1 and emerging policies S4 and OF2. The Applicant's viability assessment has been undertaken using a residual method, which calculates the value of land by subtracting all expected costs of the development (including an allowance for profit) from the anticipated value of the property once the development is completed (gross development value). The residual value of the land can then be compared with a benchmark land valuation. If the residual valuation falls below the benchmark land value, the scheme would not be viable for a rational investor looking for a market level of return on investment and would not come forward. This approach is the 'industry standard approach' to viability assessment and is supported by national Planning Practice Guidance and RICS guidance. It does not take account of how development would be viewed by an investor willing to accept a sub-optimal level of return.
149. Given the national significance of Custom House, the City Corporation requested that a full survey of the existing condition of the building be provided to better understand what interventions would be needed to maintain the building and deliver the proposed development. Summary information was provided, but not a full and comprehensive condition

survey.

150. A number of options/scenarios have been tested by the Applicant through their Viability Assessment. Six of these options consider the viability of continued office use, five consider hotel development and variations in the size and mix of uses within a hotel scheme. A further hotel viability assessment has also been provided to consider the viability of a hotel scheme alongside a museum use, as set out in the most recent planning application.
151. The office viability options assessed consider whether continued office use would be viable in the longer term, in line with adopted and emerging Local/City Plan policy. The options considered are:
  - Option 1: minimum office upgrade
  - Option 2: comprehensive office refurbishment
  - Option 3: Grade “A” office refurbishment and rebuild of east wing behind existing façade
  - Option 4: As Option 3, but with a 4th and 5th floor extension
  - Option 5a: As Option 4, but with restaurant/event space on basement, ground, first and part 5th floor
  - Option 5b: As Option 5a, but excluding the 5th floor extension.
152. The residual valuation method adopted by the Applicant provides a point in time view of viability of the continuation of office use. This approach concludes that all 6 office options considered would not be viable, with all options delivering a residual land value below the benchmark land value.
153. In considering whether the Applicant’s conclusions can be supported, the City Corporation’s independent assessor has considered in detail the individual inputs to the Applicant’s viability, including assessments of the benchmark land value, the overall development cost of each option and the development value of each option. The City Corporation’s independent consultant has agreed that the benchmark land value adopted by the applicant is appropriate. Potential rental levels for office floorspace have been assessed on the basis of comparable schemes elsewhere in the City and the City Corporation’s consultant considers that the proposed rental values are appropriate.
154. In terms of development costs, the Applicant has provided a cost plan, outlining the expected construction cost for each option. The City Corporation’s consultant has sought specialist advice on the appropriateness of the cost plan given the specific costs likely to be incurred in relation to a Grade I listed building. This advice highlighted a number of anomalies in some of the cost plans, specifically relating to shortfalls in the costs for Options 4, 5A and 5B and covering demolitions, substructure, frame and upper floors, roofing and external works. At the same time, the cost plans make allowances for roofing works and works in the Long Room which are considered by the City’s consult to be excess costs. The scale of the anomalies is around £4.5m

before preliminaries and other costs and is approximately the same level as the total allowances for roofing and the Long Room. For the purpose of the Viability Appraisal, the Applicant's estimated construction costs have therefore been accepted and no changes were considered necessary by the City's consultant to the submitted cost plans. Whilst this approach is suitable for viability appraisal purposes, it does not take into account the very specific circumstances and specific development costs in developing an important Grade I listed building.

155. The City Corporation's consultant has reviewed the Applicant's Viability Assessment for each of the office options considered. The City Corporation's consultant agrees with the Applicant that the viability assessments, as submitted, indicate that continued office use would not be viable at the point the assessments were undertaken. The City Corporation's consultant has also built a bespoke financial model to assess whether continued office use of Custom House would be economically sustainable and viable in the longer term. This approach models projected returns on an annual basis over a 15-year period. Using this model, the consultants have considered the viability of the 6 office options considered by the Applicant, as well as a base model in which the building is retained in its current state without substantial refurbishment. They conclude that retention of the building in its current state would not be viable in the longer term.
156. In relation to the 6 options, the model targets a rate of return of between 8% and 10%, being the level that a rational investor would seek given the associated risk and investment. All of the options tested produced a level of return below this level. Whilst the level of return does improve towards the end of the 15-year period following refurbishment, this is still below the rate of return considered appropriate.
157. In accordance with guidance set out in RICS guidance on viability, the City Corporation's consultant has run a series of sensitivity analyses, considering the impact that a change in rents and/or construction costs of +/- 10% would have on the projected return after a 15-year period. This analysis shows a moderate sensitivity to changes in construction costs but a greater sensitivity to changes in rents. However, even allowing for improvements in rents and reduction in costs, none of the six office options would deliver a level of return which would be acceptable to a rational investor seeking a market return.
158. Overall, the City Corporation's consultant concludes that the retention of Custom House in its existing office use is not financially viable and that it would not be viable in the longer term for future office use under these models. The principle of a change of use from office to an alternative use is satisfied in accordance with Local Plan policies CS1 and DM1.1, proposed Submission Draft City Plan 2036 policies S4 and OF2, and the Office Use SPD.

## Change of Use to Hotel

### Policy Context:

159. The proposed development site falls within the Central Activities Zone (CAZ). The London Plan 2021 states (paragraph 2.4.4 (j)) that one of the strategic functions of the CAZ includes, but is not limited to, the provision of tourism facilities including hotels and conference centres.
160. Policy E10 of the London Plan relates to visitor infrastructure and states that a sufficient supply and range of serviced accommodation should be maintained.
161. Paragraph 6.10.2 of the London Plan states that it is estimated that London will need to build an additional 58,000 bedrooms of serviced accommodation by 2041, which is an average of 2,230 bedrooms per annum over the plan area to meet the accommodation demands of tourists.
162. Policy E10 (and supporting text at paragraph 6.10.3) state that within the CAZ, strategically important serviced accommodation (defined as more than 20,000 sq.m.) should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ, except wholly residential streets or predominantly residential neighbourhoods and subject to the impact on office space and other strategic functions.
163. Policy E10 (and supporting text at Paragraph 6.10.4) of the London Plan seeks to improve the availability of accessible serviced accommodation, stating that it is vital in ensuring as many visitors as possible can stay in London and experience its visitor attractions and business offer. To help achieve this, serviced accommodation developments should achieve the highest standards of accessible and inclusive design.
164. The application site does not fall within an Opportunity Area as outlined within the London Plan 2021.
165. The London Plan Good Growth objectives GG1, GG2, GG5 and GG6 are considered applicable to the change of use of Custom House to a hotel-led development.
166. The Local Plan Policy CS11 states that hotel development will be allowed where it supports the primary business or cultural role of the City and hotels should be refused where these would compromise the business function or potential for future business growth, and that hotels should not be located where these would create amenity problems for existing residential areas.
167. The Local Plan (paragraph 3.11.5) states that the number of hotels in the City has increased significantly in recent years. The Mayor of London's 2006 Hotel Study encouraged an increase in London's hotel provision and set targets for each borough which the City has exceeded.
168. The draft City Plan (paragraph 5.3.16) gives more up-to-date detail on this point stating that whilst the majority of visitors are day-trippers, the



City has seen strong demand for hotel accommodation in the last ten years, and in 2020 had 44 hotels, aparthotels and hostels, providing over 6,700 bedrooms. The GLA has forecast the need for an additional 58,146 bedrooms in London between 2015 and 2041. The City's projected share of this increase is 4,341 rooms. Based on past trends and hotel sites currently permitted or under construction, there is a strong likelihood that the City will meet the London Plan requirement, irrespective of the proposal. It should be noted that these GLA forecasts predate the Covid-19 pandemic. Whilst there have been short term impacts on the tourism industry, the attractions of the City and of London as a visitor destination remain strong.

169. The Local Plan (paragraph 3.11.10) states that the City's central location makes it attractive for hotel development. New hotel development will be required to secure a balance of uses, protect residential amenity and address local traffic and servicing impacts. Large hotels with substantial facilities may be inappropriate in some locations due to the adverse impact on amenity and traffic.
170. Further to this the Local Plan (paragraph 3.11.11) requires that hotel development be assessed to ensure that the amenities of surrounding residents and businesses are not adversely affected, for example by noise nuisance and traffic congestion.
171. Local Plan Policy DM11.3 states that new hotels will only be permitted where they:
  - do not prejudice the primary business function of the City;
  - are not contrary to adopted Policy DM 1.1 ('Protection of office accommodation');
  - contribute to the balance and mix of uses in the immediate locality;
  - do not result in adverse impacts on the amenity of neighbouring occupiers, including cumulative impacts;
  - provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles and coaches, appropriate to the size and nature of the hotel or apart-hotel;
  - are inclusive, providing at least 10% of hotel rooms to wheelchair-accessible standards;
  - ensure continuing beneficial use for historic buildings, where appropriate.
172. Strategic Policy S6 of the draft City Plan seeks to maintain and enhance the City of London's contribution to London's world-class cultural offer, whilst allowing the City's communities to access a range of arts, heritage and cultural experiences. It allows for hotel development where it supports the primary business or cultural role of the City.
173. Draft Policy CV3, which indicates the circumstances in which hotels will be permitted, reflects broadly the criteria set out in adopted Local Plan Policy DM11.3 but adds additional criteria:

- include a range of complementary facilities accessible to the public;
  - ensure continuing beneficial use for historic buildings, including enhanced public access to and interpretation of that heritage, where appropriate;
  - address the sustainability challenges associated with the City's BREEAM priorities (energy, water, pollution and materials).
174. Paragraph 5.3.20 of the draft City Plan states that hotel development may be suited to listed buildings, providing an alternative use which could enable significant heritage features to be conserved and enhanced. Where such change of use is proposed, the City Corporation will seek improved public access to and interpretation of the building's heritage.
175. The draft City Plan (paragraph 5.3.21) recognises that hotels can cause amenity issues for surrounding occupiers, for example through noise nuisance or traffic and servicing impacts. New hotel proposals will be expected to prioritise access by walking, cycling and public transport. The location of entrances and exits, drop-off points and servicing and delivery arrangements will be considered in the context of surrounding occupiers.

**Assessment:**

176. The provision of a hotel use in this CAZ location is considered acceptable in principle in relation to overarching London Plan Policies, however, it is noted that this site does not fall within an Opportunity Area and the provision of a hotel is not required to fulfil a shortage of serviced accommodation in the City of London.
177. It is considered Policy DM11.3 and emerging Policy CV3 of the Draft City Plan set out the primary criteria for consideration of the change of use to hotel, each part is taken in turn below.
178. Officers consider that the principle of a loss of office floor space has been established as acceptable in this instance, and the change of use to a hotel (C1) would not prejudice the primary business function of the City. Furthermore, the proposal would not result in the net loss of an existing visitor, arts or cultural facility.
179. It is considered that the change of use to a hotel would not likely result in the over provision of hotels or cause an imbalance of land uses in this location, albeit there is a large and growing concentration of visitor accommodation in this part of the City, near to the Tower of London.
180. The proposed development would need to protect the amenity of nearby neighbouring properties and residents. The closest neighbouring residents are located at Sugar Quay immediately opposite to the East, accessed off Water Lane, which it shares with the Custom House.
181. The application documents do not include specific information regarding the spatial extent and nature of events on the Quayside and in the building, most notably the section of the Quayside on and

accessed off Water Lane or the Long Room (and associated external terrace), which has a capacity of up to just under 1000 people. These could have a significant impact on the amenity of the surrounding area and to the residents at Sugar Quay to the east.

182. The Applicant has provided insufficient details of the Quayside closures, how Quayside and Managed Events, or their operations/servicing quantum, times, or natures. An accompanying plan sets out the proposed area for closure of the Quayside, including Water Lane up to the Public Highway, for events. This would allow events to be held in any area, in any denomination of space over the identified Quayside Area. This could result in regular events being held on Water Lane and the parts of the Quayside adjacent to the residential properties in Sugar Quay.
183. Furthermore, the proposed control of the Quayside would be through daylight hours, therefore leaving night-time hours unrestricted. This could result in more night-time events taking place so that the hotel occupier can maximise the use of the Quayside for events over the course of each year. This could result in adverse impacts to the neighbouring residents, especially if these were located on Water Lane.
184. It is also not set out in the application documents how the servicing of events on the Quayside would be undertaken and if these would fall within the consolidated/outside peak hours plans put forward for the hotel building. If there are further servicing arrangements for events along Water Lane this is likely to result in increased noise and disturbance to the neighbouring properties at Sugar Quays.
185. Officers therefore consider that based on the information set out within the application documents there is insufficient information to demonstrate that the proposal would not result in adverse impacts to neighbouring amenity and would be contrary to Policy DM11.3 and emerging Policy CV3 of the Draft City Plan.
186. Amenity issues relating to the site are covered in more detail within a later section of this report, which have informed and provide further detailed analysis into the impacts of the proposed development to the amenity of neighbouring occupiers.
187. For the above reasons it is considered that the application does not demonstrate that the proposal would conserve the amenity of neighbouring properties and would therefore be contrary to part of Policy DM11.3 and emerging Policy CV3 of the Draft City Plan in relation to amenity of neighbouring occupiers, along with other amenity policies within the development plan and set out in further detail in later sections of this report.
188. The proposal would need to provide satisfactory arrangement for service delivery vehicles to serve the hotel and the Quayside/Managed Events
189. The Applicant has not agreed to the use of an off-site consolidation centre in order to reduce the number of deliveries to the development per day. Notwithstanding, the Applicant has agreed to a cap of 28

deliveries to the development per day. This is for all vehicles associated with the building, including any events within the building. The Applicant has asserted that this is a realistic cap for the building, despite not confirming what events may occur in the building and in particular the Long Room. Given the incomplete information we have received, relating to the events in the Long Room, and the potential servicing requirements associated with this, it is considered that a cap of 28 vehicles would only be achievable if an off-site consolidation centre is used.

190. The Applicant has failed to provide detailed information on the proposed private events associated with the riverside event space, therefore Officers have had to assess the case using the information submitted which includes unresolved issues and incomplete information. Officers consider that in a worst-case scenario there could be an event on the Quayside, either private and/or public, every day of the year, which together with the event servicing could potentially close 100% of the area as shown on the submitted plan (G200\_P\_00\_004 Rev A). Officers consider that the Applicant has failed to demonstrate that the servicing of the Quayside would not cause an unacceptable impact in relation to safe management and servicing of and on the Quayside, Water Lane and Lower Thames Street. Therefore, the proposals would not be compliant with part of Policy DM11.3, in relation to satisfactory arrangements for service delivery vehicles.
191. The potential closure of the rest of Water Lane, which is private albeit open land, would have an unacceptable impact on Sugar Quay residents, and people who use Water Lane to access the riverside. Water Lane is regularly used for pick up and drop off, and closing Water Lane would force any pick up and drop off onto the strategic traffic artery, Lower Thames Street.
192. Transport, Servicing, Parking and Impact on Public Highways issues relating to the site are covered in more detail within a later section of this report, which have informed and provide further detailed analysis into the impacts of the proposed development to the amenity of neighbouring occupiers.
193. Officers consider that based on the information set out within the application documents there is insufficient information to demonstrate that the proposal would provide satisfactory arrangements for service and delivery vehicles associated with the hotel use and the Quayside events which would be contrary to Policy DM11.3 and emerging Policy CV3 of the Draft City Plan.
194. The proposed development would need to ensure the continuing beneficial use for the historic building, in this case the Grade I listed Custom House.
195. The proposed hotel use, for reasons established in detail in the Heritage section of the report, would intrinsically work against the grain of the listed building, undermining its essential character, resulting in alterations and introducing servicing arrangements which detract from

special interest, contrary to DM 12.3.

196. Our independent viability consultant found the proposed hotel scheme viable, but deemed it marginal, with downside risk. Their specialist Hotels Team considered that the Applicant had overestimated potential revenue on day one. That scheme, the one proposed, includes not just the hotel bedrooms, but the alterations and extensions at roof level, which would leave the designated heritage asset of the highest order significantly diminished.
197. Officers consider the proposal would be a non-inclusive form of development, the result of its use(s), their disposition and layout, management and curation, non-inclusive inactive frontages and wider look and feel. It is not considered that the proposal would allow for the spectacular heritage significance of the building to be brought to a diverse demographic and audience in an inclusive manner. This is covered in more detail in later sections of this report.
198. Overall, the proposed change of use severs the current historic connection with the lawful use as an office, which Officers consider could be the longest in continued office use in the City, and its oldest surviving purpose-built, and would not secure the continuing beneficial use of the grade I listed building or its setting, the result of leaving an asset significantly diminished and a non-inclusive form of development meaning its heritage significance is not brought to a wider audience.
199. A minimum of 10% (20 hotel rooms) would be designed and fitted so that they are fully accessible, thus meeting the requirements of Local Plan Policy DM11.3 and emerging Policy CV3 of the Draft City Plan. It should be noted that officers do raise concerns regarding the overall accessibility of the external spaces and public realm associated with the proposal. However, this is not a factor under consideration of Policies DM11.3 or draft Policy CV3, but will be addressed in later sections of this report.
200. The draft City Plan Policy CV3 sets out broadly similar criteria as Local Plan Policy DM11.3 but requires that further considerations be considered as set out below.
201. Proposed development should include a range of complementary facilities accessible to the public as part of the development. The scheme would incorporate a number of Class E uses (bars/restaurants) and class F (museum) within the hotel building. Officers are concerned that these may not be truly publicly accessible spaces or independently occupied in a manner which would deliver a diverse variety need to create inclusive vibrancy. However, if suitable conditions of any approval and accompanying legal agreement were secured to ensure the independent occupation of each unit, alongside suitable management plan conditions, then this could be considered to satisfy the relevant criterion in draft Policy CV3.
202. Any proposed development should ensure a continuing beneficial use for historic buildings, including enhanced public access to and interpretation of that heritage, where appropriate. The proposed

development relates to a Grade I Listed building, which forms part of London's long and rich history. Whilst being a publicly owned building, the building has not been open to the public for a long time. This proposal represents a significant opportunity to enhance public access to this heritage asset.

203. When seen through the 'lens' of the London Plan Good Growth objectives, then development proposals should promote London's rich heritage and cultural assets in its role as a 24 hour city, in a way which is strengthens communities, increases active participation, social integration, fosters a sense of belonging, and support the needs of a wider demographic, young and old, families and disabled people, making an overall fairer, more inclusive city through building on access to heritage in creative and inclusive manner.
204. The development proposals would allow for public access through the Queen's Warehouse from the principal hotel entrance on Lower Thames Street to the riverside terrace area, with access onto the Quayside. The public access would be through the designated hotel lobby and reception areas. There would be an offer of display boards within the hotel lobby for the public to view. This public access route would be accessible between 9am and 10pm, on days when the hotel is operating and when an event is not being held on the Quayside.
205. A museum is proposed as part of the development. It would occupy a less prominent annex, landlocked in the north west corner of the ground floor, which is divorced from the remainder of the building, including the principal heritage/civic arrival and gravitas spaces. It would also not have an entrance fronting onto the Quayside new area of public realm. A public roof terrace is accessible during museum opening hours, however, this is accessed through and shared with a hotel bar/restaurant on a first come first served basis.
206. The removal of the security fencing and the opening up of the Quayside would result in an area for people to dwell and appreciate the external appearance and interpretation of Custom House. However, closure of the Quayside for private events would restrict public access for a large portion of the year.
207. Public tours would be available once per month for members of the public to visit the Long Room, considered to be the gem of Custom House. The Long Room would be a function room so the only time to visit it outside of the once monthly tour would be to book it out for a function. Therefore, it is considered that there would be extremely limited times, 12 per year, for the public to see this space.
208. Whilst it is considered that the proposal would result in enhanced public access to, and interpretation of, a significant heritage asset it is considered that the public access would be curtailed significantly in favour of private hotel guests, events and functions. Therefore, the scheme would not deliver an inclusively viable, vibrant or creative interpretation and appreciation of the outstanding heritage of the site in an inclusive manner, publicly accessible to a wide audience and

diverse communities.

209. Any proposal should address the sustainability challenges associated with the City's BREEAM priorities (energy, water, pollution and materials). The scheme was pre-assessed against the BREEAM UK Refurbishment and Fit-out (RFO) 2014 scheme. The maximum score that can be achieved by the proposed building at this state is 76.21%, which corresponds to a BREEAM 'Excellent' rating, considered to be an acceptable outcome for a Grade I listed building.
210. The development's scores in the City's three of the four priority categories (Energy, Materials, Water and Pollution) are acceptable. A post construction BREEAM assessment would be required by condition of any approval. It is therefore considered to satisfy draft Policy CV3 in this respect.
211. Whilst some parts of Policy DM11.3 and draft Policy CV3 are satisfied other parts are not. All parts are required to be satisfied for the proposal to be considered acceptable. Officers consider that the proposal would not ensure the continued beneficial use for a historic building. Furthermore, officers consider that it has not been demonstrated that the proposal would conserve the amenity of existing neighbouring occupiers or provide satisfactory or safe arrangements for servicing vehicles. Therefore, the proposed development would not accord with Local Plan Policy DM11.3 or draft City Plan Policy CV3.

#### Commercial /Retail floor space

Policy Context:

212. London Plan Policy SD4 sets out the strategic priorities of the CAZ. Policy SD6 (Town Centres and High Streets) of the London Plan states that the vitality and viability of London's varied town centres should be enhanced by encouraging strong, resilient, accessible, and inclusive hubs for a diverse range of uses that meet the needs of Londoners.
213. The London Plan Good Growth objectives GG1 and GG5 are considered applicable to the provision of commercial/retail floor space within development proposals.
214. Strategic Policy CS20 of the Local Plan seeks to improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.
215. The Draft City Plan encourages increased vibrancy and active frontages at ground floor level, through the provision of publicly accessible retail, leisure and cultural uses. Strategic Policy S1 of the Draft Local Plan 2036 (Healthy and Inclusive City) promotes the provision of publicly accessible recreation facilities. Policy S5 of the Draft Local Plan 2036 (Retailing) seeks to improve the quality and quantity of the retail environment promoting the development of the City's Principal Shopping Centres and the linkages between them, but also supporting schemes which would contribute to meeting the future retail demand of the City.



Assessment:

216. The Site is located within the Central Activities Zone (CAZ), but not within one of the Principal Shopping Centres as set out within the Local Plan.
217. This scheme would incorporate 1,474 sq.m. (GIA) of flexible retail (Use Classes E) and Sui Generis (Drinking Establishment) which comprises two internal restaurant/ bar units (Use Class E(b) / Sui Generis) and two rooftop restaurants / bars with terraces (also Class E(b) / Sui Generis) and a basement Gym/Spa.
218. In principle officers would support proposals for incorporating retail uses within the scheme as they would contribute to creating a mix of uses on the site and would provide ancillary uses to the guests of the hotel.
219. The proposed development for retail floor space would primarily fall under Class E(b) for the sale of food and drink for consumption (mostly) on the premises.
220. The ground floor central block is to be restored and would accommodate a bar, restaurant and function room. The applicant states that this will comprise two separate provisions within this central block, however, there is no information submitted that demonstrates how these would be subdivided and independently occupied. Furthermore, it is not clear from the plans or information submitted how the independent uses would interact with either the hotel lobby/front of house area or the public route passing through the building. The submitted ground floor plan shows that the central space of the central block will be used for 'Hotel Use C1, Hotel Reception and Front of House'. This is shown on the plans in the area which is set out in the public access plans as being the designated public route through the building. No additional information has been provided that would demonstrate how this space would be divided up or managed, with the submitted ground floor plan showing one open plan space for the independent Class E uses, hotel floor space and public access route. Based on the plans submitted it is difficult to assess the proposal in respect of individual uses within this space, therefore the uses appear as ancillary uses to the hotel rather than independent uses.
221. The lower ground floor of the building, within the western end, will comprise areas for spa and gym facilities. There would also be the provision of three meeting rooms, however, it is not clear if these would be publicly accessible. From reading the plans officers consider that the spa and gym facilities would likely be accessed from the western end lift core of the building, an area only accessible by hotel guests as set out within the public access plan. No details have been submitted on the type of offering the spa and gym would be, if it would be independently run by a gym operator or if it would be part of the boutique hotel offer. Without further information it is difficult to determine if the gym would be truly publicly accessible or if it would be an ancillary function associated to the hotel use.

222. Two roof terrace bars are proposed, one to the eastern end and one to the western end of the building. The roof terrace within the western end of the building would be served (during museum opening hours) by a publicly accessible lift. The eastern roof terrace would be served by a lift within a restricted part of the building for hotel guests only. It is not detailed on the plans how this public roof bar would be accessed from street level.
223. Whilst officers are not convinced on the independent nature of the Class E uses at basement and ground floor levels, or the publicly accessible nature of each use within the building, it is considered that the lack of information provided on the submitted ground and basement floor plans (G200\_P\_00\_001 Rev F & G200\_P\_B1\_001) that these retail units (Class E) can be run independently. If planning permission were to be granted details would be required by condition to show how these would be suitably serviced and run as independent uses and not ancillary to the hotel.. Further to this, it is considered necessary to incorporate within an accompanying legal agreement the stipulation that each use identified within the application submission should be independently occupied if permission is granted. On this basis, it is considered that the proposal would comply with Policy CS20 of the Local Plan.
224. Policy DM20.4 of the Local Plan requires retail proposals to provide a variety of unit sizes compatible with the character of the area in which they are stipulated. It is considered this primarily relates to principal shopping centres or larger scale developments where individual retail units would site together in a shopping area, rather than individual smaller buildings such as the application site where the uses are more ancillary in nature to the hotel rather than creating a destination retail area or shopping frontage. As such, the proposal would not be contrary to Policy DM20.4.
225. The proposed ground floor retail/commercial uses would have private terraced areas to the south overlooking the Quayside and river Thames. The application documents do not show how these terrace areas would be occupied; however, it is likely they will be used as seating areas or similar. This is considered to bring some activation to this elevation creating two pockets of active frontage. Whilst this is a small benefit, officers consider that given the extent of this elevation fronting onto the Quayside there is a missed opportunity to create a truly active frontage and provide vibrancy to the newly created area of public realm. Instead hotel rooms are provided along both the western and eastern wings and no public access is proposed through any other existing access points on the Quayside elevation into the building.
226. Given that the ground floor uses within the Central Block are sealed within the building from Lower Thames Street it is considered that, beyond the activation generated from the hotel use, there would be negligible activation or vibrancy of this part of the ground floor as a result of the retail/commercial uses. It is also considered that due to the location of the taxi drop off layby this area would become an extension

of the hotel lobby for receiving guests, further deterring the public from using this area.

227. The leisure and spa facilities in the basement would not contribute to the activation of the elevation fronting onto the Quayside as they would be contained within the building with no external apertures or entrances, other than those screened by the large flood wall.
228. The roof top bars are unlikely to contribute to any activation or vibrancy at street level due to their location.
229. Furthermore, it is considered that due to the private closures of the Quayside for private events and the extent of these closures the small amount of activation provided could be diminished by the fencing in of the building and Quayside, creating extremely inward looking environments over the area of public realm, corralling pedestrians along the narrow public walkway along the river edge.
230. Officers have taken into account the existing building and its current relationship with the immediate locality. Whilst the change of use to a hotel would result in a higher level of activation it is considered that this would mainly be due to the use by guests and patrons of the hotel. The provision of ancillary uses would not likely result in the genuine activation of frontages or enhancement at street level when considering the general public use of the spaces or access to the building. It would be likely to be perceived as a hotel for use by hotel guests, this would be further enforced when large areas of the Quayside are closed for private events.
231. Officers also have concerns regarding the proposed tenants for these commercial and retail uses. The proposed hotel scheme is one of a luxury nature, as such, the commercial bars, restaurants and leisure facilities could match this luxury nature. This could have two consequences, one would be the potential exclusion of particular groups for social-economic reasons, for instance accessibility to the gym/spa facilities would be through paying customers, potentially not creating an inclusive space for the local communities which may wish to use these facilities. It may also result in the internal spaces of the hotel having the perception of exclusion, if the uses were of a luxury nature, and by virtue of their location, for instance occupying the river terraces or flanking the public access route, this would likely result in an exclusive and exclusionary environment. This would not align with the Good Growth objections of the London plan, in particular GG1 and GG5.

### Museum use

#### Policy Context

232. The Site falls within the CAZ and London Plan Policy SD4 outlines that within this area the unique concentration and diversity of cultural, arts and tourism functions should be promoted and enhanced.
233. The London Plan Good Growth objectives GG1 and GG5 are

considered applicable to the provision of community and cultural use (museum) within development proposals.

- 234. Policy HC5 of the London Plan recognises that the continued growth and evolution of London's diverse cultural facilities and creative industries should be supported.
- 235. Emerging Strategic Policy S6 of the draft City Plan 2036 outlines that the City of London will support and encourage access to and development of a wide range of creative and cultural spaces and facilities across the City.
- 236. Emerging Policy CV2 (Provision of Visitor Facilities) of the Draft City Plan 2036 encourages the provision of facilities that meet the need of visitors in new cultural developments.

#### Assessment

- 237. The proposals include a ground floor museum situated in the north-west corner covering an area of 422 sq.m. (gia) comprising five individual rooms and an atrium with a lift up to the roof terrace area. The museum would be run by a Heritage Partner albeit would not be independent but owned and managed by the hotel occupier. Under
- 238. Within the atrium of the west block there is a café area proposed. It is unclear from the plans how this space would be serviced or used as a café at present, if this would be by the heritage partner or by the hotel operator, however, it is considered a museum room as per the submitted plans.
- 239. The Museum would be accessible to the public free of charge. It would be open to the public between 10.00 and 17.00 hours, for 6 days a week, Tuesday to Sunday. (excluding bank holidays).
- 240. The proposed floor plans and supporting documents set out that the museum would fall within use class F1(c) (museum). This falls within the broader Use class F (Local Community and Learning).
- 241. The museum would be accessed from an entrance off Lower Thames Street at the front of the building and from land adjacent to Old Billingsgate Walk, the access road to the west of the development site. There is also an accessible access ramp on land adjacent to Old Billingsgate Walk to a separate side door entrance. The museum would not be accessible from within the building/hotel, nor would it be accessible from the entrance on the Quayside within the western block.
- 242. The City has recently published The Square Mile: Future City report which sets out key Corporation priorities over the coming years. The aspirations include the delivery of vibrant environments that engage workers, visitors, learners and residents. There is a specific desire within City of London to enable the City's cultural and creative industries and to explore opportunities to enable and animate the City's weekend and night-time offer. The provision of a Museum would provide a cultural and heritage offer to display the history of the listed building as well as build on the City's diversity and attract new audiences which are also aspirations set out in the London Recharged

report.

243. In principle the provision of a museum (use class F1) is acceptable and would be welcomed. The provision of a cultural community use celebrating the important history of this building would be an asset to this part of London, providing local and wider communities free access to heritage and culture.
244. It is welcomed that the museum would be open 6 days a week and over the weekends which would allow a range of visitors. It is regrettable that the museum would not be open on public and bank holidays, or after main school/working hours, which would allow for a greater outreach, and potentially income generation to make it a viable independent venture.
245. Officers are concerned that the hotel operator could use the museum spaces (outside of museum opening times) as function spaces or ancillary to the use of the hotel. At present there is no information available which sets out how the museum is used outside of operational museum hours. It is considered that an appropriate s106 agreement could be entered into to control the use of this part of the building and its independent use as a museum.
246. It is noted that internal unrestricted access points from within the hotel into the museum exist, it is unclear if these would be shut off when the museum is not in operation or how the internal museum spaces would interact with these access points when it is open.
247. Due to the location of the museum in the north west corner of the building, divorced from the river and Quayside, and from other historical areas of the building, it is not considered to be located within the optimal area of the site for a new cultural and community use. Other areas of the site, for instance the central block or the Long Room would be more suited either by being within the public realm principal elevation, drawing people in and activating the Quayside or within the exceptional heritage area of the Long Room giving public access to this incredibly important part of the building. As it is, the museum is tucked around the corner of the building, and kept away from those wider public internal areas.
248. It is unfortunate that the museum would not be accessed from the western block Quayside as this would create a secondary route through Custom House for the public to appreciate the spectacular original internal areas of the west block. Furthermore, the use of the secondary western quayside entrance would provide some animation and activation of this part of the Quayside and promote to passers-by on the river paths that a museum exists in this location, at the moment the museum is tucked away from proposed areas of public realm improvements. Officers also consider that the access to the museum from the Quayside to the entrance on land adjacent to Old Billingsgate walk would likely be restricted if events were located in the western part of the Quayside, meaning that if anyone wanted to access the museum from the Thames Path they would have to walk around the perimeter of

the site to the entrance off Lower Thames Street. It's tucked away location would also likely reduce the number of incidental visits from members of the public using the Thames Path.

249. Research of historic records has shown that a Smuggling Museum previously existed on the site and that historically members of the public had access to this and to other areas of Custom House, including the Long Room.
250. The floor area proposed for the Museum would constitute just 1.86% of the total floor area of the development. An assessment of the overall proposed public access to the interior spaces of the building that the scheme offers is set out in the later section of the report titled 'Inclusive Public Access into Custom House'. However, it is noted at this stage the unrestricted free publicly accessible parts of the building rely heavily on the incorporation of the museum and the associated Heritage Partner.
251. The application documents state that the museum would be curated and run by an appointed Heritage Partner. Details of the appointment of a Heritage Partner are contained within the draft Heads of Terms. The appointment of a heritage partner would ultimately be at the discretion of the hotel operator. There would be some consultation with the City on the potential Heritage Partner, however, the agreement would only require the developer to have regard to any comments provided by the City. Officers are concerned that if a satisfactory and suitably independent (from the hotel operations) Heritage Partner, with the freedom to develop a wider education and inclusive remit, is not provided the overall success of the museum could be compromised and instead of becoming a genuine public asset celebrating Custom House, it would result in an ineffective space and a missed opportunity to bring a range of communities (some of which would unlikely be able to pay to visit the hotel) into the building and appreciate the unique heritage and culture of the site.
252. There is also no indication of funding for the museum space in perpetuity. The museum would be free to visit and therefore not an income generator for the Heritage Partner. It is therefore likely to be an unsustainable endeavour in its current form. The financial viability of the proposed hotel scheme is balanced on a fine line, diminished further by the incorporation of the museum use. If permission were to be granted it is important that robust agreements are put in place to ensure the initial provision and future safeguarding of this use on the site.
253. For all intents and purposes it is considered that the museum would remain a part of the hotel, which may be used by the hotel in an ancillary way, outside of museum opening hours. This could result in the curation of the museum being tailored to the theme and commercial content of the hotel, rather than a functional and educational museum inclusive to all that wish to visit and learn from it. Therefore, officers consider that the appointment of an independent and appropriate Heritage Partner is imperative to the overall success and viability of the

museum space in the long term.

254. Furthermore, the draft Heads of Terms states that if a Heritage Partner is not appointed within one month of the opening of the hotel the provision of a museum would fall away and a different use be implemented, albeit requiring an alternative use application for this space. This is concerning as the appointment of the Heritage Partner is ultimately at the discretion of the developer. Without proper LPA oversight, the Heritage Partner could be a separate company seeking to operate in the interests of the hotel, rather than a genuine independent creative use. For this reason, it is unclear if the museum is a genuine benefit of the scheme given that it is both, at the ultimate control of the developer, and could be withdrawn from the final delivery of the scheme.
255. Whilst the provision of a Museum is welcomed and accords with the policies of the Development Plan, officers consider that it falls short of providing a significant public benefit. It is considered that the current proposal and associated draft heads of terms do not give certainty that the museum space would be a genuine and sustainable public offering independent of the function of the hotel. The location in the north west corner of the building, divorced from the river and Quayside, and from other historical areas of the building along with the potential for the curation and management to be at the ultimate discretion of the hotel would likely result in an extension of the hotel functionality, rather than a genuine public asset.
256. So, whilst the use of this part of the hotel for a publicly accessible museum is, in land use terms, acceptable, officers can only attribute some public benefit to its provision.
257. If an appeal were to be allowed, details of the operation of the Museum (including open hours, access, heritage partner, funding, interaction with hotel use and other matters) would need to be resolved and secured via Section 106 obligations and relevant planning conditions.

### **Conclusion on Land Use Principles:**

258. In conclusion the proposed development would not accord with Local Plan Policies CS11 and DM11.3, or Policies CV3 of the Draft City Plan and the change of use to the proposed hotel is not considered acceptable.

### **River Thames and Pool of London**

259. Core strategic policy CS9 of the Local Plan (Thames and the Riverside) seeks to ensure that economic growth is sustained and further the aims of the Riverside Walk Enhancement strategy, particularly through:
- protecting public access and river views
  - improving access to the river and riverside walk



- improving vibrancy of the riverside by encouraging a mix of appropriate commercial uses, whilst protecting amenity
  - improving opportunities for biodiversity
260. Strategic Policy S17 (Thames Policy Area) of the draft City Plan builds upon adopted Local Plan Policy CS9, seeking to capitalise on the City's unique riverside location, including for recreation. Seeking to protect (and enhance) public access and river views. It seeks to improve vibrancy by encouraging a mix of appropriate commercial uses, expanding this to recognise the benefit of providing cultural uses.
261. The application site falls within the Pool of London, an area identified within the emerging City Plan as a key area of change. This is set out within draft Policy S19 (Pool of London) which seeks renewal and regeneration of the area through the refurbishment and redevelopment of existing building and the delivery of significant public realm improvements.
262. Emerging Policy S19 seeks to:
- enable office-led mixed commercial use redevelopment including the provision of retail, cultural and leisure uses.
  - Require increased vibrancy and active frontages at ground floor level through the provision of retail and publicly accessible, leisure and cultural uses on the river frontage.
  - Encourage the provision of cultural events, arts and play in public spaces along the riverside, and ensuring their delivery through Cultural Plans.
  - Preserve and enhancing significant heritage assets and historic significance including protected views, as well as encouraging more diverse communities to appreciate and understand the area through creative interpretation.
263. The CoL Thames Strategy (2015) SPD sets out the Thames strategy Area, which the application site falls within. The London Bridge to Water Lane section of the strategy encompasses the site and sets out that Custom House and its associated river wall, stairs and cranes are important heritage assets in the area. Planning Policy aims for this area include the provision of office led commercial development which could include retail, conference or event space, so long as it is compatible with residential development. It is also states that better use of the riverward spaces adjacent to buildings would be welcomed. Car parking and vehicular access for servicing dominates several of the private spaces on this stretch of the riverside. Greater public access and more inclusive use of these spaces would be expected to complement any redevelopment.
264. The Riverside Walk Enhancement Strategy (2015) SPD seeks to address challenges specific to the riverside walk. It states that where re-development occurs, the unique riverside location offers opportunities for creating new public spaces, together with widened and direct sections of Riverside Walk. Custom House (at part 8.3.2.9)

is identified as an area for significant public realm improvements and widening of the current path.

265. In 2019 the Mayor of London published a River Thames Cultural Vision which seeks to elevate London's international profile and deliver on the Mayor's Good Growth priorities. The Vision aims to drive and enhance significant economic, environmental and social change identifying the River Thames as a growing destination for major cultural organisations, offering a multitude of reasons to visit the City, increasing and widening its cultural tourism offer and central to driving London's evening and night-time cultural life. The Vision offers opportunities to deliver on many of the Mayor's priorities for London by, amongst others:
- Broadening access to culture for all Londoners
  - Promoting cultural infrastructure as important to the success of large-scale developments
  - Increasing Londoner's awareness of the heritage and importance of the River Thames to London
  - Promoting access to nature
  - Encouraging journeys along the Thames
266. The Vision identifies ten key opportunities to deliver its long term objective of increasing engagement with underused areas and to inspire Londoners about the heritage and importance of the River Thames to London, connecting its diverse communities with each other and the River and putting the Thames back at the heart of London's cultural life.
267. It is considered that this site presents a once in a generation opportunity to significantly enhance the riverside within this part of the City and provide a genuinely vibrant and accessible offering that would complement that of the South Bank. A successful scheme would set a precedent and scene for further regeneration in this area by creating a diverse and culturally attractive riverside destination attracting communities, visitors and workers from both inside and outside of the City. An appropriate proposal would invigorate and stimulate this area of the river walkway and provide a suitable alternative route for pedestrians to the Lower Thames Street which has been identified as having poor air quality.
268. The proposal would result in harm to strategic and protected views along and incorporating the River Thames (LVMF Views 10A.1 / 25A.1-3 / 11.B.1-2, and views of the Monument from Tower Bridge in the Protected Views SPD). This is considered in detail within section Strategic Views of this report. Officers consider that river views would not be protected as a result of this development proposal, contrary to Policy CS9 and emerging Policy S17 of the draft City Plan.
269. The scheme seeks to provide an area of new public realm to the front of Custom House, referred to as the Quayside. This would be provided in a portion of the existing car park, with a proportion used to facilitate an extension and entrance ramps to the existing building. The

remaining area would be treated as external level space which would be open as public realm.

270. Unfortunately, the proposals do not provide unfettered public access to this proposed area of public realm, as for a large proportion of the year it would be proposed to host a variety of private or managed events in this space. These private closures of the Quayside are detailed further within the public realm section of this report. Whilst public access would be maintained between Lower Thames Street and the River Path (due only to the designation of public highway footpaths, preventing the landowner from shutting them off) it is considered that due to the potential for significant closures of the Quayside, including Water Lane and land adjacent to Old Billingsgate Walk, public access could be restricted during these times to only the river path way currently provided. Furthermore, the proposal seeks to implement a layby area to the front of the hotel along Lower Thames Street, this would restrict the public footway capacity at this part of the public highway. As such, it is considered that the proposal would not wholly improve the access to the river or riverside walk and given the scant details of closures of the Quayside this could result in many different scenarios of access routes being open or closed, contrary to Policy S9 and emerging Policy S19 of the draft City Plan.
271. The proposal would result in a substantial amount of inactive ground floor frontage, including along the riverfront Quay. Where a degree of active frontage is proposed along the main river terrace, the use, form and management of it would be as an exclusive hotel restaurant/bar terrace.
272. Currently it is considered that there is limited retail or ground floor vibrancy given that the majority of the riverside façade is given over to hotel bedrooms. There would be one central entrance with stairs/access ramps leading to two small terrace areas associated with the hotels food and beverage uses. Officers consider this a real missed opportunity to provide activation and vibrancy to this large building and area fronting onto the river. As such, the proposal would provide some activation, especially if measured in relation to the existing situation, but in strategic and aspirational terms it is considered to fall short of what could be provided in this location. Furthermore, given that the Quayside area of public realm could be shut off for private use of the hotel for large amounts of the year under the proposals, this could essentially fall back to the existing situation where the site is inward looking and hostile to public passers-by. Therefore, not resulting in any net benefit in terms of vibrancy or activation. As such, it is considered the proposal would be contrary to Policy S9 and emerging Policy and S19 of the draft City Plan.
273. It is deemed essential to ensure that the connection between the hotel uses, and the shared management and curation of the publicly accessible uses is in a manner which is socially and economically inclusive, accommodating a wider demographic and audience, to encourage more diverse communities to have use of and access to this

building and area.

274. Whilst some of the spaces within the hotel are open to a wider public these are limited. The museum is only accessible from land adjacent to Old Billingsgate Walk or Lower Thames Street, and not off the Quayside for the public. The museum would also not front onto the riverside. The terrace areas fronting onto the riverside would be accessible but only if a patron of the establishments. There is a limited public viewing area within the western roof terrace, which would be accessible for free during museum opening hours. It is not detailed if the food and beverage establishment would be open during these hours and how numbers would be managed, for instance if there would be priority given to free public access or hotel guest/user. The terrace at the eastern end would be accessible to patrons of the food and beverage establishment or hotel. The spa and leisure use in the basement would be accessible but would not be free, it would only be accessible through private parts of the hotel and would not have a street presence.
275. Details have not been provided in relation to the curation of spaces that would be publicly accessible. It is likely that the hotel would be high-end, therefore it is ambiguous as to how inclusive these spaces, which are to be publicly accessible, will be. Further details relating to public access and inclusive public access are contained within later sections of this report. Based on the information provided officers are concerned that the scheme would not provide a genuinely publicly accessible and inclusive scheme, contrary to Policy CS9 and emerging Policy S19 of the draft City Plan.
276. The cultural plan submitted seeks to provide public cultural events and offerings in associated with the development scheme. These include the provision of a museum, tours of the Long Room and Robing Room, some public events on the Quayside such as food stalls or a Christmas market, two plinths either side of the raised terraces for display of art installations and information boards around the hotel relating to the historic significance of the building. The history and tradition of Custom House, which is of local, national and international importance and the significant value of the potential public open space on the Quayside gives an unprecedented opportunity to deliver a vibrant, varied and inclusive Cultural offer for workers, residents and visitors to the City. Officers consider that there is a missed opportunity to provide genuine vibrancy, variety or inclusive cultural events along this part of the riverside. It is also considered that the delivery of the cultural plan is not fit for purpose currently as the draft heads of Terms do not robustly secure the delivery of the strategy. If permission were to be granted this would need to be addressed to ensure the City could secure delivery of the plan for the lifetime of the development.
277. The proposal would not conserve or enhance a significant Grade I listed heritage asset, as set out within section Heritage of this report in detail. The proposal is not considered to be a credible cultural/heritage use that would engage with a diverse audience to assist in the

appreciation and understanding of the area through creative interpretation, contrary to Policy S9 and emerging Policies S17 and S19 of the draft City Plan.

278. In conclusion, officers consider that the proposal would not accord with Policy S9 and emerging Policies S17 and S19 of the draft City Plan.

**HERITAGE:**

**The London Custom House (grade I):**

279. The proposals would have a direct impact the result of demolition, alteration and extension of the designated heritage asset and non-direct via change in its setting. Direct impacts are subject to a separate application for listed building consent also for determination (ref: 20/00933/LBC).

It is concluded that the proposal would cause significant harm to the London Custom House, the result of external and internal alteration, diminishing its strategic heritage significance to the City, London and the Nation.

**Statement of 'Outstanding' Significance:**

**Heritage Significance.**

280. It is considered that the London Custom House is of outstanding architectural, artistic, historical and archaeological heritage significance.

281. In summary, that heritage significance derives from:

1.) A historic site at the heart of the Upper Pool of London on and around which there has been a Custom House since at least the Middle Ages. It was perhaps the first site of a Custom House in Britain, and the current building is of seminal London, National and even international significance, at the heart of the Port of London, once the busiest in the world, and at the center of a global trading commercial empire. It a remarkably intact survivor of Georgian London and the CoL, it was also the largest British and the 'mother ship' of Commonwealth Custom Houses, giving form and function to the lineage of this distinct building type.

- Values: Architectural and Historical
- Impact of proposal: moderate adverse

2.) A seminal work of renowned British architect, Sir Robert Smirke, and to a lesser extent the seminal work of the lesser known but influential David Laing, both of the Sir John Soane school of architecture influential in establishing the adoption of Neo-

Classism as a national style at an important time in the Nation's history.

- Values: Architectural, Artistic and Historical
  - Impact of proposal: moderate adverse
- 3.) A prominent survival of the 'Greek Revival' movement in British architecture, and of Neo-Classism in general, in late Georgian Britain. Early structural innovation comprising an early example of the extensive use of concrete foundations and cast/wrought iron fire-proofed structure.
- Values: Architectural and Historical
  - Impact of proposal: moderate adverse
- 4.) In their architecture and form, the Long Room, Robing Room and Queen's Warehouse are unique survivals from Georgian London, representative of the heart of the commercial Empire.
- Values: Architectural, Artistic, Historical and Archeological
  - Impact of proposal: moderate adverse
- 5.) The unique, rare, and remarkably intact surviving purpose-built office ensemble, perhaps the longest in continuing office use in the CoL, is considered the earliest purpose-built office suite to survive in the CoL, and one of the earliest in London and the Nation, and is the ancestor of the modern City office, with an important place in the development of the office as a distinct building type which came to define the strategic character and identity of the CoL.
- Values: Architectural and Historical
  - Impact of proposal: moderate adverse
- 6.) A building with an interesting socio-economic history, with connections back to the Transatlantic Slave Trade, the growth in world trade and the origins of a 'Global Britain' and London as a diverse 'World City', in addition to public access to the River and people's relationship with the River Thames.
- Values: Historical
  - Impact of proposal: moderate adverse

Contribution of Setting to Significance, including Summary of Impact:

282. The substantial contribution of setting to the outstanding significance of the London Custom House derives from the essential visual and historic geographical and functional relationship between the principal river-facing facades, the associated Quay they enclose and their wider riparian topographical setting at the head and heart of the historic Port of London, the Upper Pool of London, the historic gateway to Central London from the sea.
283. This comprises views from the Thames itself, its bridges, piers, wharfs

and embankments between the iconic London and Tower Bridges and beyond. Elements of setting, which are principally expressed as views but also relate to historical proximity and association, of particular importance are listed below:

- 1.) Views from London Bridge looking downstream, including LVMF View 11 B.1-2 where the Custom House is best seen as an integral part of the North Bank along with the Tower of London and Tower Bridge, designed to control entry to and oversee the Pool of London, and those from the northern end where a historic layering is visible in conjunction with complementary historical monuments: Old Billingsgate, the former Port of London Authority (PLA) HQ tower and the spire of All Hallows by the Tower, of which the latter operated as the resident Church of the Customs.
  - Contribution: substantial contribution to architectural and historical significance and an appreciation of it.
  - Impact of proposal: moderate adverse
- 2.) Views from the South Bank Queen's Walk between London and Tower Bridges, in particular from the western end, and which include views from Tooley Street and Tower Bridge Conservation Areas (LB Southwark), and in particular the view fortuitously on near axis from Hay's Galleria, the sole surviving exemplar Victorian wharf and warehouse complex to survive on the South Bank here, through which much produce entering the Port of London in the 19th Century passed, forming a historical/functional visual relationship with the Custom House at the heart of what was once the world's busiest port. From here the Custom House is also best appreciated in the context of Old Billingsgate and City skyline churches, in particular St Dunstan in the East with which it shares an architectural and historic association.
  - Contribution: substantial contribution to architectural and historical significance and an appreciation of it.
  - Impact of proposal: moderate adverse
- 3.) From the South Bank, the striking juxtaposition between the Custom House and the emerging modern City, including the City Cluster of tall buildings, as part of a striking, rich and layered townscape of contrast between distinct architectural landmarks, allowing an appreciation like no other of the variety of urban interventions over a long historical period and those buildings which have shaped the character of the City as a world leading centre for trade and business, with the Custom House pre-eminent in the foreground.
  - Contribution: moderate contribution to architectural and historical significance and an appreciation of it.

- Impact of proposal: moderate adverse

4.) LVMF View 25A1-3 from outside City Hall and Potters Field, with its important pan-London views from its centre of governance, an iconic London prospect and the best place to view the array of strategic London heritage assets on the North Bank which share defining relationships with the River Thames, and the Pool of London including the London Custom House.

- Contribution: substantial contribution to architectural and historical significance and an appreciation of it.
- Impact of proposal: moderate adverse

5.) Views looking upstream from Tower Bridge where the London Custom House shares an axial relationship with the Monument to the Great Fire, and a wider setting relationship with other strategic landmarks, including St Paul's, Old Billingsgate, the former PLA HQ and the Tower of London, culminating in LVMF River Prospect 10A.1 (Tower Bridge, North Bastion). This viewing experience is the best appreciation of the Custom House alongside those wider strategic City landmarks from the original 'gateway' to London from the sea.

- Contribution: substantial contribution to architectural and historical significance and an appreciation of it.
- Impact of proposal: moderate adverse

6.) In views from the operational River itself, which it was designed and built to have a relationship with.

- Contribution: substantial contribution to architectural and historical significance and an appreciation of it.
- Impact of proposal: moderate adverse

These remaining elements of setting, namely views, of the Custom House are deemed more secondary to significance but are still significant given its visual and historical spatial relationship with its sensitive surrounding built hinterland. These elements are:

7.) Those more modern and immediate oblique views from the North Bank Thames Path, from Old Billingsgate and Sugar Quay jetties, where you receive a fuller sense of the breadth in composition and scale.

- Contribution: significant contribution to architectural and historical significance and an appreciation of it.
- Impact of proposal: slight adverse



- 8.) Those northern approaches to the Lower Thames Street elevations, in particular from Lower Thames Street itself, Byward Street, Monument Street, Lovatt Lane and St Mary at Hill, much of which comprise part of or are in the setting of the Eastcheap Conservation Area which, alongside Old Billingsgate, shares a strong visual and historical relationship with the Custom House, forming a historic grouping and hinterland to which the asset relates.
- Contribution: significant contribution to architectural and historical significance and an appreciation of it.
  - Impact of proposal: modest to moderate adverse
- 9.) The spatial and picturesque visual relationship between the evocative historic ruins and garden of St Dunstan in the East (and associated railings and garden) and the Custom House, which share an architectural and historical connection of date, association and design, as a rare, unique and attractive historic grouping.
- Contribution: moderate contribution to architectural, artistic and historical significance and an appreciation of it.
  - Impact: modest adverse
- 10.) Historic and modern high-level views allowing public appreciations of the innovative and distinctive roof and the place of the Custom House in the context of London's wider cultural topography, in particular from the Monument and the Sky Garden at 20 Fenchurch Street.
- Contribution: modest contribution to architectural, artistic and historical significance and an appreciation of it.
  - Impact: moderate adverse

#### Key Elements of Significance and Summary Conclusion:

284. Significance is broken down into 'key elements' for the purpose of assessing impact, as per the approach in the NPG. It is considered the London Custom House can be split into three contributing parts:
- i.) Architecture and Quay;
  - ii.) Principal civic spaces: Queen's Warehouse, Long Room, Robing Room and the associated arrival experience and;
  - iii.) The office ensemble, including basement
285. The interior of the East Block, rebuilt 1962-66, the current servicing access and the modern flood wall are the only elements not of special interest/significance (with the exception of the retained foundations of the East Block). Some additional analysis of significance is interwoven into the forthcoming sections.

286. In relation to, i.) the architecture and quay, it is considered that less than substantial harm would be caused, in the middle of the spectrum.
287. In relation to, ii.) those principal civic spaces, it is considered that less than substantial harm would be caused, approaching the middle of the spectrum.
288. In relation to, iii.) the office ensemble, it is considered that less than substantial harm would be caused, above the middle of the spectrum, working towards but not at the upper end of the spectrum.
289. There are some heritage enhancements which are established, which are set out within the Heritage Benefits section of this report, which do not come near to outweighing that harm.
290. Overall, the proposals fail to preserve the special interest and setting of the London Custom House, contrary to section 16 and 66 of the Act. It would run counter to the NPPF requiring great weight be given to the conservation of the heritage asset, the greatest weight given the importance of the asset as a grade I listed building.
291. It is considered that the proposals would conflict with Local Plan Policies CS 12, DM 12.1, DM 12.3, London Plan Policy HC1 and City Plan 2036 Policies S11 and HE1. Under the NPPF, that harm is considered less than substantial in that language, just above the middle of the spectrum. This is weighed against the wider public benefit to the public at large under paragraph 202 at the end of this report, and it is not considered that the harm would be outweighed by a wider public benefit.

## **Impact on Heritage Significance, including Setting - The Key Elements:**

### **Key Element 1: Architecture and Quay**

#### ***Principal Architectural Composition and Roof***

292. Laing and later Smirke would have been conscious of a need for an architectural statement. It had to project both might and confidence and the enlightened humanitarianism of the new age, of a seafaring trading Nation coming out of the Napoleonic Wars, at the birth of a new 'Augustan Age' where London competed with Paris to be the most elegant European Capital.
293. Smirke retained the essence of Laing's design, which built on the basic classical premise laid down by Wren. It comprised a symmetrical whole, in elevation and plan, of tripartite hierarchical form divided into a pre-eminent Centre Block and subservient wings, the East and West Blocks. The whole orderly and harmonious composition was anchored on a definitive central axis through the Centre Block, which contained the principal operational and civic spaces, the Queen's Warehouse on a rusticated basement/ground floor supporting the exceptional scale of the Long Room at piano nobile. This was distinguished by a large hexastyle Greek Ionic portico surmounted by what is said to have been the largest public clock in London when built. This delivered the

architectural representation of the special relationship between the operational River and the august business of the Long Room, the central axis clock and weathervane altering captains and clerks to the pressures of the maritime working day.

294. The wings contained the subservient administration of business and are expressed with subtle, almost severe, appropriate subservience, with engaged Ionic porticos and crowning bottle attic blocking course above principal cornice level. The stepping down and diminishment from the central axis is essential to the whole composition.
295. The whole completed classical composition was tied together by formal alignment, diminishing classical proportions and a clear hierarchy of detail and spaces. Whilst there are some non-original, on the whole incidental, beaches of that completed classical composition, and despite bomb damage and post-war rebuild, this essential character survives with a remarkable integrity and authenticity, relative to the City's wider historic roofscape.
296. It is considered that the proposed double-height roof extensions would, if approved, have the ominous reputation of being the first extensions to undermine the completed composition of one of the Capital's or the Nation's premier Neo-Classical edifices. Officers consider that the proposed response to a strict and scholarly classical monument is without known successful precedent in the ancient, renaissance or modern world. Being intrinsically inappropriate, the roof extensions are not discreet or incidental to an appreciation of the principal composition. First and foremost, in unprecedented fashion, the principal height datum of the extensions would read the same as the definitive main ridge of the Centre Block, whilst their lift overruns would cause a not insignificant breach of c.1m (800/900mm). This impact would be exacerbated by necessary visual clutter essential for maintenance and building servicing, while the proposed finished would bleed and blur the strict and essential pre-eminence of the Centre Block.
297. The roof extensions, at a third of the original area of the wings, well over half their breath (c.26m) and comprising a substantial breaching of the definitive original roof ridges, would not be small or incidental features, like the current clutter. The design intent of these ridges was to act as a definitive datum, essential to the subservience of the wings to the Centre Block. The extensions would breach in height the crowning parapet cornice of the Centre block by between 2.6/3.5m. Being of greater proportion than the crowning attic storey's below, the proposals would overwhelm the simple, subservient original shallow pitched roof forms and chimneyscape, jarring with it, whilst stretching those strict classical proportions.
298. The proposed fenestration, a mixture of transparent and dull opaque back-painted butt-jointed modern double-glazed units at regular 750mm centres would not only reduce any appropriate 'lightweightness', but, alongside a non-aligned vertical bay arrangement and irresponsive solid-to-void bay ratio in the fenestration, the proposal

would detract from the strict and scholarly host. Being inappropriately taller than the attic, broader than the main porticos, it would fail to follow the strict axial arrangements and diminishing proportions of the host, the impact exacerbated by their strident modern appearance, in particular after dark, reading as alien and incongruous.

299. The proposed rebuilt East Block perimeter main ridge would appear in wider view to upset that subtle symmetry and main datum of the composition, with a different treatment of the ridge and the varied near edge treatment comprising a mixture of necessary balustrading/man-safe system which would breach and detract from that definitive datum set by the simple parapet cornice of the Centre Block in facing and oblique views. This would be exacerbated by the East Block terrace pushing a not insignificant c4.3m forward of the line of the West Block terrace, a depth which would be apparent to the eye in reinforcing that asymmetry and assertiveness of the proposals over the pre-eminent attic of the Centre Block.
300. The attic blocking course and windows on the East Block would become a screen wall, with hotel bedrooms set back off a terrace, which could result in a subtle change in character of this fenestration as compared to the arrangement on the West Block, in particular in the evening, and especially in relation to those attic windows of the portico. It is unclear whether the truncating of the eastern perimeter screen would manifest in wider riparian view, in particular from the raised level of the Bridges, London and Tower. From here a new setback eaves treatment, including associated gutter detail, could blur the primacy of the simply expressed parapet gutter termination of the East Block composition, including the raised bays of the central portico attic, whilst, of course, further upsetting that overarching composition symmetry of the whole principal river composition.
301. New fenestration on the north and eastern elevations of the East Block, a discordant mix of louver grill and glazed skylight, to the north without even basic vertical alignment with the ordered fenestration of the host, would further diminish that overriding strict symmetry, and could add further distracting high level clutter, in particular if outward opening, and if an upstand is required.
302. Whilst the overall form of the pavilions would match, these would have large non-symmetrically disposed lift overruns, projecting approx. 1m higher than the main eaves of the proposed roof, and which would upset and appear as incongruous high level bulk, of uncertain appearance, diminishing the attempt at a streamline rectilinear appearance in wider view.
303. Once the aforementioned necessary health and safety and other utilitarian necessary infrastructure to facilitate access and maintenance of the roof, alongside a varied cocktail of associated terrace paraphernalia, decking, tables, chairs, planters, lighting and, of course, the distracting dynamic effect people weighing awkwardly on atop of the main ridges, the strict, restrained and severe harmonious and powerful character of the edifice would be significantly undermined.

304. This would be exacerbated at night, when the glazed facades would appear as 'light boxes' atop the completed composition, with a ceiling-based servicing strategy in particular meaning low level lighting is difficult to achieve, whilst a bulkhead detail is likely to further a 'thickening' of the roof structure which (between 230mm/500mm) already feels heavy compared to the sleek and subtle string courses even the principal cornice detail.
305. The refinement of the whole could be undermined further depending on the solution to drainage and how those integral louvers referred to in the submission, but not shown on the drawings, are accommodated, which could draw further attention to a lack of refined contextualism.
306. Overall, in terms of the roof extensions, the proposals would undermine the strict classical symmetry, proportions, hierarchy and harmonious formal order of the principal architectural composition, undermining that clear architectural and historic relationship with the Upper Pool inherent within it.
307. Making way for the over-scaled roof extensions would be a substantial amount of authentic historic fabric comprising a whole section of shallow king post roof, historic skylights and original roof joists connecting the inner leaf walls and those of the courtyard lightwell comprising approx. c.475sq.m, or over a third, of the original historic roof. What remains of the original City atrium, and perhaps its most generous for over 100 years to survive, would be further truncated, cropped and lidded over, its original function to light and ventilate the interior lost (see Key Element 3 section). What remains of the original West Block perimeter roofs would have their eaves trimmed, whilst the northern range would be incurred for proposed ducting. The Robing Room lightwell would be cleared of modern plant, although its least maligned surviving northern elevation lost, its generous proportions undermined by an extension to create an additional bedroom. The authentic historic character of Smirke's northern Centre Block Long Room lightwell would also be radically altered, lidded over in slate and glass. Finally, the Applicant does not show the weathervane atop the central stack which is connected to the repeater in the Long Room, and which anecdotal evidence suggests could be the only survivor of Wren's Custom House. It is hoped this is a drafting error, rather than an intention to skip, which would of course further the harm.
308. This harm would manifest itself across the Custom House's wider riparian setting in the Pool of London and to the north. Those elements of setting which make a significant contribution to significance, which relate to visual and historical association and proximity. For the reasons set out above, namely that the proposals would comprise an alien and incongruous form of development, the proposals would to various degrees harm all those elements of setting which contribute to significance to the degrees stated, ranging from slight to moderate. This comprises a wide range of kinetic viewing experience from the River, its bridges, embankments from public vantage from above, all of which comprising sensitive strategic London-defining views.

309. The insertion of a terrace at first from level would undermine the proportions of the original façade, result in a loss of fabric, and require built-up for a terrace to deal with a significant change in level which would result in an incongruous fascia board forming an awkward relationship with the attic bases of the pre-eminent Ionic columns. Additional lighting and other clutter would cause further distraction.
310. In conclusion on the roof level proposals impact on setting, it is common ground amongst all statutory heritage stakeholders that these are harmful – including Historic England, the Georgian Group, the Society for the Protection of Ancient Buildings, the London and Middlesex Archaeological Society and the Victorian Society, alongside numerous wider public representations to this effect, including from SAVE Britain's Heritage and Peter Guillery, Senior Editor of the Survey of London and principal author of the architectural history of the Custom House for the Royal Commission for Historical Monuments for England. The harm accused ranges from substantial to lower end of less than substantial in NPPF terms. Your Officer's concur that harm would be caused, which is considered significant, moderate overall, given the extent of harm and importance of this key element.

*The Quay, including wider Public Realm*

311. The removal of the redundant security infrastructure would not require listed building consent or planning permission and would have little to no fabric implications. Of course, it would open up the Quay enhancing views of the and the relationship with the River. However the proposal would result in a significant annexation of the Quay, engulfing approx. 20% of current open space to accommodate a river terrace containing a plantroom for the hotel SPA facilities and other back-of-house, resulting in a significant loss of original openness and volume, pushing built development a further 7m into the heart of the Quay. This would result in the loss of Smirke's fine and unaltered Queen's Warehouse granite ashlar stairs and the worn, characterful historic granite setts in front of it. It is understood that historic surfacing otherwise doesn't survive under the remainder of the asphalt. Despite Officer request, there is no intent to salvage historic surface treatment for reuse, where it is found.
312. The later steel crane above the main entrance, whilst modern, replaced the redundant original iron crane which is relocated to the east – its loss would remove the last vestige of the historic function, as an operational cargo entrance to a warehouse dedicated to the storage of impounded contraband. The terrace would engulf, obscure and make redundant x10 original Queen's Warehouse half basement windows/openings, including x3 historic accesses between the two, reflective of the integral and secure relationship between the Quay and the Queen's Warehouse, resulting in further diminishment of that relationship. The insertion of x4 additional openings (although the proposed plans and elevations disagree on this) between the Queen's Warehouse and the Quay, whilst resulting in the loss of original fabric, would further diminish an understanding of the original plan form and

secure functional relationship between the Quay and the Queen's Warehouse, which was one of dedicated, secure access, one way in, one way out. The use of the main river terrace for hotel tables and chairs, and the associated paraphernalia they bring, would fail to speak of the more utilitarian nature of the original warehouse which would be turned over to a very different sort of consumption with Al Fresco dining.

313. The whole extent of Smirke's well detailed granite plinth to the principal composition would be either be obscured or engulfed by the proposed river terrace, all 60m of it. The remaining 90m of the principal composition across the West and East Blocks would be screened behind a 2.1m high monotonous blockwork wall with metal planter atop. There is concern, subject to detail, at the at present nebulous "museum wall" proposed for this wall which should be architectural, given its affronting presence, but mute, taking an appropriately discreet place as part for the spartan composition as a whole. It is also noted these would not be symmetrically disposed, as would be decorum on such a strict Neo-classical edifice.
314. This would further block out historic openings in the original West Block, which include two direct access to the basement. In total it is indicated that all half basement windows in the south and west elevations of the West Block would be either lost or altered for ventilating the basement SPA rooms, with unclear implications for the lightwell on Lower Thames Street. These also show an uncertain future for Smirke's plinth on the eastern side of the Centre Block and with insertion of ventilation in numerous openings in the East Block. It is assumed the main river terrace would also need to vent, although this is unclear on the proposed drawings.
315. Otherwise the main river terrace would comprise rusticated Portland Stone with bottle balustrading to match that found in the blocking course. It has been difficult to 'square' the need here for inclusive access dimensions, while responding the architectural symmetry, formal alignments and the general want to enter a simple, restrained character commensurate with the host. It is considered it will appear somewhat overwrought, but broadly satisfactory, and it is disappointing that there is then a lack of some formal alignments with the fenestration of the host. The approach to the whole, including the flood defence walls, would retain a situation which would not allow for symmetry, whilst recognising the constraints of the servicing bay and flood plain.
316. The 2.1m high blockwork flood walls would, whilst obscuring the façade behind, form awkward junctions with the proposed terraces on either side, without following the natural axial arrangements and jarring with the detail of attached detail. It would appear it is proposed to raise the original granite balustrade flanking the main portico door in the West Block, albeit this would now have an awkward relationship with the raised floor walls, diminishing its pre-eminence.
317. Officers sought a continuous integral river terrace, where possible, with the reopening of historic accesses to the Quay to enhance that

appreciation of a more porous relationship between the two, but to no avail. The original central axis doors to the wings and routes through the building would be locked shut, on the West Block becoming a fire escape and on the East Block left an awkward redundant feature hanging incongruously over the retained servicing bay. Together these would visually and symbolically sever an essential and intrinsic indivisible historic relationship between Quay and Custom House, upending the sense of historic circulation. In all, the new tall unarticulated walls, servicing bay and terrace would give a building a more 'fortified' appearance which, in particular on the wings, betrays the integral historical relationship and ebb-and-flow between the two.

318. Universal secondary glazing in the oblique, if not face on, would visually manifest, blur and undermine the integrity of the historic windows, while the intrusion of curtains intrinsic to a domesticated use would make them more 'bind', with less apparent direct visual interface with the Quay with which they have an essential historical relationship.
319. The Quay would require sufficient lighting over a large area, including more focused task lighting, for example around thresholds and tables and chairs, which will be subject to condition. At present, the uncontrolled nature of the proposed use of the Quay for events could have lighting and character implications which would need to be made clear.
320. On the land adjacent to Old Billingsgate the proposal would reinstate the original entrance to the Tide Waiters Room, a minor benefit, whilst installing a ramp to provide inclusive access to an F1 Use, a purported museum, causing some obscuration and cluttering of the façade.
321. On Lower Thames Street the proposal would result in the significant loss of faithful Georgian replica railings enclosing the Centre Block with a consequent loss of historic character. The incursion of a large parking bay would impede a general openness around the pre-eminent Centre Block entrance, pinching it whilst exposing it to further traffic, slightly diminishing an appreciation of it. Substantial re-grading to achieve level access, whilst justified, would still further obscure an authentic historic character, accentuating that wider impact.
322. Otherwise the landscaping of the front and restoring of the historic lanterns would be an enhancement.

#### *Conclusion – Key Element 1*

323. The proposal would cause significant harm to the major contribution the architecture and quay make to the architectural, aesthetic, artistic and historic significance of the Custom House. It would also result in some lesser enhancement which is discussed under heritage benefits. In NPPF terms, this harm is moderate less than substantial, in the middle the spectrum.

#### **Key Element 2: Queen's Warehouse, Long Room, the Robing Room and their arrival experience**

##### *The Queen's Warehouse*



324. The Queen's Warehouse, as rebuilt by Smirke, is of exceptional architectural, historic and evidential heritage significance as a unique survival of Georgian London. This is intrinsic to the plan form and historic fabric representative of the original and later development of the Queen's Warehouse. The historic Queen's Warehouse (formerly King's Warehouse) comprises the main part of the ground and basement level Central Block.
325. The main effect of the proposal would be the fundamental change from a closed and utilitarian operational warehouse for the secure storage of contraband, to a somewhat more luxury 'high culture' hotel lobby and ancillary front of house. This would utterly alter its quintessential character, diminishing an understanding and appreciation of its integral and authentic character. Once compartmentalised and ordered warehousing for the storage of contraband, it would have separated goods such as tea and alcohol stacked high, whilst leaving room for circulation. To a degree this can still be appreciated in the substantive legacy of lightweight glazed timber partitioning, appearing to date from the later 19th and perhaps early 20th Centuries. This includes screens, doors and an iron spiral stair. This historic fabric and plan form legacy, representative of the evolving nature of the Queen's Warehouse, would be wholesale swept away and lost. The result would be an openness which, whilst allowing further view of Smirke innovative raft ceiling, would lose that intimacy and intricacy the original space must have provided.
326. Radical reorientation and opening would further diminish an appreciation of its fundamental purpose and intended plan form. X6 of Smirke's original windows and cills would be lost to transom level fronting the Quay, make quite a porous boundary between it and the original secure warehouse, whilst diminishing somewhat the primacy of the central access, the sole defensible entrance to the secure facility. That original plan form would be further diluted with the insertion of x3 large doors to the main lobby, re-orientating it away from the Quay towards Lower Thames Street with a new principal entrance. This would upend and upset the original circulation and arrival experience to the Long Room also, detracting from an understanding that it was from the wings that the main access to the Quay was concentrated.
327. The retained historic shell a mere 'stage set' to a fundamentally different form of consumption, whose character might better be suited to a different format of a similar retail use. It is thought the floor is mass concrete with timber board on top, and it is thought that the Applicant seek to raise the floor and set down a new probably luxury finish befitting the arrival experience at a luxury hotel, but nevertheless one which could betray that unassuming utilitarian character of an authentic warehouse. Once this is accompanied by a wider pamphlet of hotel reception furnishings and finishes, a number of which are visible on the Applicant's CGIs – French polished joinery and or tropical wood finishes, signature designer seating and lush upholstery, planters and glittering chandeliers, amongst other design-led abundance, the essence of the place drains away.

328. Contributing to an accentuation of the harm would be the following:
- The loss of the steel crane mechanism, whilst modern in fabric, would further diminish an appreciation of that original function and the primacy of the principal central axis entrance.
  - A key original feature of the space are the tall simple tongue-and-grove perimeter wainscoting which provided a simple, functional finish. A limited amount would be lost to form new openings, whilst the whole northern elevation would be screened with a new partition and the historic treatment lost in lined out risers, including for much of the southern elevation to a similar but lesser extent. A potentially stark backdrop to new lush upholstery of the bar 'snugs'.
  - It is inevitable that ceiling mounted large luminaires will require significant amount of trunking between the walls and the location on the beams, detracting from the original fabric.
  - Services drawing G-SK-027(Rev 02) would appear to somewhat differ from JC20\_P\_00\_011 (Rev G) with regard to floor penetrations, some of which could harbour implications for the original primary structural beams, with uncertain consequences.
  - New sprinklers and smoke detection would also be required to the ceiling, although it is not made clear how many would be required. Whilst these are small, given the unusual contours of the roof it is unclear whether these would need to drop and run pipework along the beams, further undermining these and potentially resulting in a significant amount of visual clutter
  - The proposal for riser would incur the Smirke's innovative ceiling at a sensitive junction with the wall. Questions, raised in discussion with the District Surveyor, related to if these were 150x150mm or more than further structural intervention is a strong potential. The applicant didn't respond to this.
  - Some high-level ducting would be replaced with new and neutral overall consequence.
329. As for the basement Queen's Warehouse, the substantive area would be given over to M&E plant and hotel meeting rooms, including kitchens. The proposal would sweep away the gym etc which is of no interest. Of course, replacing the end of life plant could provide some opportunities for better finishes, although much remains unclear at this stage. X5 south-facing Quay windows/doors would be made redundant and blind by the annexation of the private hotel terrace outside, expunging natural light, whilst severing that historic connection with the Quay by blocking out x3 accesses. The use of the basement has evolved over time as the nature of Custom's evolved and the space is home to strong room brick partitions and secure steel flush panelled doors and other ironmongery reflecting that evolution which would again be swept away, with some loss of inherent character. It is a shame that on re-design some of the stout Greek Doric columns would be incurred and scribed around.

330. Otherwise, there is the potential need for dropped ceilings in the meeting rooms and kitchen areas, where high level services would then penetrate the ceiling/walls to serve the ground floor Queen's Warehouse, and final details would be reserved for condition. The servicing trench would avoid sensitive below ground fabric, in particular the foundations, whilst a limited amount of fabric would be lost to new penetrations in the north, east and west walls.
331. Overall, the *modus operandi* and *genius loci* of the Queen's Warehouse would be moderately diminished by change in part an intrinsic consequence of the use, aided and abetted by some loss, obscuration and cluttering of fabric.

*The Main Lobby, Stairs and Long Room Lobby*

332. The principal public entrance, at least since Smirke's supposed reorientation of the general circulation laid down by Laing and those before him, was from the central axis of the Centre Block, but from Lower Thames (then Thames) Street. The main lobby imparts a grandeur via its spatial volume, whilst the spartan detail imparts a sense of solemn business, general pragmatism and convenience for what was a busy front-of-house, open to the elements, as Laing said: in this building, designed to accommodate the public, a great number of persons may be expected to assemble at the same time, and with the same intent.
333. Some of the wear and tear is plainly visible on the robust stone cantilevered stairs and their worn treads and pot-marked half landings which bear evidence to intensive use, while an sense of Smirke's economy given by the re-use of Laing's Great Stairs iron balusters. It provided the main orientation space for those attending the Long Room, or Clerks accessing the wings, with access to some of the other important departments. This is treated with solid segmental piers screening the open string stairs with deep coffered soffits and groin-vaulted ceilings off the halls with exceptionally large glazed screens assisting in the generous capturing of natural light. It is of outstanding architectural, historic and evidential significance and has a strong integrity and authenticity.
334. Much detail remains to be seen here which would affect its character and significance. The war memorials, it has been deemed appropriate, will leave with HMRC, and the relocation of relevant fixtures is subject to a separate consent with the support of the War Memorials Trust.
335. The main impact would be the fundamental reorientation of the space off the central axis and the dilution of the original plan form and circulation. The insertion of a new prominent entrance to the Queen's Warehouse would distort an understanding of the original functioning and sequence of spaces, including the arrival experience at the Long Room. Much impact on character and significance will be in the detail, for example whether the original stone floor would be revealed and the final disposition of features and treatment of walls surfaces to serve a

hotel and corporate hire orientation space, alongside a potential incidental, and at present nebulous, proposal for a 'Public Display Areas'. As with so much of the Custom House, the more sleek, opulent and soft that final fitout of a luxury hotel, the more it would alter the character of the place.

336. Otherwise in terms of alteration and harm:

- The loss of x2 bays of significant groin vaulted ceiling, arch and associated impressive glazed screen and doors, some historic partitions and the incursion of some risers in those significantly altered chambers beneath the western stair.
- The general dilution of overarching symmetry in plan.
- The minor incursion of risers in the main part of the hall.
- The alteration and loss of historic joinery and significant alteration of proportions and plan form of the chambers under the eastern stair.

337. Final detail for the treatment of the stairs would be reserved for condition.

338. Beyond the stairs would be the reinstatement of the original Long Room lobby, an ante-chamber preceding arrival at the Long Room, a notable enhancement. It provided a generous volume atop the arrival from the main stair as part of a grand sequential arrival experience culminating in the Long Room seeking to impress the power of the State and the importance of the business to the observer, foreign or domestic. A plain, spartan volume of sober business, it was also known as the 'brokers lobby' on account of the gathering merchant crowd haggling to broker a deal with captains and traders, either prior or post duty payment in the Long Room.

339. The benefit is tempered by the retention of later doors in the same coupled segmental arched screens which also mark the stair access from the main hall, while x2 small risers will incur the integrity of the cornice. It is unclear as to the roof makeup here, which could be of fire-proofed solid floor construction, and the riser transfer which is required here could require unsightly bulkheads/trunking and additional penetrations, otherwise upsetting the primal simplicity of the original volume.

340. In the modern WCs in the western chamber, a historic door would be lost, alongside x2 new wall penetration and associated loss of historic stone/slate floor to accommodate the lifts.

### *The Long Room*

341. The Long Room is also a unique and exceptional survival of Georgian London, said to be the largest single un-columned room in Europe when built, it has few parallels even now in London. At 58m by 19m by 16m, the striking volume comprises much of the Centre Block, with a stately battery of river-facing windows and a coffered elliptical roof containing iron laylights admitting more light and screening Smirke's immense long span roof. Symmetrical in plan and elevation, it is the

culmination of the classical composition on the central axis. It's perimeter has tall original joinery which once served the Clerk, with a large open space in the middle. It was for some time a place of fascination for Londoner's and visitors to the Capital alike.

342. It is of outstanding architectural and historic significance. It is common ground that the Long Room is in a good condition, having been comprehensively restored in 1991/92, including a scholarly re-decoration of the Smirke-era paint scheme.
343. The main loss would be that of x3 bays in the southern elevation to provide access to a terrace, x2 bays on the northern elevation and a smaller insertion at the eastern end of the east-west axis. This would result in the loss of wall and associated joinery cupboards which once served the Long Room Clerks along the perimeter of the room and, on the south side, the truncation of x3 stately sash windows. Whilst it is proposed to re-hang the central axis door, a slight benefit, the intended management and arrival experience is unclear.
344. There is a question mark over the proposed use of the Long Room, an ancillary function space to the hotel which, despite Officer request, has remained somewhat opaque. Whilst the rationale behind the terrace doors is clear, Officers are unsure as to the justification of the new northern doors. Whatever the intention, whilst preserving an overarching symmetry, these would truncate the original arrival experience and the primacy of the central axis as integral to the architectural composition as a whole in plan and elevation. This central axis would have funnelled all users via the lobby and central doors allowing the full effect of a balanced, ordered symmetrical composition to be read. The two new doors would appear an awkward retrofit, sitting either side of the protecting aedicules which reflect Smirke's main portico dimensions and complete an overall design intent. Symbolically anchored on this central axis is the external and internal clock and weathervane repeater linked to the roof stack, the fundamental mercantile tools of the trade and which would have informed Clerks in the Long Room of shipping movements and remind them of their statutory timeframes.
345. The fine-beaded flush-faced panelled joinery is consistent with the subtle and neat character of the edifice, surviving with a good degree of integrity and authenticity. The whole surviving interior of these would be lost to service risers, it would appear, and the whole becoming a veneer. Without exception, all would have their beautiful neat joinery despoiled by the punching of supply air louver into the central panel of the bottom range, of uncertain opacity and design, but which will be difficult to detail, whilst resulting in the significant loss of fabric. Return air would also require significant punching through the tops of these much-altered units. An uncertain incursion will be made in x4 of Smirke's original and novel curved lay lights at either end of the ceiling, it is said removing glass and inserting a grill detail for vitiated return air to be drawn into the roof void, where ductwork would run through a void in Smirke's roof, avoiding sensitive junctions and with just minor

incursions in the wall plane on the east and west side. The alteration of the laylight would exacerbate existing harm which has been caused by the smaller number louvers which exist, detracting from their historic character. The roofing over of Smirke's northern Centre Block lightwell would, likely, diminish the natural light to the northern laylights, both accentuating the impact of the grills, while unbalancing the lit effect of the composition as a whole.

346. The tripartite clerestory window would be unblocked, albeit would stare straight into a small well, exposed to a view of a plant room, of uncertain benefit, whilst the opposing view on the west side of sky would be replaced by the prospective clutter of a terrace, the overall effect feeling unbalanced, even hemmed in.
347. Electrical output would be more discreet, fed through floor build up via what could be sensitively detailed flush-mounted floor boxes, all of which would likely involve limited interference with historic fabric. The wider detail as to finishes is unclear and to a degree will depend on the intended use which, it is assumed, could require the need for audio equipment or even acoustic baffling, which would need to be carefully considered.
348. Finally, on entering the Long Room is a long attractive oak counter, added in 1924-5 as staff gained space from the public as customs procedures changed with containerisation moving more proceedings further upriver. They are near contemporary with the 1926 'Special Silence Telephone Cabinets', integral to the original perimeter cupboards. From the counter clerks dealt with public inquires and other duties. After temporary storage in 1989, the counter was restored using as much original fabric as possible in 1992. The proposal new eastern door would result in the loss of one of the fascinating inter-war silent telephone cabinets to much loss. It is also proposed to loss the restored counter and some associated panelled partitioning. The result is the loss of fabric of historic interest, and a diminishment in an understanding of the historic function and evolution of the Long Room.
349. It is difficult to say whether the spirit of the historic space, one of bustle and social-mixing in an intoxicating cocktail, would be enhanced, like it should. As at present, albeit now at the beset of the hotel operator, a select few might take tours which visit the Long Room and, whilst annexed from the purported Museum, it might seldom allow a prospective heritage/cultural partner curate it, at the beset of the hotel operator. It is considered that the proposal would unlikely conjure the spirit of the original place, so essential to that story of the City and London as a global 'World City'.
350. Overall, it is considered that some modest to moderate harm would be caused to the Long Room, as a result of the proposed servicing, the loss of fabric, plan form and the diminishment of the essential composition.

### *The Robing Room*

351. The Robing Room is a unique survivor of Georgian London. It is considered to have been part of Smirke's rebuilding and reorientation of the general circulation laid down by Laing and those before him. Smirke reused Laing's Great Staircase top light to bathe the space in natural light. It comprises a generous double-height volume with a perimeter mezzanine and a top lit galleried corridor leading directly to the Long Room. Supported on the same iron raft structure Smirke used for the Queen's Warehouse, it contains elegant water-grained dressing cupboards and a unique boxed-in spiral newel stair, the detail adopting Laing's judiciously neat neo-classical detailing. It is understood that the space was used by the Long Room Clerks to change into uniform prior to attending state business in the Long Room or other ceremony and is representative of the value placed on this public service. It is of exceptional rarity, integrity and authenticity and is of outstanding architectural/aesthetic, historical and evidential heritage value.
352. It is understood it would be used as a function space. New M&E is proposed, including air handling. It is proposed that the eastern cupboard range would become a large riser. It is assumed that this would involve the substantial loss of the cupboard interior, the detail for which is unclear. It is proposed to punch an uncertain amount of louver into the beautiful joinery, a loss of original fabric and a significant smearing of this elegant joinery and room composition. An alternative hasn't been discussed which is less invasive, for example to the soffit of the mezzanine. It is unclear how fire suppression would be accommodated here in a sensitive manner and is unclear where the extract flue would go on its way to the Long Room roof, which could cause further harm in transferring. It is unclear whether rejected air grills would be required in the ceiling.
353. Overall, it is considered that approaching moderate harm would be caused to the significance of Key Element 2, comprising the Queen's Warehouse, Long Room, Robing Room and associated access spaces. There would be some heritage benefit arising also, addressed under heritage benefits.

### **Key Element 3: The Office Ensemble, including Basement**

354. The office ensemble comprises the surviving central courtyard lightwell, the enclosing galleried circulation halls, ante-chambers and associated office chambers and basement in the West and Centre Block. It is a remarkable historic survival. Considered the earliest surviving purpose-built office ensemble in the CoL, it is incredibly rare even on a London-wide and at a National level, with a seminal place in the development of the office as a distinct building type, then in its infancy. It's essential plan form, of statement light and air-giving central courtyard at the functioning heart of the working environment lays claim to being the earliest (surviving) office atrium in the CoL - a feature which came to define the archetypal City office block of the later 20th Century. As the venerable ancestor of the City office it has a special

place in understanding the canon of this building type which came to define the heritage and identity of the City at a strategic level. Accordingly, the exceptional completeness, integrity and authenticity of this rarest of survivals accentuates an outstanding architectural, historic and evidential heritage value, stemming from its plan form, historic fabric and essential spartan but noble character. It is considered the proposals would result in the significance of this element being much reduced.

355. A dramatic and harmful single intervention is to build over the essential, albeit compromised remains of the last surviving courtyard well. Laing gave considered architectural treatment to the elevations, symmetrically composed as integral to the whole, with fenestration of classical diminishing proportion.
356. The proposed lidding over of the western courtyard would extinguish all forms of natural light and ventilation, destroying the *modus operandi* of the well. Rather than repairing historic damage caused by later incoherent infilling, the proposal is to substantially worsen the current situation, the original generous volume further infilled to around half the original size, its considered elevations cropped in plan and elevation. The simple stone capping parapet would be cropped for a new roof to sit awkwardly atop, subsuming the lintels of the third-floor garret-style windows, leaving them in a perimeter shadow trough. Of the original windows, some would be lost, a further x6 either fully or partially obscured to make way of new cores and a riser. Those remaining, rather than capturing light, air and views across the bustling interior, being left hermetically sealed shut, their appearance diluted by necessary secondary glazing, left blind by heavy bedroom curtains and (where clearly necessary) glazing would be obscured - the remains would resemble de-contextualised 'heritage wallpaper', a veneer, symbolically represented in a fake back-lit new eastern elevation serving a large riser cupboard.
357. This would be exacerbated further by the apparent retrofit of the so-called 'scenic lift' between the F1 Use and the roof, sitting uncomfortably in the residual remains of the formal courtyard composition. It is assumed, given the proximity to the most sensitive of hotel bedroom windows, would mean it was less scenic, more opaque. Despite best intentions, it is unclear to what extent those characterfully weathered York Stone flags can be salvaged when lifted. The proposed ground floor demolition plan shows all those original stately sash windows as lost, whilst the need for task lighting and evident other M&E to both light and ventilate the space, the end result would be that the integrity, authenticity and significance of the surviving courtyard lightwell would be very much drained away.
358. The expelling of natural light, sun and sky would pass to the interior, in particular the Tide Waiters Room and galleried office circulation. The Tide Waiters Room is of exceptional significance, comprising a grand waiting room comprising four stout Greek Doric columns and a deep coffered ceiling grid. It is where the ancient office of the 'Tide Waiter',



via their own dedicated entrance, would have completed and discussed duties while awaiting reassignment to ships back upriver to Gravesend. With regard for decorum, admittance of natural light is maximised, befitting an important office of State, and from where the changing skies and passage of the sun would have alerted them to the pressures of the nautical day. The proposal would expel all sky and natural light from the space, plunging it into an artificial darkness, significantly undermining that character and historical context. It would appear the room would be stripped of the original windows and door servicing the courtyard, the coherent composition of the whole undermined by engulfing the blind arcading and pilasters on the south wall in a riser, the principal cornice incurred. It would appear that the sprinkler system proposed could form an awkward relationship with the coffered ceiling, subject to detail.

359. The circulation is in character similar to an ambulatory or cloisters, framing the central well and providing access to the various office chambers of the perimeter. Of lofty stately proportions comprising a galleried processional corridor of tall regular pilasters supporting plane groin vaulting, setting a noble setting for busy clerks. They draw character and significance from their spartan detail, depth, proportions and natural light.
360. The passing of the sun and shadow, a view of the sky and an appreciation of the weather would have told the Quay-facing landing inspectors on the ground floor and the clerks above and around of the passing of the working day, telling of operational conditions essential to the effective an effective service in a time prior to ubiquitous access to accurate timings or whether prediction. Doors would have left open or ajar to allow the proper circulation of air in office filled with the smoke of the fire, whilst optimising the admittance of natural light would have been an essential part of efficient working conditions. Doors and views out to the Quay part of that intrinsic relationship with the River and the City beyond. The lidding over of the courtyard would expel all sky view, prevent a reading of the weather and expunge all natural light and ventilation to the heart of a once living breathing organism. The staid and dull artificial LED light which will be needed to compensate a poor substitute for the intangible qualities of natural light. That ebb-and-flow between the Quay and the interior would be diminished further, the main surviving north and south entrances given over to fire exits, while, it is understood, the Tide Waiters entrance would be closed after 5pm. Symbolically the annexing of the interior from the Quay would be represented in the large perimeter curtain wall to the south, separating the two from the riverside, the indivisibility between the two compromised by the more introvert nature of the hotel bedroom.
361. That integral City ecosystem of clerks and merchants, the hub-hub, the coming and going between the City and the Quay, of hundreds of busy clerks, inspectors and merchants going about daily ritual and routine and the bustle and noise this would have generated, would be expelled. What at present feels like a cloister of colligate character would be lost to a secluded quiet domestic retreat for a few, that rather

hard-nose character replaced by a softer, more luxurious one.

362. At ground floor level, the spatial volume and depth of the grandest of galleried halls would be significantly undermined by the insertion of no less than x7 new full height doors, compartmentalising those grand volumes, upending the depth of those impressive vistas, irrespective of final design. To a lesser extent new doors on the floors above could have a lesser impact, but the meaner proportions of the truncated lightwell, its cropping and lidding over and the awkward relationship with the proposed new West Block roof cafe/bar lift, would rob these spaces of their sky views, making them feel less generous, more hemmed-in. Once demand grows for noise/visual attenuation from the residual remains of the lightwell, what remains of the redundant windows could be further obscured. In association with the loss of light and shadow which impart such an authentic historic ambiance across all floors, replaced by the dull uniform modern artificial light of an escape corridor, the intrinsic character of these space would be much diminished, even prior to any physical alteration.
363. In this sense, the hotel-driven fire requirements would result in the cluttering of those exceptionally simple masonry arches and vaults in the halls, requiring a considerable amount sprinklers sited off-axis, at non-regular spacing and at an awkward angel to the contours of the vault. Albeit minor in scale, once seen alongside emergency lighting, smoke detectors/sounders and alarms, sometime a few per vault, in addition to any other infrastructure require for wireless key card access to the rooms, this significant cluttering would diminish their rather severe detailed character. The potential need for ceiling mounted pendant lighting, in addition to wall mounted, all required to replace the lost day and sunlight, would mean trunking in addition to even more visual clutter to site alongside the swish furnishing which must accompany use a use, leaving their authentic character diminished.
364. Evident visual cluttering effect to one side, fabric implications are less clear, but are likely to require considerable alteration across all floor. It is assumed (although unconfirmed) that the groin vaults are a stuccoed brick masonry arch (as per Laing's basement, more later). Laing's Plates confirm, as one might assume, that the joins connect the inner leaf wall and the courtyard wall, which would appear contrary to the applicants assumptions at 3.7 of the Building Services Strategy, which also assumes a significant void beneath the joists which is considered unlikely. It is likely the pipework would require significant amount of localised splicing through the floor timbers to access all the corridors and rooms off it.
365. The most impressive ante-chamber, originally provided for the Landing Surveyors and comprising a vaulted ceiling with robust Greek Doric iron columns, would succumb to subdivision separating hotel guest from the public, requiring partitions be awkwardly scribed around those columns, depressing the spatial volume, integrity and robustness of the ensemble. An interesting later 19th Century boxed-in direct stair between basement store and ground would be lost.

366. The most major impact is found in the detail, which is accentuated in importance as the inherence is rare, of exceptional evidential value, and the general demeanor is spartan and restrained, so that even small modern detail would feel conspicuous. In this sense the applicant acknowledges that as a minimum of 12 historic doors, associated architraves and fanlights would require alteration or loss to achieve the more onerous hotel fire regulations. If historic doors are retained or replicated with retained historic ironmongery, this would be retrofitted with key card access, numbering and it is assumed a 'peep hole'. Approximately x9 doors would be locked shut, to further reduce the bustle of the original office halls.
367. The inherent hotel need for noise abatement, privacy and the prevention of light spill to all hotel bedrooms would necessitate the wholesale alteration, obscuration and de-contextualisation of an extensive surviving legacy of often impressive glazed joinery, including often grand fanlights, margin lights, glazed screens and floor mounted lights. These sought to capture and optimise borrowed light into the depth of the interior and are an essential part of the original office function and character. Stripped of the potential to capture borrowed light, these would also require secondary/fire retardant glazing which, even if well detailed, would alter simple (and easily overwhelmed) authentic historic fabric and detail, whilst the need to either obscure it or the original glass would strip it of its aesthetic and historical function, leaving them 'blind' de-contextualised redundant pieces of embedded building archaeology. Take for example the huge arched glazed screen lighting the western corridor at second floor level, of exceptional size for its time, which would be boarded up and made redundant. The final result would be that all natural light would be expunged, the outside world expelled from the grand circulation halls. The final result of all this cumulative change would be this that the circulation halls would be much diminished.
368. Accessed off the galleried circulation halls is the substantive remains of the office ensemble, the unique, intact survival of a hierarchical suite of original Georgian office chambers. Their plainness is not to be confused with a lack of exceptional significance, and indeed their detail is intentionally spartan and severe which, alongside their generous proportions, impart a noble and stately charm. Their reserved, dignified and practical character was the intention of Laing who stated: I have abstained from decorations, except in the Board Room ; judging that much ornament was not suited to the character of an edifice intended to accommodate the commercial concerns of the Nation.... each office demanded proper and suitable accommodations for its own purposes and peculiar duties. Indeed, Laing's office appear to have been well-received at the time, Britton and Pugin in their *Illustrations of the Public Buildings of London* (1825), stating:
369. In the construction and arrangement of the superstructure, the Architect endeavoured to consult utility and convenience in the classification and combination of the numerous offices and departments belonging to the establishment. In the interior, decorations have been spared, except in

the Board Room, as inconsistent with the character and purpose of such an edifice.

370. Smirke changed Laing's general circulation, potentially reducing the amount of direct connectivity between the interior and the Quay (evident in some of Laing's more embellished detail, which survives), whilst otherwise opening up the galleries and keeping his essential office plan. The essential plan and fabric are good Georgian type, comprising a regular arrangement of larger clerks 'chambers' (the so-called 'Clerk Factories' of the day), often attached and/or interconnected to more intimate and detailed private chambers for a managerial overseeing Officer/Inspector. In the typical Georgian manner proportions and detail diminish throughout in accordance with the stature of the department and clerk. Each room comprising timber floor boards (there is now a raised floor), an extremely severe and subtle flush mounted and beaded timber neo-classical dado panelling with stucco on brickwork, lath and plaster ceiling and, it has been said, lime plaster pugging in between the joists as early fireproofing.
371. Every room was fitted out with a central feature fireplace, of which some simple original Regency examples survive amongst some later Victorian/Edwardian examples alongside a number of what appear original built-in cupboard joinery for the storage of account books and ledgers as for Laing put it *nothing can be more important to the officers of these departments, than immediate access to the heads of the establishment, as occasions arise ; with the means of instant reference* to books, and other documents connected with their various official duties. The office chambers often had good timber panelled doors with generous fanlights, some servicing the private chambers of exceptional grandeur. These assist in capturing that essential prerequisite, natural light, with generous window aspects accompanied by borrowed light from the courtyard well preferring, as Laing called it, the superior principles of convenience and utility. This was the 'Grade A' office of Dickensian London and the growing commercial City. As an ensemble these are considered the earliest surviving purpose-built office suites in the CoL, some of the earliest in London, perhaps even the Nation, and are considered to be the longest in continuous office use in the CoL, at just over two centuries.
372. This unique legacy, remarkable for its completeness, integrity and authenticity, would be near wholesale and substantively altered, in some instances beyond recognition, resulting in these being very much reduced. Of all 77 original or historic surviving office chambers, all would be harmed to a different extent, ranging from modest to substantial in each. The proposed F1 Use would spare a few isolated chambers on the ground floor. Given the nature of the draft HoTs, Officer's question to intent to deliver an alternative to hotel bedrooms here, which would mean the entirety of this legacy would be significantly altered.
373. Generous original volumes, for example at R8-9 (ground), R 6-7 (first), R3-4 (first), R7-R8 (second), R18-20 (second) and much of the third

floor, would be substantially subdivided, their generous proportions ruined by compartmentation. All would be left pinched, even claustrophobic in comparison, for example R 4-5 (ground), R 13 (ground), R2 (first, second), R13 (first, second), R10 (first), R1 (second), R12 (second), R 14(second) and for much of the third floor. In several instances, the connection with the managerial private chamber, an essential part of the plan form, would be severed, for example at R1-2, R10-11, R5-6, R12-13.

374. Their quintessential simple character and sparing detail is susceptible to even small-scale intervention, including M&E and cosmetic fit out, where there would be inherent tension between luxury hotel bedroom and sober place of work, the hotel working against the inherited grain and essential genius loci (spirit of the place). We have discussed the need to wholesale alter, obscure and to make 'blind' the original doors and glazing. The proposal would also require the incurring of those defining windows meant for capturing light, and which are integral to that visual interaction with the outside world, being subjected to wholesale secondary glazing which, no matter how well detailed and scribed, will distract from and obscure the retained sashes and panelling, leaving an awkward, often difficult to maintain cavity, while the windows will rarely be opened only finally to be obscured by the heavy curtains demanded by a hotel, becoming lost to the space.
375. The substantive alteration is driven by the hotel use and the need for the bespoke servicing of each room with the insertion of full height WC ensembles. In addition, each chamber would be incurred by at least one, often two, risers, alongside new service runs requiring some alteration of the original floors. Some localised opening up has been undertaken to ascertain floor void dimensions, which are likely to vary. Additional acoustic and fire pugging, in addition those necessary sanitary and electrical services is potentially place significant pressure of void space. It is unclear, then, the implications for the surviving original lime plaster pugging of Laing, said to survive by the RCHME 1993 report, or implications for surviving lath and plaster ceilings without the need to potentially lift floors.
376. Whilst the (for their time) lofty volumes, generous proportions and uniform light of all the original office chambers would be truncated, the installation of essential hotel bedroom features would result in innumerable awkward incurrence, obscuration and diminishment of essential original features: door architraves, chimney breasts, retained cupboards, panelling and cornicing. This is in evidence in almost every original chamber, including instances for example where a bed and new joinery would form a awkward relationship with an exceptional surviving range of cupboards in (R.8, ground), WC obscuring of grand blind arcading (R.11, first) , the engulfing of original doors in risers (for example, R.7, first, or R 14, second) or the de-contextualisation of chimney breast and fire surrounds in WCs (R.13, second, or R.16, third).
377. In all instances would be the cornicing would be incurred, alongside the

slicing and bracing of joists to accommodate serving runs. Given the residual space remaining in some of these original office chambers, questions remain of how sufficient seating, desks, cupboard spaces and other electronics such as kettles, lighting and audio-visual would be successfully accommodated without either requiring trunking along the skirting (or further splicing of the floor) and/or further fixing and obscuration of the remaining timber panelling, their relationship with the chimney breast or awkward junction with an original door or window architrave.

378. Whilst this substantive physical subdivision, alteration and obscuring of authentic original fabric and plan form will have the most significant effect, it will be that final level of detail, fitout and cosmetic, some of which can be reserved for condition, which will cause the terminal diminishment of historic character, to meet the demands of a luxury hotel. This would include lush, high-end and design-led furnishings, the usual trappings of the aspiring hotel: abstract art, bespoke signature lighting and plants, designer flooring including soft feature carpet(s), bespoke ceramic sanitary tiling and marble tops, just to name a few associated finishes. It is difficult to see, once those strident and opulent furnishing of domestic luxury are added to the mix, fundamentally at odds with that essential sober and restrained character of the inheritance, alongside the extensive alteration, subdivision and incurrence/obscuring of those very simple surviving historic features, that the impact on the essence of these spaces would not be terminal. From a workmanlike place of bustling business to the soft, quiet place of domestic retreat. The original character would be much drained away.
379. Third floor level would be left most mutilated, its contribution to the whole ensemble very much drained away. A utilitarian even rather plain character bellies a deeper contribution to significance, whilst imparting an important historic characteristic in of itself. Those 'garret-style' office chambers were reserved for the lowliest of clerk, without business in the principal spaces, at the top of the stairs (prior to lifts), their humble proportions and detail a remainder of the rigid hierarchy of Georgian society at large, surviving as a foil to accentuate an appreciation of the larger office suits below. They survive in a manner which such lesser historic office spaces seldom, if ever, do. Their remarkable degree of integrity and authenticity would be destroyed by the proposals.
380. The proposal would result in an unprecedented loss of authentic historic fabric here, comprising the wholesale loss of prospective original historic fabric comprising ceiling joists, (very) simple cornicing and lath and plaster finish throughout all the corridors, including those skylights in the corners, making redundant those large floor mounted roundel laylights in the corners. Bereft of all natural light, the consequence of lidding the courtyard well, it would involve the additional effective loss of two original windows (x1 removed, x1 blocked up), those remaining windows otherwise left redundant, isolated historic features in a fundamentally modern hotel corridor with

all the trimmings which come with it, upending their exceptionally simple, reserved character. Their current aspect of sky and sun lost, views out of those remaining windows would be awkwardly cropped by a bulkhead ceiling light in the residual remains of the well which could spill much inauthentic modern light into these corridors. Many of the much simpler original doors and architraves here would be lost, their proportions stretched and rehung with doors reinstated from elsewhere, presumably from the lower floors and of an inappropriate detail here, contrary to the evident vertical hierarchy of the once authentic Georgian suites. These doors would sit below new lintels, another significant intrusion into these original wall planes alongside the significant number of padstones required to transfer the loads of the additional stories, which themselves further diminish an appreciation of the original hierarchy. The cumulative result here would be the near total depression of these corridors and a near total loss of authentic historic character.

381. That part in the Centre Block would be similarly very much diminished. It comprises Smirke's Long Room lightwell and an atmospheric original corridor, the proportions and detail of which impart a strong authentic historic character. It is proposed to lose all original partitioning here, their associated doors, architrave, cornicing and simple spine wall arches. In Smirke's lightwell wall, most original windows would be lost, with the potential exception of one, which would be in effect lost to a bathroom and would be necessary be made redundant and blind, the residual remain of a former life. The function of the lightwell would be lost, again lidded over the corridor extended to comprise a larger space, inappropriate to the hierarchy of the original office suites. It is difficult to see how the designer would 'square' the utilitarian remains of the Long Room northern elevation without lining it out or at least adding cosmetics. The result would be the terminal loss of integral and authentic character here.
382. The terminal impact passes to the original chambers here too. These are larger chambers where the lowliest clerks were packed into more open chambers. As with the floors below, no original proportions would remain, most subdivide in two and the original spaces fundamentally lost. It is proposed to remove all original and historic ceilings here, including some later (albeit historic) laylights, to reveal the king post roof trusses, imparting a voluminous 'Manhattan loft-style' opulence which, whilst no doubt attractive to a prospective hotel guest, is fundamentally at odds with their authentic humble character, upending the clear vertical hierarchy of the office ensemble. Whilst exposed, the boarding between would require insulation and 'architectural' lining, leaving this feeling somewhat de-contextualised. It is unclear how proposed partitioning would sit with the skylight lanterns above, where they exist, along the northern range, without incurring these features. Once the secondary glazing is added alongside the cosmetic fitout of, what would become, some of the most desirable rooms, the original simple unassuming historic character of these original chambers, and their contribution to the whole remarkable

surviving ensemble, would be fundamentally undermined.

383. Finally, a whole seemingly unaltered northern elevation of the Robing Room lightwell would be lost, including a window, a significant part of the original generous proportions of the well annexed by an additional hotel bedroom, obscuring part of the western elevation of the Centre Block. Another historic window on the western elevation, said to be retained albeit internalise, made redundant and blind (it is assumed).
384. The basement is also a rare survival of Georgian London, certainly in a CoL context. It comprises an extensive network of exposed brick wall and groin vaulted corridor, laid with York Stone flags, which provide access to a significant number of cellar rooms around the perimeter of similar manner, lit during daylight hours by half basement widows and light wells. A room in the north west corner contains steel strengthening works installed during WWII to accommodate a rare surviving bomb shelter and is the only element retained after the major 1993 restoration.
385. Brick columns support the Tide Waiters Room above and with an access to the sunken courtyard lightwell basement floor with its well-worn York Stone flags. All together, there is a dark, utilitarian and authentic 'Dickensian' character, accentuated by the integrity of the survival. As a whole the survival is of exceptional architectural/aesthetic, historic and evidential value, inherent in its authentic and integral historic fabric and tangle/intangible character. It is considered that the integrity, authenticity and significance of the basement could be significantly undermined, resulting from the loss of plan form, fabric and character, and which is to a large degree dependant on final fitout and finishes. Whilst much remains unclear, the spaces are vulnerable to the sort of ancillary hotel luxury SPA and gym experience which could clash with that simple utilitarian character.
386. Much of the basement would be starved of what little essential light permeates those lightwell and half lights windows which impart a characterful 'gloomth' which so accentuates the authentic character of those lit storage cellars. X2 cellars (x3 openings) in the south east corner of the West Block would have their windows/doors further altered and natural light expelled by the annexing of the Quay in front of them private hotel terrace, expunging their historic functional relationship with the operational Quay. Whilst the detail is unclear, it is apparent from the servicing strategy that most, if not all, other window openings in the basement would need to be altered (or further altered), with fabric and natural lighting implications.
387. All original cellars would be turned over from original storage to a mixture of meeting rooms, SPA and Gym and ancillary services such as changing facilities, WCs, treatment rooms, in addition to other hotel back of house such as plant and laundry. Unlike upstairs, there less scope for accommodating essential services in new joinery (at least, this is not made clear) and so it is assumed that floors might require raising, thus obscuring the stone floors, and/or either significant trunking and running of services across the vaulted ceilings or in a



bulkhead/dropped ceiling (assuming servicing these from the hotel bedrooms above is unacceptable). The substantive hotel servicing strategy would mean that all original cellars would be incurred by at least one, often two, risers penetrating the vaulted ceilings more of the than not awkwardly relative to their contours. All of the usual services upstairs would also need to penetrate the original ceilings.

388. The WCs, changing rooms, and to a potential lesser extent the gym and treatment rooms could change, potentially radically, the authentic character of a number of these spaces. The WCs and changing rooms would substantially subdivide those historic cellars, their original volumes lost, the partitions sitting awkwardly with the original vaulted ceilings and the retention of their stone floors probably incompatible with a regular maintenance and cleaning regime (never mind the desirable aesthetic of such a hotel). As above, the fitout and cosmetics would be the difference as to whether these cellar spaces are moderately or significantly diminished. The need to line out the walls, and install designer, more luxurious finishes in a number of these spaces, would fundamentally alter their inherent Dickensian, rustic, utilitarian charm which is so integral to their preservation.
389. In the corridors it is proposed to run the hotels risers underfloor from the cellars into larger central servicing trenches beneath the corridors. It is stated the proposal is to lift the York Stone floors and relay, although it is assumed that convenient access must be provided for on relaying which would require a degree of intervention. Whilst this could allow for the relocation of some above ground servicing, this would involve a significant amount of fabric loss underground of the highest evidential value, comprising Smirke's foundations. These load-bearing foundations comprising brick corbelling wedged up on slates 12 courses of brickwork in Roman cement mortar on York Stone landing with Smirke's underpinnings comprising an early use of cement. The large trenches would include forming of a reinforced concrete trench cutting back these foundations all the way to Smirke's underpinning. This would comprise the whole of the perimeter corridors in the West and Central Block. The significant number of transfer trenches would require cutting through those corbeled foundations. Lateral support would be provided by a reinforced concrete beams at 4m centres. It is not clear if the lift pit for the West Block roof would require further cutting away.
390. These corridors and intimate and authentic and even more susceptible to even minor intervention and clutter than the corridors above. It is assumed that once hotel-driven fire sprinklers, detractors, sounders, lighting (which will require trucking), exist signs, signage and the usual trappings of an exclusive hotel SPA treatment are added to the integral bare brick of the wall then the character of this corridors could fundamentally change.
391. Perhaps the most significant fabric intervention would be in the courtyard. Doubt has already been cast on the potential salvaging (as a whole, or in part) of the characterful York Stone flags, with some

authentic original steps down to the proposed gym would be lost. A significant section of original impressive vaulted ceiling and historic partitioning would be lost for a new core on the eastern side of the western courtyard, including some residual loss of main eastern elevation of the courtyard.

392. In addition to the loss and alteration of some partitioning and doors, the remains of a historic stair in the south corridor (this is unclear) and the loss of a Victorian timber stair connecting the basement with the ground floor office chambers, the sole surviving historic connection with the upper floors would then be lost.
393. In all, it is considered that the strong character of the basement could be significantly diminished, the result of the loss of fabric, diminishment of natural light, the subdivision of original plan form and the likely servicing strategy and final fitout which could result in the obscuration of much fabric and thus character.
394. Overall, to conclude on Key Element 3, it is considered that the outstanding architectural, aesthetic, historic and evidential heritage significance of the office ensemble, its unique integrity and authenticity, would be significantly harmed. This would be the result of the wholesale subdivision, decontextualization, loss, alteration and obscuration of rare and unique surviving plan form, historic fabric and quintessential character, driven often by the intrinsic needs and manner of the proposed hotel use. It is considered that the harm would be significant, less than substantial in the parlance of the NPPF, working towards, but not at, the upper end of the spectrum.

### **Heritage Benefits:**

395. A heritage benefit is one that enhances, to some degree, tangible heritage significance, not an appreciation of it. This significance could be publicly accessible, or not, with no effect on significance. Degrees of public access allowing a greater appreciation or understanding of that significance is a wider public benefit, rather than a 'heritage benefit'. This distinction was established at the Fulham Town Hall appeal (APP/H5390/W/15/3140593). The weight attributed to a wider public benefit gained from access to heritage is a matter of planning policy seen, as it must, through the lens of the Good Growth objectives and other material considerations, which is assessed in detail in later sections of this report and weight attributed accordingly.
396. Overall, there are some 'heritage benefits' arising, and the weight attributed to them is discussed in more detail afterward, which are:
- i. The proposing of a 'viable' use, albeit marginal with downside risk, for the building, including the potential for repair. This is considered a modest heritage benefit.
  - ii. Wider restorative works which would or could be secured. Overall, this has the potential to be a modest heritage benefit.

### *Putting to Viable Use and Repair*

397. A viable use is important to ensuring a long-term future for the building. It has been demonstrated that the proposed use is 'viable', using a standard industry approach to assessing development viability which considers whether development would be viable to a 'rational investor' looking for market-level returns on investment. The Council's independent viability assessor considers the viability to be marginal with downside risks. The viability assessment relies on pre-Covid data and it is considered the risk posed by fluctuating construction costs and potential future hotel returns are significant. Indeed, it is the view of our consultant's specialist hotels team that the Applicant has overestimated potential revenues on a day one basis. This high-level risk factor is a concern, cognisant of paragraph 15 of the NPG:
398. It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.
399. The Council's viability consultant has identified that the viability for this proposal is marginal with risks on the downside at present. This leads the Council to conclude that there is a risk that the proposal may not be delivered as set out in the proposal, including some of the proposed public benefits. As established, cognisant of paragraph 197 of the NPPF, the proposed harmful, high risk and marginal hotel scheme is not a use consistent with the conservation (ie preservation) of the asset. There is risk that a part or fully implemented scheme could fail, leaving that harm behind them and a deteriorated asset.
400. Since the viability assessments and review were undertaken, the City Corporation has implemented its revised Planning Obligations SPD which requires a higher level of s106 contributions from new development. The impact of these higher s106 contributions has not been factored into the viability assessments but, given the marginal nature of both the 204 bed hotel scheme and the hotel/museum scheme, the additional contributions are likely to have a further downwards impact on overall viability, increasing the risk that both schemes would be unviable.
401. Optimum Viable Use (OVU) can be a heritage benefit if it has been assessed, demonstrated and agreed. OVU is defined as the/a viable use which causes the least harm to significance. The viability exercise undertaken as part of this application to date was an office viability equation to establish whether a 'rational investor' would bring the site forward for an office/office-led use, understand the viability of a hotel scheme. The viability exercise did not consider whether there are other alternative uses or investment models which might constitute the OVU and indeed is not a tool designed for this purpose. No formal marketing of the Custom House has been undertaken to establish whether there is a suitable less invasive alternative use, or a willing investor prepared to pursue an alternative use which would not deliver a market level of return. This could, for example, be office-led or a use

of similar characteristics, for example an educational, cultural and/or civic institution. This would likely require less harm to the listed building. The Council concludes that the OVU has not been established.

402. The maintenance and repair of a listed building, in particular where there is an outstanding national special interest, would be an expectation of a responsible owner and is often the subject of a lease arrangement, as here with the Government freeholder. Statutory powers exist in the instance of lack of repair/maintenance, which the NPPF is clear should not be accounted for if this is result of deliberate neglect. There is no accusation here of deliberate neglect, whilst it is generally agreed that the building is in a good condition, an observation of basic visual assessment attested to in the structural assessment submitted as part of the application.
403. Repair and restoration can be afforded weight as a heritage benefit, depending on the circumstance. The building has been maintained over the last 20 years via a Public Finance Initiative (PFI) between Mapeley STEPS and the Government and is understood to be in a good overall condition. There is nothing in the structural report, based on basic visual survey and limited opening up works, to suggest otherwise. The Applicant lease the building from the public (the Government), and is under obligation to maintain and repair.
404. The Applicant was unwilling to provide a comprehensive condition survey to inform assumptions made in the viability assessment and which could justify and quantify a maintenance and repair bill. Neither was the Applicant willing to provide an associated 'Schedule of Works' based on any Condition Survey which could be secured via 106 legal agreement to be implemented, for example prior to occupation.
405. There is limited information or certainty against which benefit could be attributed weight. In doing so it would of course be material to consider whether such works are indeed routine/cyclical, necessary and desirable, before attaching weight. In this context, there is nothing before us which would allow much weight be attached over-and-above the prospect of a (marginally) viable use which could also secure the future of a building which is not under threat or at any risk of being put on the 'At Risk' register.
406. Giving the benefit of doubt, if a condition survey and associated schedule of works can be agreed, and secured via section 106 legal agreement, and the scheme is considered viable without the element of risk, then based on what we know, moderate weight is attributed to a viable use and repair.

#### *Restorative Works*

407. Enhancing the significance of a heritage asset and/or the contribution of its setting is given as an example of a heritage benefit in the PPG, paragraph 020. Weight is attributed where there is a material direct enhancement to that tangible heritage significance, were this can be secured via a permission/consent, irrespective of access to it, and

based on contribution to overall significance.

408. The following are considered the heritage benefits

- Removal of redundant modern railings and security hut enclosing much of the Quay, obscuring less of the main façade, in particular in close up views and allowing a greater sense of the volume of the historic Quay, albeit truncated by the proposals.
- Natural replacement of redundant building services with new and more sensitive alternatives where possible, and subject to detail usually reserved for condition. This is in particular in the basement and Queen's Warehouse.
- Long Room: partial reinstatement of the Long Room lobby volume; rehanging of a door and unblocking a window in Long Room.
- The removal of a modern mezzanine occupying one room on the ground floor of the West Block.
- The potential replacing the existing detracting key clamp balustrade running the perimeter of much of the parapet. Whilst the substitute is unknown, it could be an enhancement.
- Some (unspecified) localised repair and enhancement of the original (and modern) office chambers, including the repair of some windows (to remove later trickle vents), the replacement of secondary glazing (mainly in the modern part) with a more sensitive alternative and some restoration of what would remain of the historic office chambers, for example re-plastering, removal of later wall paper finishes etc, so long as this is secured via a schedule of works.
- Reinstatement of Tide Waiter's entrance door.
- Reinsertion of ceiling skylights, albeit modern, to the second-floor level internal Centre Block corridor ceiling.

409. The weight to be afforded to a heritage benefit is dependent (amongst other things) on the degree to which the tangible overall heritage significance is enhanced. The main benefit of substance here is the removal of the redundant security infrastructure, amongst some more limited ones. Overall, assuming details of said enhancements are forthcoming, and that these can be secured via a consent and/or section 106 legal agreement to ensure implementation, then cumulatively these are attributed moderate weight.

*Conclusion on Heritage Benefits:*

410. It is not considered that these heritage benefits together would not come near to outweighing the cumulative harm identified, which is substantive. Overall, when attributing them considerable importance and weight, they can be given moderate weight as heritage benefits, to be included as wider public benefits as part of the paragraph 202 exercise and the final planning balance in conclusion.

**Conclusion: Impact on the London Custom House**

411. The harm extends to various degrees from slight and minor to

significant, internal and external, in all spaces, across all floors. Harm would be intrinsic, often inherent in the proposed hotel use, overall affecting all those 'key elements' of outstanding national special architectural and historic interest established in the preceding Statement of Significance, and all of those elements of setting which contribute to it. It is the consequence of wholesale and comprehensive subdivision, compartmentation, alteration, obscuration and the loss of integral and authentic fabric, plan form and character.

412. It should be noted that Historic England, the Georgian Group, the Society for the Protection of Ancient Buildings, the Ancient Monuments Society, the London and Middlesex Archaeological Society and SAVE Britain's Heritage, who provided an independent verification of its position by the Architectural History Group, have all found harm, ranging from lower end to substantial, to the London Custom House.
413. Of course, assessing the level of harm is a matter of professional judgement for the decision maker.
414. Such a judgement must be based upon a proper understanding of the relevant policy. For harm to be classified as substantial, when applying NPPF policy, one is looking for an impact which would have such a serious impact on significance of the asset that its significance was at least very much reduced (as explained in the Bedford judgment). When seeking to articulate the degree of less than substantial harm it is appropriate to bear in mind that, to be at the top of the scale of less than substantial harm, the harm should be close to being substantial (as that word was interpreted and explained in the Bedford case).
415. More up-to-date Government guidance is contained in the NPG, paragraph 018, which states that when considering works to a listed building and whether they constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural and historic interest. This is a situation whereby much of an asset could remain untouched, but a key element of significance could be very much reduced, still resulting in harm which is by definition serious and substantial.
416. It is worth restating that a claim of any harm at all, including negligible or the often-quoted 'lower end' of an NPPF 'less than substantial harm' 'spectrum', is serious given the outstanding heritage significance of an asset of such importance to the City, London and the Nation. Using the Bedford judgement yardstick, Officers consider the harm to the significance of the listed building to be just above the middle of an NPPF 'spectrum' of less than substantial harm.
417. When considering the paragraph 202 NPPF balancing exercise, such harm is to be afforded considerable importance and weight. Having consideration for the judgment at Wymondham given the grade I listing, this weight should apply with particular force. Further, in accordance with paragraph 199 of the NPPF and the grade I listing, the greatest weight is to be given to the asset's conservation.
418. Following the approach in the NPG, this report has considered those

key elements of overarching significance comprising the i.) architecture and quay ii.) the principal civic spaces and iii.) the office ensemble. Overall, it was found that harm is caused to them all, i.) and ii.) in the middle and approaching the middle of the spectrum and iii.) working towards but not at the upper end of the spectrum.

419. To conclude, the harm to the heritage significance of the London Custom House is just above the middle of the spectrum of less than substantial.

### **Direct Impact: River Wall, Stairs and Cranes (grade II\*)**

#### *Heritage Significance*

420. The river wall, stairs and cranes were completed in 1819 to designs by John Rennie and the two cranes date to the 1820s and 30s. The structures were constructed between 1817 and 1819 as part of the new Custom House scheme, but with a different design and construction team – John Rennie having designed the works and Jolliffe and Banks built them. The ensemble has survived remarkably well and is virtually intact. It possesses very high architectural significance as a well-executed and now-rare riverside retaining wall structure of the early 19th century in London and for the technological interest of the two iron cranes, which are early, well-preserved and now rare examples of the use of cast iron for free standing wharf cranes. The ensemble possesses very high historical significance for its associations with Sir John Rennie, the great early nineteenth century civil engineer of whose London work this is a rare surviving example.

#### *Contribution of Setting*

421. Those elements of setting which contribute to significance, in relative order of contribution:
- The immediate setting of the Custom House in wider riparian views in and around the Upper Pool of the River Thames. This List description stating the: 'ensemble as a whole constituting an outstanding survival of London's late-Georgian riverscape'. This makes a substantial contribution to architectural and historic significance.
  - That visual connectivity and openness of the Quay behind the wall, providing an open and spacious immediate setting of the London Custom House, allowing space to flow and allowing an understanding of the historic functional connectivity between the Custom House and the Quay. This makes a significant contribution to architectural and historic significance.
  - The maintaining of an open, unobstructed visual and physical access from Lower Thames (formerly Thames) Street and the River via Water Lane and Old Billingsgate, which are historic access reflecting the original historic functioning of the Custom House. This makes a moderate to significant contribution to historic significance.

## *Impact*

422. The listed stairs and cranes would be retained. There would be alterations to the listed River Wall to make connections between the river and proposed surface water drainage system and to reroute water from the roof to discharge into the river. The new outflow, comprising four bored pipes, would be made through the river wall and be core drilled to reduce the impact on the River Wall. The outflows would be finished flush with the River Wall with black hinged flap valves fitted. They would be at a low level, visible at low tide and the flap valves would minimise the visual impact and cause only slight harm to the historic character and integrity of the river wall.
423. The natural removal of the redundant and obsolete security infrastructure would open up the setting of the front, albeit the openness would be somewhat truncated by the substantial proposed river terrace which would annex a significant part. It would also disrupt the historic levels and understanding of the functioning of the quay walls and cranes in the context of the secure Queen's Warehouse, while the remainder of the principal frontage, with a large monolithic wall built in front of it, would dilute an appreciation of the historical ebb-and-flow it would share with the Quay and the functional relationship to it. The Applicant's unclear proposals for potentially host unfettered events on all the Quay, including land adjacent to Old Billingsgate and much of Water Lane, could/would visually and physically block these otherwise open accesses to the River. This would cause harm to cause harm to that contributing element of setting to significance.
424. Overall, the necessary removal of the security infrastructure would further open up a spatial and visual appreciation of the Quay and wall in those close range and to a lesser extent in those wider views from the Upper Pool of London, a significant enhancement. At the same time, a significant annexing of the original historic spatial volume with a permanent river terrace and the potential for unfettered, unspecified events covering the whole Quay could also significantly impair and dilute that primary visual relationship between Quay and the Custom House, and the integral relationship with the River on its access from the north, which would be opened up by the loss of the railings, whilst also potentially significantly reducing that sense of openness and spaciousness. It is considered that the harm arising from this could be greater than the enhancement resulting from the natural removal of the obsolete security infrastructure.
425. Overall, it is considered that the proposal would result in potential modest harm to the significance of the River Wall, Stairs and Cranes, as a result of a direct impact and to a greater degree via change in the contribution made by setting. This is less than substantial in NPPF terms, at the lower end of the spectrum. This is contrary to Local Plan Policies CS 12, DM 12.1, DM 12.3, London Plan Policy HC 4, Policies S11 and HE 1 in the City Plan 2036 and policies in the NPPF which require great weight be attributed to that harm as a grade II\* listed structure.



## **In-Direct Impact on Designated Heritage Assets via Setting:**

426. Setting is defined in the NPPF as the surroundings in which a heritage asset is experienced, and which is non-spatially bound and can change. Elements of setting can either enhance, detract or be neutral to significance, and can affect the ability to appreciate it. The NPG and 'Setting of Heritage Assets' (HE, 2015) is clear that all assets have a setting, that this is often expressed visually and that, whilst important, other environmental factors are material, such as an understanding of the historic relationship between places which can be imbued by, but which isn't dependant on, their inter-visibility. Contextual relationships can exist over distance, and could draw on age/period, functional, aesthetic or associative connections, for example. This framework underpins the assessments in this section.

### **Old Billingsgate (grade II)**

#### *Heritage Significance*

427. Former fish market, completed in 1873 to designs of eminent architect Sir Horace Jones, renowned City Architect and Surveyor, and designer of the iconic Tower Bridge. The building was the latest in a series of structures serving Billingsgate Market, of ancient origin in the early medieval period as a landing-place for mixed cargoes, eventually specialising in fish from the early modern period. The present building possesses high historical significance, like Custom House, for its long pedigree on the same site. Additionally, the building possesses high historic significance for its associations with Sir Horace Jones; it came after he had constructed the Central Meat Market at Smithfield (1868) but before his later General Market at Smithfield and Leadenhall Market. More widely, the building has high historical significance for its associations with generations of local, national and international communities involved in the fish trade.
428. The building possesses high architectural significance as a good example of the Franco-Classical style typical of High Victorian public buildings and especially as the kind of architectural style that hallmarked the City's public building's under Horace Jones' tenure. It exhibits the traits for which Jones was notable – ingenious planning and reconciliation of market functions with a difficult site and dignified architectural dressing of the whole.
429. The building possesses archaeological significance for the remains of earlier waterfront structures known to survive beneath and around the site. The site is scheduled as an ancient monument.
430. Overall, it is of high architectural, historic and to a lesser extent artistic, evidential and communal significance.

#### *Contribution of Setting*

431. Significance draws on elements of setting which make a substantial to modest contribution, in the following relative order:

- It's prominent Thames-side location, where it has been strategically sited serving the Capital for hundreds of years, forming a historic relationship with the London Custom House which, along with the Tower of London, have historically been the defining monuments of the Upper Pool. This makes a substantial contribution to significance and an appreciation of it.
- The spatial and visual relationship to a clustering of related historic buildings and grain to the north substantively comprising the Eastcheap Conservation Area, now somewhat truncated by Lower Thames Street. This hinterland was once a bustling hive of cartermen and fish labourers serving the market and once hauled produce up the rising banks to the various warehouses and businesses here to the former fish market on Eastcheap, the congestion from which resulted in the building of Monument Street 1884-7, as a piece of traffic alleviation and an unusually formal architectural townscape piece connecting Billingsgate, the Custom House and the Monument as some of the City's principal monuments. These spatial and visual relationships make a significant contribution to significance, and an appreciation of it.
- High level views of a wider historic roofscape as part and its strategic siting relative to Pool of London as an essential contributor to the setting of the Eastcheap Conservation Area, from high-level public vantage, including from the Viewing Gallery of the Monument, the viewing gallery at the 'Tower Bridge Experience' and the Sky Garden at 20 Fenchurch Street. These make a modest contribution to significance, in particular an appreciation of it.

### *Impact*

432. Old Billingsgate Market and the London Custom House form an important group in that strategic riparian setting from the River, its banks and bridges around the Upper Pool of London.
433. The proposals at roof level are not incidental, but are prominent and incongruous, while attenuating a sense of cluttering and blurring/bleeding with a more modern backdrop, undermining the pre-eminence of these well-preserved historic buildings in a wider modern context. In views from London Bridge, in particular the north side, and the western end of the Queen's walk, the proposal would detract from a direct interface between the two, whilst as a whole the integrity and authenticity of the ensemble is diminished, a situation which would be accentuated after dark.
434. From the north and in a number of views and approaches the little-diluted and authentic architectural and historic relationship between Old Billingsgate and the Custom House would be eroded and diminished by the prominent, incongruous and alien presence of the West Block roof extension and terrace. It is considered that the proposal would erode otherwise pristine sky silhouette of both, including the more flamboyant skyline of Old Billingsgate, comprising pediment crowned by a

representation of the seated Britannia and distinctive sturgeon fish finials, in addition to breaching the recessive and definitive ridgeline and integral chimney-scape of the Custom House. In certain view it would be a distracting modern influence, the presence and bulk of which would 'loom' and unsettle the scale relationship between Custom House and the more diminutive Old Billingsgate.

435. This would diminish the strong integrity and authenticity of the relationships here, imbued by a strong visual association with those historical streets and buildings to the north which relate in historic function.
436. This impact would manifest over a wider spatial area including in views from Lower Thames Street, the raised City Walkway (pedway) on Peninsula and St Magnus House, the raised section of King William Street (over Lower Thames Street), Monument Street and Byward Street.
437. From those high-level views, the integrity and authenticity of the group value between Old Billingsgate and Custom House would also be diluted, despite a preservation of the essential relationship. From the top of the Monument only a part of Old Billingsgate and its roof is visible, albeit forming a strong group value along the Monument Street axis, both sharing that defining relationship with the Upper Pool. The loss, alteration and overwhelming of the remaining historic roofscape of the Custom House would dilute the integrity and authenticity of the surviving relationship between the two.
438. From the main south terrace of the Sky Garden at 20 Fenchurch Street the two comprise prominent foreground features defining the edge of the Upper Pool, the remarkable integrity, legibility and authenticity of their roofscapes make them stand out as foreground historic features as part of a related historic hinterland. From here the substantive loss, alteration and obscuring of historic architectural plan form and fabric, which would be overwhelmed by the prominent and alien double-height roof extensions and terraces, would scar and dilute the integrity and authenticity of the relationship with Old Billingsgate, detracting from that group value. This element of settings modest contribution to significance would be harmed.
439. Overall, the proposals would fail to preserve the special interest and setting of Old Billingsgate, contrary to the statutory test at section 66 of the Act. It would harm those elements of setting that make a strong contribution to the significance of Old Billingsgate, and that harm is considered less than substantial, at the lower end of the spectrum.

### **Tower Bridge (Grade I):**

#### *Significance:*

440. Tower Bridge is an iconic image of London and Britain. It was the defining (posthumous) work of renowned, idiosyncratic City Architect, Sir Horace Jones, alongside famous engineer Sir John Wolfe Barry, for client, the City Corporation. Completed 1886-94, it defined the

'gateway' to central London from the sea, to the world's busiest port, separating the Upper from the Lower Pool of London. It is archetypal High Victorian, sheathed in Cornish granite and in a fantastical Gothic style, dictated by Parliament given the proximity of the ToL, but less indigenous and more of Jones' Francophile manner, it disguised a considerable raw engineering feat inside. Jones described it as the towers as 'steel skeletons clothed with stone'. It represents a triumph of Victorian engineering as a low hybrid suspension and bascule bridge with a steel frame.

441. It represents an iconic symbol of the end of the Victorian age, of high romanticism, and the dramatic silhouette is often used as a symbol of national character, with its stoic compositional symmetry matched by whimsy pomp. It is crowned by those Scots baronial-style turret pinnacles topped by fleur-de-lys and gilt crocketed cresting which command a skyline townscape presence well known to Londoners and visitors alike as a 'portal' to London and Britain.
442. It is of outstanding national architectural, aesthetic, artistic, historical, evidential and to a lesser extent communal heritage significance, much of which is inherent in its fabric, but also drawn from setting.

*Contribution of Setting:*

443. Elements of setting make a substantial/significant contribution to that significance and an appreciation of it, in this relative order of contribution:
  - Those broad riparian views from the River Thames, its embankments and Bridges, including from London Bridge, Southwark Bridge, the Queen's Walk, the North Bank and Butler's Wharf. From here its commanding, strategic siting, architecture and silhouette stands sentinel, guarding the entrance to central London from the sea and as a City (and London) Landmark. That strategic siting and historic intrinsic connection with the operational River Thames is accentuated when appreciated in a 360 degree panoramic context with those other defining landmarks and features of the historic Pool, including City Hall, the Tower of London, the Monument, St Paul's Cathedral, Old Billingsgate and the London Custom House, of course in addition to those remains of the quays, wharfs and warehouses of the historic Pool in a wider familial shared setting. These collectively make a substantial contribution to significance and an appreciation of it.
  - Those local and wider townscape views/approaches, many of which are coincidental and fortuitous, perhaps the most important from in and around the Liberties of the ToL, from main vista at 'More London' on the South Bank and others which are more fortuitous, even incidental, townscape moments/glimpses where its inspiring architectural form makes an unexpected announcement. This includes broad panoramas such as from Greenwich Park (where it is seen alongside St Paul's), where the strategic role of the Pool of London is announced by its towering and dramatic architectural

form and silhouette. These make a significant contribution to significance and an appreciation of it.

*Impact:*

444. Those strategic riparian views of Tower Bridge from the immediate riparian setting of the Pool of London would be largely unaffected. The Custom House does not share a strong direct architectural relationship, nor one of age or for that matter direct function. Their sole connection is of two defining historic London landmarks which share an intrinsic historical and functional relationship with the River Thames and the Pool of London as the head and heart of commercial empire and the world's busiest port. In a wider historical setting which is much changed, it so follows, we consider, that a direct diminishment to the integrity and authenticity of one as part of a combined viewing experience would diminish those intrinsic shared values and part of an exceptional setting, albeit clearly to a lower, even much lower degree.
445. The proposal would undermine architectural and historic relationship between Tower Bridge and the Custom House, when seen as part of a rich and exceptional array of monuments to the River Thames, as part of the sensitive riparian setting of the Pool of London. This would result from the undermining of the principal river façade of the Custom House in shared viewing experiences, in particular from Tower Bridge itself, around Portland Wharf and Butler's Wharf (around the junction with Marie Blake's Cause), where the setting relationship between the two is more intimate and unfettered historic. Overall, however, given the scale and intervening distance and the lesser direct architectural and historic relationship between the Custom House and Tower Bridge, that impact would be very low.
446. In terms of those more localised townscape appreciations of Tower Bridge, almost all would be left unaffected. There is a brief localised townscape 'moment', or glimpse, of the crowning sky-silhouette of the French pavilion roof of the north tower, its pinnacles, finials and gilt cresting, evident to the south of the Monument's plinth, forming a fortuitous distant backdrop along the Monument Street axis, carved out by the Victorians prior to Tower Bridge. It is confined to the northern side of Monument Street, for a moment on the western side of King William Street, forming part of an open sky backdrop to the Monument, and its gilt cresting forms part of the Custom House chimneyscape up until west side of the Monument's plinth. The proposed West Block roof extension would upset that relationship, further blocking out the top of Tower Bridge from the King William Street junction and in its entirety from further east, impairing this transitory moment. It is non-prominent and momentary in this instance but would make what remains of the top of Tower Bridge incidental. This would result in the smallest diminishment of that wider townscape setting of Tower Bridge.
447. Overall, the harm to Tower Bridge as a result of setting change would cause slight harm which would be for certain less than substantial, at the very lowest end of the spectrum.

## **St Dunstan-in-the-East (grade I), Walls, Gates and Railings to Churchyard of St Dunstan-in-the-East (grade II)**

### *Heritage Significance*

448. Church with a tower of 1695-1701 by Sir Christopher Wren (with assistance from Nickolas Hawksmoor) and a body (now a shell) of 1817-21 by David Laing, in a sympathetic Gothic style, completed at the time he was finishing on the London Custom House it is opposite.
449. An ancient City church being first established in 1108, and churchyard recorded by 1194. The church possesses immense historical significance as a place of worship and burial of past City communities, including many with links to the waterfront activities embodied in Custom House and Old Billingsgate. It was the place of baptism of David Laing, architect of the Custom House, born a parishioner. It holds great historical significance for its associations with the renowned British architect Sir Christopher Wren and its associations with David Laing are significant and particularly resonant in this instance, given Laing's baptism in the church and the rare/unusual visual relationship that exists between Laing's surviving ruined church walls and his seminal career-defining secular piece, the Custom House, in particular his surviving West Block, on which he was completing construction at the same time. The body of the church was destroyed by bombing in WWII and made into a ruin garden, completed in 1971 it is a much-loved, filmed and photographed space since - an established City 'hidden gem'.
450. It has a soaring needle spire carried on four steep flying buttresses rising out of elegant corner pinnacles, comprising a so-called 'crown spire', a rare example in the south of England, and more dramatic than those 15th Century versions in Newcastle and Edinburgh. Of Laing's church the north, south and lower east walls and the shell of the north east porch survive. Laing was potentially assisted by his pupil, William Tite, who went on to design the Royal Exchange.
451. The building holds very high architectural/aesthetic, artistic, historic and communal significance as an example of Wren's masterful ecclesiastical design and as a unique example of a Gothic 'crown spire' in the south of England; it holds high architectural significance as the only example of Laing's ecclesiastical work, opposite his most influential secular piece. The separately listed grade II walls, gates and railings are various in date, from the seventeenth century wall to the modern railings contribute to this setting. They themselves possess moderate architectural and historic significance for their part in the church ensemble and as well-preserved examples of their kind.

### *Contribution of Setting*

452. The following elements of setting make a significant contribution to significance in the following relative order:

- The strategic siting on rising land from the Thames foreshore in the historic parish of St Dunstan's, it provided a landmark for ships arriving in the Upper Pool of London for hundreds of years and it's dramatic (and rare) Wren Gothic crown spire is a landmark in views from around the Upper Pool. This makes a significant contribution to significance and an appreciation of it.
- The immediate lush and arcadian setting of the ruins which conspire with the visceral historic ruins to create a 'otherworldly' sense of transitioning from the bustle of city life to a rewilded urban world. This makes a significant contribution to significance and an appreciation of it.
- The immediate historic setting and the architectural and historic (associative) relationship it shares with the London Custom House, both in strategic views from the Upper Pool, and from Mincing Lane/Eastcheap, St Dunstan's Hill, Idol Lane and the romantic evocative ruin gardens of St Dunstan in the East. Here is a rare example of the two seminal works of one influential architect, who also happened to be both a parishioner by birth, having been baptised here, in immediate proximity and picturesque composition, completed at around the same time. It is also the Church which once served the Custom House and those mercantile communities which built the historic hinterland around here including the Custom House and Old Billingsgate. This makes a moderate to significant contribution to significance and an appreciation of it.

### *Impact*

453. In terms of the impact on sensitive riparian views from the Upper Pool the current detracting later plant room and lift overruns on the West Block roof stand between the observer and the church tower from the Queen's Walk. This would be replaced with the much more substantive and strident incongruous and alien presence of the proposed extension and associated terrace. It is uncertain to what extent the proposed extension could obscure an appreciation of the tower from here, albeit it would be minor. The main impact results from the jarring juxtaposition between the alien roof extension(s) and how these would undermine the strong foreground authentic relationship between the two, detracting from that architectural and historic (associative) value. The main impact here would be from the river itself where, from boats, depending on their size, the proposal would further 'crowd' a fuller appreciation of the tower and spire composition, sited as a prominent and alien foreground intervening feature, potentially shutting out the elegant springing point of the needle spire from Wren's crocketed pinnacles. From here the diminishment in the integrity and authenticity of that relationship would be greater. This would result in some harm to this element of setting and its significant contribution to significance.
454. From that contributing setting to the north, including from within the lush confines of the church gardens, the proposed extensions above the surviving West Block would be visible from as far back as Mincing

Lane and Great Tower Street on approach. Here the bulk and alien presence of the extensions and the clutter of the associated terrace would intervene that strong historic foreground, ruining an authentic moment and picturesque juxtaposition, whilst eroding the skyline presence of the two in composition. There would also be an impact from the south garden terrace and Idol Lane.

455. Overall, the harm would be modest and less than substantial in NPPF language, at the lower end of the spectrum. The result is that the proposal would fail to protect and enhance important views of an identified 'City Church with a Skyline Presence', as identified in the Protected Views SPD.

#### Church of All Hallows by the Tower (Grade I):

##### *Heritage Significance*

456. Considered the oldest church in the CoL, founded in AD 675, predating the Tower of London beside it, with which it has a historical relationship, putting to temporary rest bodies from nearby the execution site at Tower Hill. Only standing London church is fabric of Anglo-Saxon vintage. Surviving the Fire, diarist and parishioner Samuel Pepys reputedly watched it from the tower. It has a brick tower of 1658-9 and was substantially restored by noted post-war ecclesiastical architects Seeley and Paget. It has an elaborate copper-covered steeple with needle spire rising from a circular base with flaming urn finials, crowning a striking and picturesque composition with a skyline presence.
457. It has association with notable historical figures and the interior is a relative treasure trove of historical artifact, including an altarpiece Richard II took on crusade, a front by Grilling Gibbons and tessellated Roman pavement in the crypt, amongst others. Since the loss of St Dunstan's in the East it is understood to have become the associated Church of the Board of Customs for staff at Custom House, used for special services and events.
458. Grade I listed, it is of 'outstanding' special architectural, artistic, historical and archaeological heritage significance. This is most evident in the tangible historic fabric, archaeology, form and plan of the Church, and to a significant but lesser extent drawn from setting.

##### *Contribution of Setting*

459. Elements of setting make a significant contribution to significance, principally an appreciation of it. This is drawn from, in descending order:
- Views where there is an evident architectural and historic proxy relationship with the Tower of London, in particular from the immediate environs, including from the Inner Ward, and in particular in that axial vista from Great Tower Street where the sky-etched silhouettes of its tower and the White Tower conjure



a pleasing union imbued by historical connection. This makes a significant contribution to significance and an appreciation of it.

- Wider civic riparian views where its striking steeple is seen as part of strategic pan-London river prospects across the Pool of London and alongside its strategic landmarks, including the Custom House, Old Billingsgate and the Tower of London, as part of the historic skyline setting of the River Thames. This makes a moderate contribution to significance and an appreciation of it.

460. It is identified in the Protected Views SPD as a 'City Church with a Skyline Presence'.

### *Impact*

461. There would be little impact on those identified immediate environ views, none from the Inner Ward or Great Tower Street. The proposed roof extensions, for the reasons set out in later sections of this report, would detract from the integrity of the Custom House as part of a wider townscape backdrop skyline in views from Byward Street, around the junction with Seething Lane. From here the most exceptional accretive, layered composition of the main body and steeple of the Church is best appreciated and is seen as part of a wider panorama which includes the north elevation of the Custom House, another architectural landmark of more modern affiliation, which imbues and gives accentuating historical context somewhat truncated by the presence of the busy road. Given the distance and separation, the undermining of the Custom House would undermine the relationship between the two, but only to a very slight extent.

462. There is also an impact on those significant views from London Bridge (north of centre) of the steeple in its wider townscape setting, considered the best from the River. From just north of the centre of London Bridge the sky-etched silhouette of the finials and spire are seen in pleasing architectural juxtaposition as a historic group alongside the London Custom House and Old Billingsgate, prominent in the middle ground, a group value that best evokes the pre-20th Century London skyline from here, susceptible to even minor modern intervention to that historic fabric. It is considered the proposal would obscure and detract from this relationship.

463. Overall, slight harm, the result of change in the immediate and wider townscape setting, which would dilute the contribution of those views from Byward Street and London Bridge to the significance and setting of All Hallows by the Tower. That harm would be very much less than substantial in NPPF language, and it would fail to protect and enhance important views of an identified 'City Church with a Skyline Presence'.

### The Monument (Grade I and Scheduled Ancient Monument)

#### *Heritage Significance*

464. The Monument to the Great Fire ('the Monument'), by seminal architect Sir Christopher Wren and Robert Hooke, built 1671-77,

symbolised the restoration and renaissance of London following the Great Fire of 1666 as a major European economic, cultural and political centre. It comprises an elegant fluted Roman Doric column of Portland Stone crowned by a gilded flaming urn sat atop a large pedestal containing inscriptions and base relief representative of the socio-political context in which it was built. It is of exceptional architectural, aesthetic, artistic, historic, evidential and archaeological significance as a City/London-wide strategic landmark.

### *Contribution of Setting*

465. It was symbolically sited near the site on Pudding Lane where the Fire began and on near axial alignment with the Old London Bridge, the site of the original Roman bridge from which London originated. It once, alongside the re-built City church towers/spires, was pre-eminent in the much artistically represented London skyline as part of a family of Wren landmarks representing the character and identity of the City of London up until the end of the 19th Century. It comprised part of the main southern arrival experience from London Bridge, representing the gravitas and grandeur of a Renaissance city. As it did then, it has informed the height and curation of the townscape around it for over 300 years.
466. The setting of the Monument makes a substantial contribution to its significance and an appreciation of it, in particular its architectural/aesthetic, artistic and historic significance. In order of relative contribution, these derive from:
- The symbolic siting near the attributed origin of the Fire on Pudding Lane which makes a significant contribution;
  - Those views on near axis with the original alignment of the Old London Bridge, London's original bridge, when viewed from the Queen's Walk and the original southern approach from Fish Street Hill, making a significant contribution to significance, in particular an appreciation of it.
  - Those views from Tower Bridge at ground level (including LVMF View 10A.1) and from the high level bridge viewing platform where the Monument is now best seen along the Monument Street axis in its wider City context alongside other strategic landmark monuments, including St Paul's Cathedral, the Custom House and Old Billingsgate, which together make a significant contribution to significance, in particular an appreciation of it.
  - Those historic approaches to the Monument where it commands a local townscape presence as a landmark, in particular from ancient Bishopsgate/Gracechurch Street, but also from those spirited 19th Century townscape improvements from King William Street and Monument Street, which are considered to also make a significant contribution to significance, in particular an appreciation of it.
  - Those spectacular mid-level views and appreciations from London's oldest public viewing gallery of the historic heart of

London, overlooking the Pool of London and much of its seminal monuments, old and new, making a moderate contribution to significance.

### *Impact*

467. It is considered, but not been entirely demonstrated, that the proposal would result in a slight obscuring and thus diminishment of the shaft of the Monument in important wider riparian pan-London strategic views from Tower Bridge (upstream), in a kinetic experience at ground level between the south and north bastions.
468. Similarly, whilst not demonstrated in the application, it is considered that the plinth/shaft would be slightly obscured in views from the high-level bridge viewing platform comprising part of the 'Tower Bridge Experience' attraction. It has been the CoL's longstanding strategic townscape approach to prevent development between the observer and the Monument which would further obscure, crowd and/or distract from it in those few remaining wider skyline views of the Monument, subject to separate strategic view protection addressed elsewhere in this report.
469. The roof level proposals would comprise incongruous additions undermining the Custom House, which at present shares a relatively intact and authentic group value from the Monument in the middle ground of these views enclosing the River. This would dilute that architectural and historic relationship, drawing attention away from the Monument.
470. From the high-level vantage, it can even be seen, alongside the Custom House, as part of a wider skyline of Wren monuments, seen against sky and backdrop hills. Given the importance of the viewing location to an appreciation of the Monument as an integral part of the cultural topography of London, any obscuration, however slight, would result in a degree of harm, here exacerbated by the incongruous nature of the proposals.
471. The proposal would not affect that other strategic wider city skyline view from the Queen's Walk on the axis of the Old London Bridge. It would have no effect on those more immediate townscape views from Bishopsgate or Gracechurch Street. It would have a visual effect at the interface of King William Street and Monument Street, where the commanding presence of the Monument suddenly reveals itself demanding the attention of the viewer in a striking townscape moment. This is the best moment to appreciate the Monument in its identified 'Immediate Setting' (Protected Views SPD, Figure 8).
472. The proposal would be in incongruous distant backdrop element undermining the authenticity of the relationship with the Custom House, and the proposal would very slightly encroach on the sky silhouette of the Monument, drawing slight further undue attention. Given the spatial extent and confinement of the impact, the level of harm is considered very slight.

473. From the Monument Viewing Gallery the proposal would not impinge on the openness of the viewing experience here, still allowing the viewer views of London's wider topographical landmarks, even if diminishing the Custom House in the view, this would not directly harm the significance of the Monument.
474. Overall, the proposal would fail to preserve the outstanding special interest, heritage significance and setting of the Monument, resulting in slight harm, less than substantial in NPPF terms, at the lowest end of the spectrum.

### **Eastcheap Conservation Area**

#### *Heritage Significance:*

475. The Eastcheap Conservation Area is of diverse character, being of an unusual (in the City context) mixture of commercial and residential, acting as a historic 'buffer zone' between the River and the City Cluster, providing a complementary wider historic context to the London Custom House and Old Billingsgate, from which it draws historical association and character.

To summarise, it is considered significance derives from:

- The survival of an irregular medieval street pattern and finer urban grain comprising a rich mixture of courts, alleys and streets contrasting with the principal artery of Eastcheap, and with a pronounced topographical descent towards the banks of the River.
- An area characterised by commercial and warehouse buildings and a rare mixing with residential in the pre 20th Century City tradition, including buildings with strong historical associations with the London Custom House, Old Billingsgate and the River Thames Legal Quays.
- A notable collection of fine historic buildings, including significant post-Fire survivals of varied character, including three Wren Church's with a unique and rare historical and aesthetic relationship with the Custom House as part of the historic skyline setting of the River Thames Upper Pool.

#### *Contribution of Setting:*

476. There are elements of setting making a significant to moderate contribution to significance and an appreciation of it. These are visual and historical relationships of kinetic visual spatial proximity in sequential views from, within and through the Conservation Area between Custom House, Old Billingsgate and the River Thames and the historic commercial/warehousing hinterland of the Conservation Area which grew directly from that relationship. In summary, those elements of setting comprise in relative order of contribution:

- The strong sense of history and layering of historical commercial development which in important north-south linear townscape

experiences between the City Cluster and the River, impart of strong coherent and often authentic historic environment, where the development of the City as the centre for world trade can be appreciated in a sequential fashion. It is considered this makes a moderate contribution to significance and an appreciation of it.

- An appreciation of the proximity and visual relationship between the Custom House, Old Billingsgate and the River and the architectural/aesthetic and historical relationships between them. It is considered this makes a significant contribution to significance and an appreciation of it.
- The geographical, historical (associative) and architectural/aesthetic relationship between the ruins of St Dunstan in the East and the Custom House. It is considered this makes a modest contribution to significance and an appreciation of it.
- View's into the Conservation Area, in particular from the banks of the Thames and the Upper Pool, as part of a rich townscape of important foreground buildings comprising Old Billingsgate and the Custom House alongside the Wren spires, and as part of an emerging collection of CoL Conservation Areas which can be appreciated from above, not least from the Monument Viewing Gallery (View 11 in the SPD), but also from the Sky Garden at 20 Fenchurch Street. It is considered this makes a modest contribution, in particular to an appreciation of significance.

*Impact:*

- The proposals would be visible in connection with the Conservation Area, from within, outside and through it, as part of a kinetic, dynamic unfolding townscape experience, with particular interfaces around Lower Thames Street and the junctions with Botolph Lane, Lovat Lane and St Mary at Hill. There is a strong direct visual relationship between Great Tower Street and St Dunstan's Hill and the public gardens set in the ruins of St Dunstan's in the East.
- In high level views, in particular from the Sky Garden, but also from the Monument Viewing Gallery, a good overview of the Conservation Area can be made, including the layout, grain, landmarks and roofscape, where the integral and authentic roofs of Old Billingsgate and the Custom House stand out as central riverside landmarks from which the Conservation Area extends north, imbuing the aesthetic and historical significance of the Conservation Area and an appreciation of it. The proposals is considered to undermine and overwhelm of the surviving historic roofscape of the Custom House, significantly undermining its integrity, authenticity and legibility from the Monument Viewing

Gallery, and to a greater degree from the Sky Garden at 20 Fenchurch Street. The consequent effect is a modest dilution of the historical character and integrity of the whole and an appreciation of it.

- It is considered that from interface views from Lower Thames Street and Monument Street, the proposal would comprise a conspicuous, discordant and incongruous feature, drawing attention to itself, in particular after dark, diluting the historic authenticity and integrity of the relationship between Old Billingsgate and the Custom House, and thus to a lesser degree to the historical/aesthetic core relationship with the those historic north north-south thoroughfares, and the value which is draw from this authenticity to that experience.
- It is considered that the proposal would undermine that relationship between St Dunstan in the East and the Custom House in views from and through the Conservation Area from the immediate environs.
- The proposals are considered to diminish the relationship between the Custom House and the spire of St Dunstan in the East from those strategic riparian views from the Upper Pool, with a slight knock on effect for an appreciation of those wider Wren spires from here.
- The proposals would undermine the integrity, authenticity and character of the London Custom House and its aesthetic and historical relationships with those landmarks of the Conservation Area which, when considered as a whole, would result in slight harm to its significance as a result of setting change, at the lower end of a less than substantial harm spectrum.

### **Trinity Square Conservation Area:**

#### *Heritage Significance*

477. The Trinity Square Conservation Area is a small, tightly drawn conservation area clustering around the former Port of London Authority (PLA) HQ (10 Trinity Square) and Trinity House overlooking the openness of Trinity Gardens and the Liberties of the Tower of London to the south and east (LB Tower Hamlets). The Trinity Square Conservation Area Character Summary and Management Strategy SPD (2014) is a material consideration. On the whole, significance derives from:

- The pre-eminence of the former PLA HQ, Trinity House and the Church of St Olave as important historical landmarks.
- An intact group of mostly early 20th Century buildings with a more formal grid of streets characterised by consistently classical, Portland Stone-faced architecture of an imperial character, with an open aspect south towards the River and Tower of London.

### *Contribution of Setting*

478. Elements of setting make a substantial contribution to heritage significance, in particular the topographical relationship with a wider riparian landscape and other notable historical landmarks clustering near to the Pool of London. In particular this is reflected in views. In order of relative contribution, the following elements of setting are considered to contribute to architectural and historical significance:

- The picturesque immediate setting of the former PLA HQ and Trinity House comprising the 18th Century Trinity Gardens and the mercantile landscape of remembrance including the Merchant Navy Memorials (grade I and II\*). This makes a substantial contribution to significance.
- The wider geographical and visual relationship to the River Thames and a wider setting of important maritime landmarks, including the Tower of London, Tower Bridge and the Custom House. It is considered this makes a significant contribution to significance.
- The fortuitous visual alignment of Seething Lane with the tower and steeple of All Hallows by the Tower as part of a wider historic townscape setting. This makes a moderate contribution to significance.

### *Impact*

479. It is obvious to establish that no building or space would be physically altered as a result of the proposal at a distance to the south and west and with which the only intervisibility would be from the south west corner of the CA, at the junction between Byward Street and Seething Lane. From here the proposal, whilst appearing as a detracting feature on the London Custom House, it would exert limited visual influence over the CA, especially when taken as a whole. The Custom House would still be understood as part of a wider riparian townscape which shares a visual and historic functional relationship with it, and this overall would still be appreciated. There would be no direct interface with or backdropping of the Conservation Area. There would be no impact on most views out of, into or through the CA, including those identified out over Trinity Gardens, the Liberties or of All Hallows.

480. Overall and on balance, whilst the proposal would harm the appreciation of the Custom House in views from a limited spatial area of the Conservation Area, when considered as a whole, in particular the lesser architectural and historic relationship between this CA and the Custom House, the significance of the CA would be preserved.

### **Tower Bridge Conservation Area (London Borough of Southwark):**

#### *Heritage Significance*

481. This a large and varied Conservation Area substantially comprising former industrial/warehousing areas clustered around Tower Bridge with a strong relationship with the River Thames and an open aspect over the Lower Pool and through the Bridge to the Upper Pool of

London. The zones of relevant visual influence here are from Tower Bridge, the Queen's Walk, Portland Wharf and the Riverwalk at the Butler's Wharf West at the top of Maggie Blake's Cause.

482. It is a longstanding industrial area, and riverside warehouses and wharfs had stretched here in earnest by the 16<sup>th</sup> Century as the heart of a burgeoning trade port clustered around the Upper Pool Legal Quays and the Custom House. During the 17<sup>th</sup> Century these wharves extended eastwards and industry flourished inland given proximity to resources and demand in the City of London opposite. These downstream wharfs flourished from the 18<sup>th</sup> and 19<sup>th</sup> Centuries once the stranglehold of the Elizabethan Legal Quays was relaxed and their monopoly on imported goods relinquished. The dominant force here was Butler's Wharf Ltd with a massive range of warehouses rebuilt on the 1870s, creating a dense warehouse district. The Tower Bridge Conservation Area Appraisal SPD (2003) is a material consideration. It recognises the importance of Tower Bridge as the iconic arrival at the Pool of London and central London, and views from the River are important, including reference to superb views of Tower Bridge and the City skyline (3.3.7).

#### *Contribution of Setting*

483. Elements of setting make a significant contribution to significance and an appreciation of it. It is considered these comprise, in order of relative contribution:
- Those views from the riverside walk at Shad Thames around Butler's Wharf which allow an appreciation of the historic relationship between the Conservation Area and the City of London, with its embankments and skyline, including the Custom House, visible through the screen of Tower Bridge. These make a significant contribution to significance.
  - Kinetic views from Tower Bridge and Queen's Walk allowing fuller 360 degree experience of the historic Pool of London, including the dense wharf and warehouse complexes which clustered round those architectural landmarks including the Tower of London, Old Billingsgate and the London Custom House. These make a significant contribution to significance.

#### *Impact*

484. The proposal would be visible from the whole extent of those upstream views from Tower Bridge and from the short section of the Queen's Walk which is in the Conservation Area. Here the Custom House is appreciated as a prominent river frontage in 360 degree views of the Upper Pool, the 'gateway' to London from the sea, and is of strategic significance to the development of the Upper Pool as the head and heart of the world's busiest port. As part of a wider context of related River landmarks which accentuates an appreciation of wider civic context and clustering around the City of London. From Portland Wharf and the western end of Butler's Wharf (around the junction with Maggie Blake's Cause), the Custom House can be seen framed by the



imposing silhouette of Tower Bridge, creating an especially well-contained wider historic setting on the foreshore of the Thames with a strong sense of coherence and historic character.

485. There is of course a strong historical and functional relationship between the London Custom House and the development of the wharfs and warehouses which comprise the bulk of the Conservation Area, which clustered around it at the heart of the Legal Quays and near to the City of London. In those views from and through the Tower Bridge there is a visual and historical relationship centred around the River Thames, to which these are all related. The Custom House was designed to impress upon the River the importance of all this connected commerce and is plain to see. The integrity and authenticity of the principal river composition contains an intrinsic architectural and historical relationship with the river, as an integral part of this wider riparian setting. The diluting of that principle river composition would dilute the contribution to London Custom House makes to that wider historic setting around the River, undermining those important wider setting views from the Queen's Walk, Tower Bridge, Portland Wharf and Butler's Wharf.
486. This is an exceptional situation whereby a building outside the Conservation Area is important to an understanding of its significance as a result of a shared architectural and historic setting of outstanding significance. It is obvious to state that the buildings, structures and the vast majority of views would remain undiluted whilst the essential relationship between the two would remain and, commensurate to the Conservation Area taken as a whole, the impact could only be slight and very much less than substantial in NPPF terms.

### **Tooley Street Conservation Area (London Borough of Southwark):**

#### *Heritage Significance*

487. A long narrow Conservation Area incorporating buildings north and south of Tooley Street stretching west-east between London and Tower Bridges, with a large section, Sub-Area 1, around Hay's Wharf, which incorporates the Queen's Walk, its historic warehouses and open riverside. Wharves developed around the City's legal quays and the Custom House on this side of the river from the 16th Century, at head of the navigable river, collectively forming the 'gateway' to London from the sea which stopped at London Bridge. Hay's vast warehouse complex was built 1851-57 primarily storing tea around a wet dock, now infilled as Hay's Galleria.
488. The Conservation Area Appraisal SPD identifies the dominant topographical features to be the River Thames and Tooley Street as a historic route connecting followed some of the earlier fireproofing techniques development at the Custom House, opposite. There are some fine remaining wharfs at Cotton's Wharf and 27 Tooley Street (now the London Bridge Hospital). From the 1900s bonded warehousing turned over to related shipping company headquarters, continuing that maritime theme, such as the Bennett Steamship

Company at 15 Tooley Street or St Olaf House (1931) for the management of Hay's Wharf.

489. It is of high architectural and historic heritage significance.

#### *Contribution of Setting*

490. Elements of setting make a significant contribution to significance and an appreciation of it. In particular, in descending order:

- Broad riparian prospects into and out of the Queen's Walk around Hayes Walk, the best-preserved group of historic warehouse buildings before Shad Thames the other side of Tower Bridge. The ability see, understand and appreciate these in their wider riparian setting of the Upper Pool of London is essential to understanding their historic origin, original function and architectural value, in particular that relationship with Old Billingsgate and the London Custom House which are all that remain of those original legal quays around which these clustered. Para 3.1.1 of the SPD identifies the essential relationship with the open space of the River Thames, the wharfs forming a urban edge, identifying this part of the river walkway and the Hay's Wharf area as "enormously important to London" (para 3.2.3). It identifies the riverside views over the skyline of the CoL, the most significant identified as a 180-degree arc from London Bridge City Pier, taking in the north embankment, including Old Billingsgate and the London Custom House (3.2.6). This makes a substantial contribution to significance and an appreciation of it.
- The strong urban boundary and historic and architectural relationship with London Bridge Station and its viaduct to the north which encloses this district and the nearby relation with the wider wharfs and docks at Shad Thames just the other side of Tower Bridge. This makes a moderate to significant contribution to significance.

#### *Impact*

491. It is obvious to establish that no building or space would be physically altered as a result of, in relative terms to the Conservation Area as a whole, a small proposal on the opposite side of the River. Whilst of course the open aspect and relationship between the Hay's Wharf Sub-Area and the related features of the Upper Pool on the City side would remain intact. However, the proposals at the Custom House are prominent when viewed from the Queen's Walk, including London Bridge City Pier and the former Hay's Wharf (Hay's Galleria). There is a strong architectural and historic relationship between here and the Custom House, around which these structures clustered and took inspiration, with a fortuitous near axial relationship from Hay's Wharf, which gives the observer the best appreciation of the historic Upper Pool between London and Tower Bridge's from when it was the head and heart of the world's busiest port.

492. The proposed dilution of the principal river composition of the London

Custom House, its integrity and authenticity, and the inherent hierarchy of that composition and its intrinsic architectural and historic relationship with the Upper Pool, would diminish its contribution to that shared wider riparian setting.

493. This is an exceptional situation whereby a building outside the Conservation Area is integral to an understanding of its significance as a result of a shared architectural and historic riparian setting of outstanding significance. Of course, the essential relationship between the two would remain and, commensurate to the Conservation Area taken as a whole, the impact could only be slight, less than substantial harm in NPPF terms, very much at the lower end of the spectrum.

### **Other Designated Heritage Assets**

494. The impact of the proposals on the settings of the other designated heritage assets and their significance, identified in the THVIA, have been fully assessed and taken into consideration. These include the Tower of London Conservation Area, the Former Port of London HQ at 10 Trinity Square (II\*), Watermans Hall, 18 St Mary at Hill (Grade I and Scheduled Ancient Monument), 16 St Mary at Hill (Grade II), Tower Bridge (Grade I), Tower of London (Grade I), 27 Great Tower Street (Grade II), 9 Idol Lane (Grade II), Church of St Magnus the Martyr (Grade I) and Adelaide House (Grade II). The settings and the contribution they make to the significance of the listed buildings, would not be adversely affected by the proposals due to relative distances and the nature of significance and the contribution of setting.
495. The settings and significance of the Scheduled Ancient Monuments at Waterman's Hall, Roman Hypocaust and building on site of Coal Exchange and Structures of archaeological interest below Billingsgate, would not be harmed by the proposals.

### **Tower of London World Heritage Site – Impact on Outstanding Universal Value (OUV)**

496. The Tower of London (ToL) was inscribed as a World Heritage Site (WHS) in 1988. Its Outstanding Universal Value (OUV) was agreed in 2011 as comprising: landmark siting; a demonstration and symbol of Norman power; an outstanding example of late 11th century innovative Norman military architecture; a model example of a medieval fortress palace, which evolved from the 11th to the 16th centuries; strong associations with State Institutions and the setting for key historical events in European history.
497. The London Custom House lies approximately 200m west of the ToL WHS. The WHS Management Plan establishes a 'local setting area', an 'immediate setting' and a non-spatially defined 'wider setting'. Custom House is not in the designated local setting but is in the wider setting. The two do not have a visual relationship within the local City townscape but can be seen together in broader river prospects. There are three views within the London View Management Framework (LVMF) which are critical in assessing the impact of the scheme on the WHS: LVMF River Prospects 10A.1 (Tower Bridge: upstream – the

North Bastion), 11B.1 (London Bridge, downstream), and Townscape View 25A 1-3 (Queen's Walk at City Hall). These are assessed in detail in this report and it is found that the OUV of the WHS would be preserved. More broadly, the proposal has been assessed with regard to the Tower of London Management Plan, the Local Setting Study and the viewpoints and approaches identified in that study. It has been found that in all instances the proposal would preserve OUV.

### **Summary of Setting Impact:**

498. The impact of the proposals bellies their relative scale given the outstanding significance of the London Custom House and the sensitive wider spatial scope of influence. The proposal would fail to preserve and would cause harm to the following designated heritage assets:

- The Monument, Grade I, considered slight harm;
- Tower Bridge, Grade I, considered negligible harm;
- St Dunstan in the East, Grade I, considered modest harm;
- Church of All Hallows by the Tower, Grade I, considered slight harm;
- Old Billingsgate Fish Market, Grade II, considered modest harm;
- Eastcheap Conservation Area, considered modest harm;
- Tower Bridge Conservation Area, considered slight harm and;
- Tooley Street Conservation Area, considered slight harm.

499. Otherwise, all setting significance would be preserved, including the OUV of the ToL WHS.

500. All harms are considered less than substantial in NPPF language, albeit harbouring a diminishment in setting and significance to City Landmarks and Skyline Features and designated heritage assets of the highest order. This draws wider Development Plan conflict in the case of Tower Bridge, St Dunstan in the East and All Hallows by the Tower with strategic Local Plan Policy CS 13(2) and associated guidance in the Protected Views SPD, the result of diminished views of a City Landmark and City Churches with a Skyline Presence. Having regard for the relative low levels of harm, whilst still cognisant of the failure to preserve and thus accord with s.66 of the Act, and the great weight triggered by the NPPF, these harms combined attract only modest additional weight overall to be added to the final balance and are residual and ancillary to the main impact on the London Custom House.

### **Archaeology**

501. The site is in an area of high and significant archaeological potential where remains from all periods are expected to survive. In the early Roman period, the Thames was wider and its north bank was on the north side of modern Lower Thames Street. The land was gradually reclaimed from the river by the construction of a sequence of waterfronts and jetties built from the Roman period, which continued through the medieval period to the 19th century. Archaeological

assessments and evaluation reports have been submitted with the application which set out the survival of remains across the site and the impacts of the building and its foundations.

502. Archaeological evaluation and geotechnical site investigation has been carried out, and has provided information on the existing building foundations, the depth of the current quay surface and survival of the early to mid 19th century quay. This quay was built on an earlier foundation and is to the north of the existing Grade II\* listed river wall, which was constructed at the same time as Custom House.
503. The construction of Custom House, its early collapse and rebuilding with the installation of additional foundations, introduced a deep concrete raft foundation to underpin the building. The depth and extent of this foundation is considered to have removed Roman and early medieval waterfronts, the Roman riverside wall, timber and masonry structures and building foundations within the building footprint. There may be some survival of early structures and river-bed deposits, surviving at low levels below the foundation.
504. The proposed alterations to the interior of Custom House include new lift pits, a service trench and lowering the basement floor of the east wing. It is considered that these works would not have an impact on archaeological remains as they would be within the existing raft foundation. If the work extends below the existing foundation it may affect remains of features surviving at this level.
505. The quay and roadways to the west and east of the building have high archaeological potential including survival of earlier waterfront quays and structures, as there are no modern basements in this area. There is potential for up to five metres of remains to survive below the quay, and this depth will increase as the ground slopes up to Lower Thames Street. The proposed extension to the terrace, alterations to the vehicle entrance, enhancement of the flood defences, new drainage, street furniture and landscaping would have an impact on archaeological remains.
506. The proposed terrace to the south of the building would have a shallow concrete slab with a piled raft foundation. There is flexibility in the proposed pile locations for the terrace to allow the preservation of remains of earlier riverside structures which may be present, and this has been designed to avoid the underlying late 18th/early 19th century river wall. This work would affect remains and deposits associated with the construction of quays from the late 17th century. The pedestrian ramp would have a shallow raft foundation which would affect modern material only. The existing flood wall would be removed and replaced with a new concrete wall along the edge of the new terrace.
507. The existing vehicle entrance would be altered to be deeper and narrower and would be constructed within the existing structure. A new retaining wall to the ramp, with a piled foundation and a new concrete wall in front of the ramp, to act as the new flood wall, would be built. There is likely to be an archaeological impact where this work extends

outside and beyond the existing ramp structure and building foundations.

508. The proposed drainage system would require new manholes, trenches and four outflows to the river using bored pipes through the river wall and has been designed to minimise the depth and extent of excavation. The work would have an impact on the late 18th/early 19th century river wall in two places and deposits dating from the mid 18th century. The central manhole would be 4.9m deep and would reveal the river foreshore. The outflow pipes have been located at a height to limit the effect of scour and erosion of the river foreshore and impact on archaeological deposits and structures on the foreshore.
509. There would be new landscaping and street furniture on the quay and roadways to the west and east of Custom House. This includes new cycle racks, bollards, paving, lighting, benches and signage and accessible ramp and stair. The new work and installations would require limited ground works which is considered would affect modern ground only and be above archaeological levels. The proposed accessible ramp and stair at the south west edge of the quay is a lightweight structure which would have a raft foundation which would affect modern material only.
510. The proposed works would have an impact on archaeological remains depending on the depth of the work and where they would extend beyond the existing building and foundations. This is acceptable subject to conditions being imposed, if planning permission and listed building consent were granted, to cover further archaeological evaluation and site investigation, a programme of archaeological work and foundation design.

### **Conclusion on Heritage:**

511. Less than substantial harm, just above the middle of the spectrum, has been found to the London Custom House (Grade I). Less than substantial harm, at the lower end of the spectrum, has been found to the River Wall, Stairs and Cranes (Grade II\*). Residual less than substantial harms, at the lower and very much lower end of the spectrum, have been found to a number of designated heritage assets also of the highest order, the result of change in their setting, comprising: the Monument (Grade I and Scheduled Monument), Old Billingsgate (Grade II), St Dunstan in the East (Grade I), All Hallows by the Tower (Grade I), Tower Bridge (Grade I), Tower of London Conservation Area, Tower Bridge Conservation Area and the Tooley Street Conservation Area. Those additional setting harms do not add much to the considerable weight attributed to the more serious harm to the London Custom House. In all, very considerable weight is attributed to heritage harm. This is weighted against public benefit in the final conclusion and planning balance.

## **ARCHITECTURE AND URBAN DESIGN**

512. Good design, according to the NPPF, is indivisible from good planning and sustainable development, and sustainable development in the Capital is deemed 'Good Growth' by the London Plan. Good Growth is design which is socially and economically inclusive. Whilst important, good design transcends skin-deep appearance. It considers how uses, layout, form, access, curation/programming, public realm and the wider 'look and feel' combine to create places for all and that are beautiful. It is considered the proposed design would comprise a non-inclusive form of development and does not constitute 'Good Growth'.
513. The recently published National Design Guide addresses the question of how we recognise well- designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. According to the guide, well-designed places consider site features and their surrounding context as a starting point. They integrate into their surroundings and are responsive to local history, culture and heritage. Well design places have a sense of identity, relate well to their surrounding and create places for movement, nature and a mixture of inclusive uses. They will create well designed, high quality and attractive public spaces that are inclusive and accessible to all, provide active frontages and promote social interaction accessible to all local communities and visitors.

### **Roof Extensions**

514. Two roof extensions are proposed at rooftop level over the East and West Blocks of the Custom House. These would be of two storeys and would be centrally placed truncating the lightwells of the wings. They would house bars/(cafes) and terraces overlooking the Thames with views of the Upper Pool, Tower Bridge, the Square Mile and HMS Belfast. They would be open to hotel guests, paying visitors and would offer a degree of free public access.
515. Considered in isolation, the roof extensions seek to follow some appropriate design principles – that is to be distinct, seeking a more streamlined, pared-back rectilinear architectural approach, on the main of transparent glazing, to appear more visually 'lightweight'.
516. The detailed success of this approach is assessed below, on the basis of the material provided, in accordance with detailed architectural design policies at DM 10.1, 10.3, London Plan Policy DE3 and City Plan Policy DE2, DE5 which are considered good design principles generally, irrespective of context, but which apply even more so here, given the sensitive context. Of course, no site can be considered in isolation from context. On this site context is everything and even the small details will have a disproportionate effect overall.
517. Officers have engaged with the Applicants throughout the application process to try and seek an appropriate design of the roof extensions and terraces that would respect the essential symmetry, proportions

and subtle character of the building both in elevation and plan, ensuring a rigorous approach to three-dimensional symmetry in vertical and horizontal surface, whilst ensuring the extensions were as 'visually lightweight' and restrained as possible, but to one side the principal of such extensions on a Neo-Classical edifice and completed composition.

518. For the reasons set out in detail under 'Heritage', the proposed roof alterations and extensions are deemed intrinsically inappropriate, harming the core character and identity of the Custom House as a seminal London and National Neo-Classical monument and strategic riparian building.
519. The roof boxes would be contemporary additions over each wing, rectilinear in form with glazing to the river and the roofs would comprise metal cladding. The terraces would comprise metal decking with glazed balustrading. Through the application process refinements to the roof level proposals have been made, including the reluctant omission of green roofs in an attempt to reduce the height and bulk and slimming down the profiles of the overhanging canopies.
520. Officers have concerns that the extensions would not appear as intended lightweight structures. For example, the glass curtain walls proposed comprise close-centred modules every c1.5m, comprising both clear and opaque glazing units. Officers consider that 1.5m modules create a subtle vertical emphasis, running against the horizontal grain of the host, the frequent interruption resulting in a piece which is less streamline, resulting in a perception of more bulk. The roof extension fenestration does not respond to the regular rhythm, formal vertical alignments or bay proportions of the host elevation, and indeed do not match one another as a symmetrical whole either, which could draw further undue attention. Furthermore, an incoherent mixture of transparent and opaque glazed modules, in particular in the oblique, could further diminish a sense of deferential 'lightweight-ness', making them appear disjointed, even potentially bulkier in certain views.
521. The prominent proposed lift overruns, of apparent non-symmetrical disposition, would in wider views comprise alien utilitarian bulk, in most wider views significantly subduing the intended simple rectilinear approach to the main roof, whilst rising a not insignificant c.1m higher than the definitive datum set by the main ridge of the Long Room roof. The roof fascia would borrow the distinctive patinated copper hue of the post-war re-clad Long Room roof, blurring its distinctive profile so as, rather than attempting to be subservient to, further diminishing its primacy and pre-eminence.
522. The removal of the matching parapet gutter detail and truncating of the southern elevation of the 4th floor perimeter screen on the East Block, would undermine a rigorous '5th elevation' approach. It could also undermine an appreciation of the strict symmetry of the principal elevation in wider strategic views. Further to this it is considered that the setback perimeter roof and non-aligned projection of the proposed



terraces would be apparent to the observer, even in facing views, further upending the symmetry of the principal architectural composition. The terraces, again non-symmetrically disposed in plan and elevation, would sit on significantly different axial lines, whilst the differing line of built up terrace, green roof upstand and necessary man-safe system would appear in southern views to further undermine integral symmetry. The East Block would appear to inappropriately match and breach the integral datum of the Centre Block parapet. The balustrading would also inappropriately breach this datum.

523. The proposal seeks to punch new fenestration through the deliberately 'blind' perimeter roof screens of the north and eastern elevations of the East Block perimeter roof screen. These would undermine the symmetry of the whole composition, whilst often off vertical fenestrational alignment with the host, their final detail could draw further undue attention (for example if requiring upstands and/or outward opening), detracting from the strict and severe Neo-Classical elevations. In summary, the proposed extensions and terraces would be detrimental to Custom House in both long and short-range views of the building. This is because their prominent and incongruous siting over the wings of the building would undermine its overall architectural composition and challenge the primacy of the Central Block, while their contemporary forms and materials would not seamlessly integrate into the overall historic roofscape and would read as assertive, incompatible additions, further damaging the integrity and authenticity of the London Custom House.
524. In addition, the proposal would result in the significant truncation and loss of authentic original fabric and plan form at roof level, as discussed under 'Heritage'.
525. Given the inappropriateness in heritage terms, the proposal does not constitute good design or Good Growth, an essential principle of which is to respect heritage and identity.
526. Therefore, the proposed extensions, terraces and fenestration would result in the significant loss of historic/locally distinctive roof forms, features and covering, and cause adverse impacts to the existing rooflines, roof profiles and protected views, contrary to Local Plan Policy DM 10.3 (1; bullets 3; 4) and City Plan 2036 Policy S17(3;Bullet 4). In detailed design terms the proposal would run contrary to DM 10.1 (bullet 6) and City Plan Policy DE 5(1, Bullet 1) and DE2(2, Bullet 11), , which seeks development which enhances the appearance of the roofscape and is visually integrated into the overall design from street and high-level view.
527. The proposed first floor level private Long Room terrace would add another crude retrofit to the host. To accommodate a significant change in level, it would require terrace build up and an unspecified fascia, scribing around, but nevertheless siting awkwardly with the fine moulded attic bases of the Ionic columns of the principal portico. The proposed balustrading would add visual clutter potentially alongside unspecified terrace paraphernalia, detracting from and undermining the

distinguished primacy of these columns.

528. It is considered that the proposal would be unsatisfactory in terms of M&E servicing, resulting in incongruous modern flues, lift overruns and it is understood necessary health and safety infrastructure and artificial lighting, that would not be successfully integrated into the building design. The flues would further undermine the symmetry and decorum of the host. Whilst unclear from the drawings, the Building Services report confirms the need for louvers in the roof extension facades, potentially further undermining the clean, lightweight and symmetrical appearance of the extensions. Given the inappropriate height of the extensions, even a low-level electrical servicing lighting strategy would result in the potential for a 'light box affect' and would likely draw the eye to a distracting modern light source and the inherent inappropriateness of the roof extensions.
529. Not all roof top plant would be screened and would remain visible in higher level 5th elevation views, for example from the Sky Garden.
530. The proposed building services would not be screened from view or successfully integrated into the design, with adverse effects for character and appearance, contrary to Policy DM 10.1 (Bullet 7).
531. Effort has been made to integrate and mitigate the building vehicular servicing, to which there is not an easy or perfect answer, and the current location, on balance, is deemed the most appropriate, despite bringing vehicles to the pedestrianised riverside. The current arrangement would be narrowed, reclaiming a small amount of Quay, though it would still exert a significant visual influence. The plane blockwork raised flood wall, at 2.1m high, would feel stark, whilst obscuring more of the host building in facing view. The potential for unrestricted year-round events on the Quay could result in regular servicing movements drawing potentially a substantial number of larger vehicles onto the Quay, detracting from its appearance and character.
532. As such, it is considered that it has not been demonstrated that the proposed servicing entrances would appear fully integrated and would not minimise the impact of servicing, especially of the Quayside, on the appearance of the building or streetscene, contrary to Policy DM 10.1 (Bullet 8).
533. The proposal would not deliver satisfactory inclusive access for those with disabilities, which is covered in more detail in the relevant section. It does not deliver the highest standard of accessible and inclusive design, contrary to CS 10 (4) and DM 10.1 (Bullet 12), London Plan Policy, D3(D;4;5) and City Plan Policies S8 (8) and DE2 (2, Bullet 9).
534. DM 10.1 (Bullet 10) seeks external illumination of buildings which is carefully designed to ensure visual sensitivity, with the discreet integration of light fittings into the building design. City Plan Policy S8(11), DE3(Bullet 8) and DE9 seek lighting which is sensitively integrated into the overall design, whilst the external lighting should be positive to the unique character of the City at night.
535. The after dark lit effect of a regular solid-to-void traditional masonry

building is quite subtle, and the Applicant proposes, subject to detail reserved for condition, a subtle light wash of the façade which will reinforce that composition, its proportions and hierarchy. By their very nature, the (on the whole) transparent glass boxes proposed for the roof will inherently 'glow' after dark which it is considered to jar with the host when lit after dark. Whilst the Applicant indicates a low-level lighting approach, it is unclear to what extent this is achievable, and it is considered that the terraces, in particular on the East Block, but also on the West and connecting emergency egress terrace, will require supplementary lighting, ambient and potentially task (for example for tables). Even if achievable, given the intrusion of the proposed fifth floors and terraces above the main ridge of the wings and principal parapet of the Centre Block, a low level strategy, alongside the use of glass balustrading, will likely draw the eye to potential naked modern light source, causing glare and undue distraction. This would accentuate the inherent harmful effect of the extensions, their prominence, lack of coherence and essential symmetry, further undermining the proportions and hierarchy of the main facades.

536. From the north, in particular from the more intrinsically dark spaces around the ruin garden of St Dunstan in the East, exposure the glare and the after dark lit effect would be greater and would draw further undue attention to the incongruous nature of the roof extensions and terraces.
537. To a lesser extent, similar observations relate to the proposed first floor main portico terrace. Uplighters here can cause inclusive access issues (for example, for the partially sighted, causing distress), whilst they are unlikely to generate sufficient ambient or task light. Given the prominence in near distant and close-up views, new lighting would draw further after-dark attention to the terrace as an inappropriate retrofit.
538. On the Quay, the restoration of the original listed lamp standards, subject to detail, is appropriate. It is unclear how sufficient or appropriate event lighting would be achieved, albeit this is a matter appropriately reserved for condition. Overall, much compliance can be reserved for a detailed lighting strategy condition to ensure a carefully designed and visually sensitive lighting strategy can be discreetly incorporated into the building design.
539. The proposal is to raise the current non-original and utilitarian flood defence wall enveloping the front of the principal façade in matching blockwork. The proposed wall would result in a non-architectural and monotonous wall, 2m tall and extending along the prominent Thames frontage. Whilst recognising this is prior to an application of 'features', Officers have a long-standing concern as to the potential visual appropriateness of the applicant's 'Museum Wall', not only on day one, but with wear-and-tear over time as a non-essential operational facet of a hotel on a flood wall. Our view is that the scale of the intervention demands it make an architectural response, which is not apparent, the blockwork wall surmounted with an undistinguished, flush-mounted

metal planter trim (further blocking views of Smirke's fine granite ashlar plinth), is not considered to make a significant architectural response. In pure appearance terms, it is unclear how the flood defence wall would not look much more than an stark and inorganic extension to the restrained elegance of the host it would block out.

540. The proposed River terrace would annex a large amount of the original Quay for a M&E plant room and raised exclusive river terrace for the hotel. The stair and empire-style ramps, whilst unable to make a strict response to the principal composition to accommodate Part M access, would make an otherwise appropriate response to the integral symmetry of the composition, and would be of appropriate material (Portland Stone) and detail, comprising ashlar with a matching bottle balustrade. Despite the loss of historic fabric, new fenestration would be appropriate, subject to details to be secured by condition.

### **Public Realm, Inclusive Access to Heritage and Riverside**

#### *Policy Context:*

541. Rights of access over the urban public realm are, on paper, an essential prerequisite to a successful City. Inclusive access for all is dependent not only on a welcoming design or 'look and feel', allowing it to feel like unrestricted access to these spaces which could otherwise just exist on paper. This is the essence of the 'Good Growth' objectives in the London Plan, which seek to deliver sustainable development which is socially and economically inclusive.
542. In the wake of the Covid-19 pandemic there is a sharp focus on the need for good public realm, especially in our towns and cities. There is a realisation that so-called 'Third Spaces', those between home and work, are essential to human health and wellbeing, providing space to breath fresh clean air, access nature, play, interact and integrate. There is a recognition that these are essential to the wider 'Levelling Up' agenda. This was the conclusion of the Government's Covid Recovery Taskforce, who sought to move the debate past broad macro-level regional economic disparity to more localised interventions affecting individuals and local communities – seeking to improve the day-to-day living experience. Our current situation amplifies the importance of national and local urban design and public realm policies relating to access, public realm and wellbeing.
543. The CoL has been leading by example in developing a vision for the post-Covid world, encapsulated in 'City Recharged: London in 2025' (2020), 'Future City: Creating the world's most inclusive, innovative and sustainable business ecosystem' (2021) and 'Culture and Commerce: Fuelling Creative Renewal' (2021). These seek to strategically realign the City with the vision of becoming the most inclusive world leading business and cultural centre. At their heart they seek to deliver outstanding places and diverse business ecosystems which are inclusive of all. In essence 'Good Growth'.
544. This section contextualises adopted design policies through the 'lens' and framework of the Good Growth objectives, GG1-GG6, including

associated 'Good Growth by Design' detailed guidance. This includes the draft 'Public London Charter' (2019), 'Making London Child-Friendly' (2020) and 'Expanding London's Public Realm: Design Guide' (2020). Emerging City Plan Policies S6 (Culture etc), S8 (Design), S17 (Thames Policy Area) and S19 (Pool of London) in particular, are laser-focused on delivering those amenities and public realm which will be essential to delivering on the Levelling Up and Good Growth agenda.

545. The London Plan, for the first time, has expanded the traditional concept of public realm in the Capital. It is all that publicly-accessible space between buildings, irrespective of ownership, and includes natural assets such as the Thames, but it also recognises important alternative forms, of particular relevance to higher density areas such as in the City, including internal and elevated spaces such as markets, sky gardens, viewing terraces, museums and retail courts, to name just a few (paragraph 3.8.1, London Plan). In recent years the CoL has led the way in delivering new and innovative public realm, inside and out, which has inverted traditional hierarchies, expanded people's perceptions of their own city and made it a more vibrant, mixed and viable place for all.
546. The City is quite unique in that it has a larger daytime working population than resident population, comprising a mix of office and associated commercial workers across a wide spectrum, from bankers to those in the 'gig economy'. However, it is home to a growing residential community and is a 'gateway' to East London, and some of greatest population densities in the Nation. It is also surrounded by some of the poorest communities.
547. The design of a place, which includes use(s), their disposition/layout, management/curation and 'look and feel', are essential to providing for this mixed demographic context and their particular needs. This is to ensure the scheme constitutes 'Good Growth' by design - that is growth which is socially and economically inclusive in accordance with the London Plan.

*Public Access, Management:*

548. In January 1999 planning permission (5023 AH) and listed building consent (5023 AJ) were granted for the erection of the existing riverside railings which run parallel with the river along the length of the Quayside. These works were associated with the creation of a pedestrian walkway along the edge of the quay, including the provision of a pedestrian access ramp at the western end. The remainder of the quayside was inaccessible to the public and was used at that time and still as a private car park for the bespoke Government occupiers.
549. A report from the Director of Technical Services entitled 'Riverside Walkway - Proposed New Walkway at Custom House between Old Billingsgate and Sugar Quay' was presented to Planning and Transportation Committee on 1 December 1998. The report stated that the proposed heads of terms (which were at that time still to be agreed with the Government as landowner) should include a requirement that

“the security fencing and screen to be permitted to remain as long as the site is occupied by a Government Department requiring a high level of visual and physical security as determined by the Secretary of State.” It was clearly envisaged by the City Corporation at that time that the security fencing would be removed following the cessation of high security operations which has now taken place.

550. It is understood that the national security public interest which once justified the security infrastructure around the Quay is now expunged with the relocation of HMRC to Stratford. This has confirmed their economic obsolescence and their removal is required to deliver return and a viable scheme. The bespoke situation which restricted access over the land should not be used as a low baseline for which to assess current proposals for public access.
551. The Applicant is required to remove the security infrastructure and the removal of the car parking which is policy compliance.
552. The present scheme proposes the removal of the Quayside riverside railings, the security barrier and security gatehouse from the end of Water Lane and the gates to the west of Custom House, on the land adjacent to Old Billingsgate Walk, to provide the potential for physically unfettered access to the Quayside, Water Lane and land adjacent to Old Billingsgate Walk. This provides 2800sq.m of new publicly accessible open space in a key south-facing riverside location and has the potential to become a valuable and highly successful reinstated civic space.
553. The Quayside should be car free, with security rated bollards to meet security requirements, would provide an enhanced riverside pedestrian link between Sugar Quay to the east and the former Billingsgate Market to the west.
554. Following negotiation, different forms of public access and public realm, interior and exterior, would be provided throughout the site, which include:
  - External areas referred to as the “Quayside Area” in the draft Heads of Terms (“HoTs”) (s.10). This comprises the area edged in blue on drawing G200\_P\_004. It would comprise access land adjacent to Old Billingsgate (west), the Quayside and part of the proposed hotel river terrace access ramp (south) and the substantive part of Water Lane (east) abutting the Public Highway.
  - 
  - Internal areas referred to as “Public Access Areas” which aren’t linked to a particular drawing(s) in the draft HoTs. It is understood this would relate to that area edged in green on drawing G200\_P\_00\_004. This area would comprise the main hotel/corporate events lobby off Lower Thames Street and a ‘route through’ the centre of the Queen’s Warehouse hotel lobby to the vestibule. This would contain what are referred to under the draft HoTs as the “Historic Display Areas” (s.5, without

reference back to drawings) which it is understood would be under/adjacent to the main stairs in the main lobby and in the Queen's Warehouse vestibule. The draft HoTs (s.8) proposes 'free access' to these areas between 9am and 10pm while the hotel is in operation for trade.

- - Internal areas referred to as "Public Tour Areas" (draft HoTs, s.9). Areas over which pre-arranged tours *could* be provided on the basis that the owner has absolute discretion for no more than 1 per month. The draft HoTs note this comprises the area edged in green on drawing G200\_P\_00\_004, comprising the main stairs, Long Room, Long Room Lobby, Robing Room and associated access spaces.
  - The F1 Use, referred to as the "Museum Area" (with ancillary uses), meaning that area in the West Block ground floor edged in red on drawing G200\_P\_00\_004. The museum hours are proposed to be 10am to 5pm Tuesday to Sundays (excluding public/bank holidays). The same hours of free (no compulsion to buy) public access would apply to the Western Roof Terrace (edged in red on G200\_P\_05\_004), where access would be provided on a 'first come first served' basis from the Museum Area.
555. London Plan Policy D8(H) seeks to ensure appropriate management and maintenance arrangements are in place for public realm, maximising public access and minimising rules governing the space to only those deemed necessary to ensure public safety, in accordance with the Mayor's Public London Charter. The Charter contains 8 principles for the successful management of public space, irrespective of ownership, seeking landowners to promote and encourage public use of space for all communities. It recognises that the management of public space has a significant effect on how it is perceived by the wider public.
556. Despite frequent request Officers have not received a draft public realm management plan relating back to these various identified public realms, so at this time there is no further information on any potential restrictions or understanding of how these spaces would be actively managed or secured when different uses and events are happening within specific areas of the hotel and Quayside.
557. To make this aspect of the scheme acceptable a detailed Public Realm Management Plan would need to be agreed and secured by an appropriate legal agreement, and maintained throughout the lifetime of the development. The success and use of the public realm will be strongly dependant on the terms of the s106 obligations and the public realm management plan (which should be secured through the s106). It is important that the public realm is inclusive and welcoming to the wider public. To this end, the s106 should ensure that there is no deterrent to the use of the public realm and that access is provided in a

non-discriminatory way, without the need to make purchases from on-site offerings. The s106 and the public realm management plan should set out the exceptional circumstances in which the public realm can be closed, how long it can be closed for and steps to be taken for example in the situation of force majeure. The public realm plan should also address maintenance of the public realm and how any security issues will be managed, particularly in the case of unrestricted/unfettered events, so as to ensure important thresholds to the site (for example from Water Lane or land adjacent to Old Billingsgate Walk) aren't made to feel less public. If an appropriate legal agreement cannot be secured, then the proposed development would not be acceptable in this regard.

- 558. To ensure any necessary restrictions are not unduly prominent or invasive, any signage would need to be conditioned to ensure they don't hinder public enjoyment of the public realm.
- 559. At the current time, on the basis of the outline heads of terms that have been provided with the appeal documents Officers cannot be assured that the public realm will be wholly inclusive. No details have been provided that demonstrate the access management regime by which the Applicant seeks to govern the proposed public realm, both internal and external, would deliver on Policy D8(H) or the guidance in the Public London Charter.

### Quayside

#### *Events and Public Access*

- 560. The fenced off area of the Quayside, its use as a car park and the confined nature of the riverside walkway here, has long been recognised as an unpleasant, often crowded environment for all users, with only limited glimpsed views of the Grade I listed Custom House. The proposal delivers the opportunity to provide a significant area of open space to which the public can gain access and has the potential to meet the requirements of Local Plan, draft Local Plan and London Plan policies and objectives outlined above. The aspirations of the City are included in the Riverside Walk Enhancement Strategy and adopted policy to improve inclusive access to the River and the vibrancy of the riverside, the creation of additional civic spaces with high quality environment and good quality inclusive community spaces and are reflected in the City's draft Policy S19 which identifies this area as a Key Area of Change in which the delivery of significant public realm improvements and transformational is sought.
- 561. In order to ensure that this scheme delivers a truly civic open space and public realm which is inclusive and without barrier on this historically significant riverside site, it is considered that the external public realm, including the proposed river terrace, should be open, on the whole, to unrestricted public access for 24 hours a day, 365 days of the year. It is anticipated that as part of a cultural strategy the Quayside could be used for 'pop-up' events accessible to the wider public such as street markets, Christmas Fairs, artwork displays and



live music which would be encouraged in order to increase the vibrancy of the riverside and to contribute to the inclusive cultural offer.. However, these events should not preclude access to the wider public, nor prohibit or interfere with pedestrian access across, or the general enjoyment of, the Quayside, forming that important and informal link between Old Billingsgate Market and Sugar Quay, and wider routes between London Bridge and the Tower of London.

562. The Applicant proposes (as outlined in draft 106 Heads of Terms) that the hotel operator should be permitted to close all or part of the Quayside Area for both i.) “Quayside (‘public’) Events” and private ii.) “Managed Events”.
563. Permission is sought for an unrestricted number of Quayside (public) Events covering a maximum of 100% of the Quayside Area. In theory, therefore, the whole of the Quayside Area (including much of the hotel river terrace (other than the hotel tables and chairs) and disabled access ramps) could be closed every day, 24/7, 365 days of the year, for the events which the draft HoTs states are “open to the general public”. Under the current provisions, this does not have to be a ‘free access’ (ie without an admittance ticket, paid for or otherwise), entry could be dependent upon paying for food or drinks or making some other payment.
564. No further information has been provided outside that of the draft Cultural Strategy to demonstrate that events would be wholly publicly accessible, inclusive and provide cultural benefits to both visitors and local communities of a diverse demographic. In order that the proposed use of the Quayside for these types of public events to be considered acceptable and inclusive, free access to these events should be provided for in the s106 and there should be an agreed cap on the number and consideration of the timing of Quayside Events per year with the ability for the City to approve specific events over and above this number to allow for a degree of flexibility, only if additional events are considered acceptable.
565. The local planning authority have not been provided with plan(s) showing how spaces are to be laid out for Quayside or Managed Events to ensure an acceptable form of inclusive public access would be maintained at all times during such events. It has not been demonstrated that the disabled public access ramp to the Queens Warehouse, public seating, potable water fountains or access to heritage information, would be constantly maintained during events on the Quayside. Furthermore, it has not been demonstrated that free and unrestricted, unfettered access would be maintained over this area of public realm for the public. This is contrary to the aspirations of the Development Plan and associated supplementary documents and guidance applicable to this site.
566. No information has been submitted which details how public events would be made safe or what security measures would be needed to ensure sufficient and inclusive management and security of both event attendees or the general public would be maintained. Securing a

perimeter along the narrow City Walkway could be required for events and also during times which they are being set up or cleared away, to ensure public safety. There is potential for a significant number of larger vehicles and/or temporary structures, such as marquees or stalls, to be located on the Quayside for an unfettered amount of time. It is important events do not unintentionally spill/trespass into the surrounding public realm, preventing or even prohibiting free, safe and convenient passage through and around the site, including on the riverfront. It has not been demonstrated that sufficient management of the Quayside space and public safety would be maintained, especially during times when events are being held.

567. The Applicant seeks permission to use the space for private “Managed Events”, as defined in the draft s.106 HoTs as ticketed or invitation only events to which:

- (a.) the general public is not permitted to attend the event without an invitation to do so; and/or
- (b.) a ticket (whether or not a fee is payable) is required to attend the event; and/or
- (c.) it is reasonably necessary (including for proper management or security reasons) to prevent general access to the relevant part of the Quayside Area in order to hold the event; and/or
- (d.) it is reasonably necessary (including for proper management or *security reasons*) to control the number of persons attending the event.

568. The Applicant proposes that Managed Events comprise three categories:

- Managed Event Type 1: 51% -100% of the Quayside could be closed for 5% (225 hours) of annual daylight hours;
- Managed Event Type 2: 26% to 50% of the Quayside could be closed for 5% (225 hours) of annual daylight hours and;
- Managed Event Type 3: 0% to 25% of the Quayside could be closed for 5% (225 hours) of annual daylight hours.

569. Although undefined, examples of private events to which the Applicant refer are a London Fashion Week event/launch, a film/book launch or a private wedding reception and which could include exclusive corporate events such as luxury car or other consumer product showcases, or a private hire corporate event, for example. Officers are concerned about the extensive ability to close the Quayside for non-inclusive events and do not consider the extent of these closures to be acceptable.

570. Officers have concerns about the practicalities and enforceability of what is proposed. The amount of daylight hours in each day changes day by day and significantly over the course of the year. Whilst the longest day in summer could be sunrise 04:43 and sunset 21:22, the shortest day in winter could be 08:04-15:54. How the LPA could, for the purpose of compliance, monitor this for potential enforcement purposes would be extremely difficult, if not impossible. If, for example, a resident at Sugar Quay was concerned as to compliance, they would

require significant and onerous monitoring evidence gathered potentially over a significant period of time. The Corporation's Enforcement Officer and Environmental Health consider the proposals impracticable.

571. Another caveat proposed by the Applicant is that the daylight hours would only apply while an event is in operation/is 'open'. Most events would require servicing, preparation and clearance time which here is undefined, and could be for as long as the hotel owner so desires, with interpretation to be had for 'within reason'. For example, a private event on the summer solstice (21 June) could take place between peak PM hours 16:00-19:00, whilst the Applicant could undertake a set up period between sunrise and 16:00, closing 100% of the Quayside Area for the majority of the normal day, prospectively with land adjacent to Old Billingsgate, the southern Quay and/or Water Lane used for servicing vehicles.
572. In terms of private Managed Events there are 675 daylight hours that the Quay could be closed for a private event in whole or in part (225 at 100%, 50% and 25%). It is reasonable to consider that private closures are most likely to affect the summer months, when most desirable to the public at large. However, it is noted that the daylight method would of course exclude much peak afternoon/evening hours during the darker months, over which there would be no restriction on private closure.
573. This would allow for closure over the course of the year of 100% of the Quayside for 4.3 hours per week, closure of 50% of the Quayside for a further 4.3 hours per week and closure of up to 25% for an additional 4.3 hours per week (therefore some degree of closure for up to 12.9 hours per week). However, it seems fair to presume that the closures could be skewed towards the warmer months of the year, such that if these hours were spread over the warmer 6 months of the year, this would mean permitted closures 100% of the Quayside for 8.6 hours per week, closure of 50% of the Quayside for a further 8.6 hours per week and closure of up to 25% for an additional 8.6 hours (so closure to some extent for up to 25.8 hours per week).
574. As discussed, these hours do not include time to prepare and clear an unspecified private event(s) which likely result in additional closures for a few hours either side of events. The proposed draft heads of terms do not allow a Managed Event to be held on more than 3 consecutive days, this could mean that an event is left in situ for three days, preventing public access, but only being counted towards the allotted daylight hours when it is 'open'. This could result in a substantive part of the working day being closed for private events.
575. There is also nothing to prohibit Quayside Events taking place at the same time as a Managed Event. So even if 25% of the Quay is closed for a Managed Event, the remainder could effectively be closed for another form of event which, whilst perhaps open to the public, would still be a managed event, potentially requiring additional security given the proximity to a Managed Event.

576. The implications of such proposals for unfettered/unrestricted events of the Quayside affects the whole urban design approach to the wider site. Such restrictions are also contrary to the principles of public realm enhancements secured on other sites and would set a seriously regressive precedent. It would even run contrary to those negotiated major development schemes along the River and around City landmarks whereby planning will deliver new high-level public realm, such as at Millennium Bridge House, Seal House and 81 Newgate Street.
577. Officers considered that wider public access to the Quayside Area should be unrestricted 24 hours a day, 7 days a week, with forms of closure for public interest cultural events very much the exception to the rule and capped at a much lower number. If a significant part of the Quay is provided as a private hotel river terrace, the remainder of the Quay is not large enough to sustain regular large events in a manner which wouldn't dominate the space, fundamentally altering its perception as a public space, it becoming viewed as a very much private one. At its narrowest (to the tree line) it would be only c4m wide, and c.13m at its widest. On land adjacent to Old Billingsgate it could leave a pavement at its narrowest c1m wide, and on Water Lane Public Highway which is only c2/2.5m wide, opposite the proposed servicing bay. Even at 25% closure an event could annex the whole of the central area, including the relevant parts of the hotel river terrace, not only preventing/inhibiting inclusive disabled access, but excluding the public from those raised river views, preventing a more generous east-west access across the Quay and ultimately exerting a significant influence over the look and feel of the wider space, which would not feel public.
578. On the basis of management and curation alone, the proposal would comprise a non-inclusive form of development, before even considering the wider detailed urban design proposals.

#### *The Uses: Management, Layout and Design*

579. Paragraph 130(e) of the NPPF states that good design should optimise the potential for a site to accommodate and sustain a mix of development. The National Design Guide, paragraph 113, states that mixed use is appropriate in urban locations and areas of larger scale development, such as here. This is consistent with the Central Activities Zone (CAZ) in which, London Plan Policy SD4, seeks to promote and enhance the distinct heritage of the CAZ (C), and the rich mix of its 'strategic functions', which include visitor infrastructure, cultural, retail and leisure uses, whilst enhancing the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions (E). To deliver this at a local level adopted Policy DM 11.3 (Bullet 3) (Hotels) seeks to secure a balance and mix of uses and ensure that wider planning objectives are met (3.11.10). The emerging City Plan 2036, Spatial Strategy (3) and Strategic Policies S8(4) (Design), S17 and S19 (1;2;3;4), seek mixed use buildings, including wider retail, cultural and leisure uses which

enhance heritage assets, seeking to broaden the City's appeal with a range of complementary uses, especially relevant post Covid-19.

580. The National Design Guide, Policy C3 under 'Uses', recognises the importance of uses to socially inclusive development. It states that development should secure social inclusion by i.) creating mixed places accessible to all ii.) maximising the potential for social integration in layout, form and appearance and iii.) to use local resources such as open space and cultural facilities to promote social interaction and integration. These are supported by the Good Growth lens of GG1-6, which seek successful mixed-use spaces, providing access to community spaces and allowing inclusive communities to thrive where all feel welcome.
581. The Applicant has applied for independent Class E (retail) in the Queen's Warehouse at ground floor level and incorporating the majority of the proposed river terrace where it proposes tables and chairs.
582. Alone, luxury hotel ancillary uses are aimed at providing a controlled, managed and exclusive experience for hotel guests, their visitors and those members of the public who pre-book an 'experience'. This is at the discretion of the hotel and any rules they might wish to impose on that access, as discussed above. The food and beverage offer on the ground floor is accessed from the main entrance lobby and the entrance off the terrace on the Quayside. Independent back-of-house and ancillary areas, for example storage, WCs and preparation areas, are not shown. The proposed fifth floor roof level café/bars would be accessed, rather than independently from a wider public realm, from the hotel lobby, and escorted to via areas containing hotel bedrooms on either the West or East Block. Access to the Public Access Areas are not proposed to be open for the whole time the hotel could be operational. Whilst on the West Block independent (no-charge or compulsion to buy) public access would be provided between 10am and 5pm (Tues-Sun), this café/bar would still have independent access provided from the museum area, segregating the different users.
583. This is also the case with the basement gym and SPA facilities, which do not have a direct means of access from the wider public realm, or even from those areas indicated as Public Access Areas, potential users would need first to respond to the front-desk and be escorted.
584. The National Design Guide makes clear that well-designed places are unlikely to be achieved by a narrow focus on appearance, materials and detailing of buildings (paragraph 21) – it recognises that well-designed new development is integrated into its wider surroundings visually, as well as physically and socially.
585. Officers sought to negotiate a hotel-led enabler of independent public-facing retail/leisure uses of various sizes and dispositions to attract diversity and variety, rather than exclusively occupier-orientated complementary use(s). This is considered essential for creating the preconditions of a welcoming, recognisably public and distinct Queen's Warehouse, with a shared role in defining, curating and programming

the proposed river terrace and wider Quayside Area. This was also deemed essential to giving a proper sense of enclosure to a permeable central space, one which felt inviting to a wider public and to allow an appreciation of the Queen's Warehouse. It was considered that this is essential to physically and perceptually define the space, with a clear differentiation between public dwell/movement corridor and semi-public, public-facing independent retail with a shared, unbranded ownership over that central space.

586. This would be in accordance with the National Design Guide, paragraph 114, which recognises well-designed mixed-use development considers the arrangement of ground floor uses to ensure successful occupation, including maximising the potential for social integration in layout, form and appearance, avoiding features that create actual or perceived barriers, contribute to segregation and which promote interaction and integration which is socially and economically inclusive.
587. is the proposal is for a narrow central 'spine' through the Queen's Warehouse, approx. 3.5m wide, albeit with no visible border, and which is assessable to the public between 9am and 10pm. It would be accessed off Lower Thames Street via the main arrival/orientation point for the hotel guest or a paid visitor to a corporate/private event. It is reasonably assumed that the access to the stairs and two doors accessing the ancillary hotel private functions would need to be actively managed, staffed and secured. Very much ancillary to, and visually incidental to the principal function, are the proposed Public Display Areas comprising some wall mounted boards/material not untypical of your average 'heritage hotel' offer. Such standard media is unlikely to attract anything other than the passive interest of those otherwise crowding this event lobby for other purposes, likely overseen by uniformed staff to ensure the arrival experience of the hotel guest.
588. With a shared end user of the space, for example a Heritage/Cultural Partner, Officers have concerns that this would feel an unwelcoming place to a wider public, in particular for example, families with children, young people or simply those who feel their means, attire or cultural background would make them unwelcome, and that they are entering a private hotel space.
589. The Expanding London's Public Realm' (the Public Realm Document) (6.1-2), and the National Design Guide (L3), recognises the importance of a feeling of 'publicness' to public realm, as a matter of regulation and design, which include visitors and passers-by alike, where well-designed places clearly define shared spaces from private spaces. From this perspective, the main hotel lobby from Lower Thames Street performs an important function as the 'threshold' between the City and the important heritage, which should draw people in from Lower Thames Street. This is especially resonant given the important historic publicness of this space in the historic Custom House. Officers consider that the design and management of the proposal would not create an inclusive or welcoming space to the wider public at large.

590. The proposed public main entrance to the Queen's Warehouse and the Public Access Area narrow route from the hotel lobby, rather than being the pre-eminent centrepiece on the main central axis, would be an entrance of lesser presence, of domestic scale and only a bare minimum c.1.1m wide, dominated by x2 flanking doors to the pre-booking hotel restaurants/bars, which would inevitably need to be managed. This runs contrary to detailed design guidance in the Public Realm Document, which seeks to subordinate commercial uses to a wider public function (4.1), to make the entrance to facilities clearly visible (1.5) and to (where possible) design out security/management systems (1.15-16) in order to ensure a sense of publicness. Where the hotel commercial use would dominate the lobby, there is no shared ownership 'baked-in' to the management/design of that lobby, such as independent retail or an independent cultural offer to make it feel more welcoming to the wider public or to enhance the diversity of use and experiential value (4.3), or any 'unassociated' (non-commercial) public seating (4.5). It is not considered that a wider public, in particular harder to reach demographics, would seek to use the main lobby and would be deterred from accessing the Queen's Warehouse from Lower Thames Street.
591. The apparent 'publicness' of the Queen's Warehouse, and how this relates to the Quay and riverfront external public realm, will be critical to the engagement of a wider demographic including families with children (including mothers with prams), young persons and people regardless of their means, to enable them to feel welcomed to use the Queen's Warehouse. A narrow c.3.5m wide strip of Public Access Area would exist 'on paper', however its invisible boundaries would be flanked by, overlooked and merge into the main hotel reception and the hotel front-of-house offer. This is not considered to deliver a diversity of uses (and users), assisting in a wider sense of publicness, by enriching the experience as a whole (4.3), or to deliver a variety of unit sizes for a potential mix of business operator, deemed of particular importance where there should be a natural shared ownership and stewardship of the Public Access Area (4.2).
592. There is no clear hierarchy of space, with clear boundaries between a permeable public route/movement corridor with a clear sightline, enclosed by semi-public spaces which allow for dwelling and then enclosed by a variety of retail/leisure/cultural use over which a right of access comes with potential evident pre-condition of consumption. However, the invisible proposed 'route through' would feel rather hurried, with no shared curatorial role with, for example, a Heritage/Cultural Partner, without a management strategy for unassociated/un-branded blind seating and where the corporate presence of the hotel would overwhelm, without any plan for a consistent public realm palette to compete with it (6.7). It is clear to Officers that what is proposed is simply a hotel reception lobby orientated around an exclusive hotel guest arrival experience, with ancillary front of house around it.
593. An inclusive active frontage will be crucial in attempting to facilitate

welcoming inclusive access to the Queen's Warehouse from the River. Given the proposed unrestricted/unfettered events, private or otherwise, on the Quay and proposed river terrace, there could be a significant period of the year, likely during peak times, where access to the Queen's Warehouse is restricted entirely by the closing off of the Quayside.

594. The proposed landlocked museum space would be somewhat removed from the Quay, and separated from those other principal heritage spaces which would allow a wider public to understand and appreciate the exceptional heritage, including the main lobby, Queen's Warehouse or Long Room. It would have no curatorial shared responsibility for the main lobby, Queen's Warehouse, or the Quay. It would have very limited access to the Long/Robing Rooms, which would be at the absolute discretion of the hotel operator.
595. The proposal is to deliver x2 roof top café/bars on the West and East Blocks. As discussed, independent access will be provided from the remains of the western courtyard from within the F1 Use, open between 09am and 5pm Tuesday to Sunday (and not Bank Holidays), without admission charge or compulsion to purchase, on a first come first served basis as the space is to open as a café/bar area during these times.
596. The proposed roof terrace at the western end would be c1.8m wide fronting onto the Thames, with a slightly wider section to the west adjacent to the opening doors of the café/bar. When comparing the scheme to other publicly accessible roof top terraces it is considered to be significantly smaller in its usable terrace area.
597. As discussed in 'Expanding London's Public Realm', how accessible these spaces are dependent on how they are perceived by all potential users and how well connected these are to the wider public realm. The museum entrance is tucked away from the principal hotel entrances and approaches on land adjacent to Old Billingsgate Walk. Access to the public roof terrace would be via an independent lift from that of paid hotel guests or pre-booked visitors. Access to the terrace would be via a café/bar which is to be owned and managed by the hotel. Whilst first-come-first-served, rather than pre-book, there is no obligation on the hotel to give preference to a non-paying user, or to any member of the wider public. Given the limited capacity, the roof top bar/café could be easily filled by hotel guests or a pre-booked user of the café/bar, meaning the wider public would be unable to access it.
598. The arrival experience at the roof would be unnatural, arriving at a narrow 'pinch point' threshold arrival at the bar, without immediate opportunity to access the wider terrace. Not only would this deter a wider public, for example if you were looking to consume off-site produce, or if culturally-speaking a bar is also a perceptual barrier to participation, the space would only just be wide enough to allow two wheelchairs to pass, or for example a mother with a pram. The terrace itself is likely to feel and be perceived as ancillary to the café/bar, and there is not management plan in place to ensure the hotel didn't occupy



much or all of the terrace with tables and chairs, effectively rendering the limited spatial area unacceptable to even able-bodied users. Furthermore, it is unclear if a non-consumer would be required to leave at 1700.

### Active Frontage and Wider Public Realm

599. The proposal would deliver a substantial amount of non-active frontage, even when accounting for evident constraints. It is considered contrary to Local Plan Policy DM 10.1 (Bullet 5), London Plan Policies D3(6;10) and D8(F-G) and emerging City Plan 2036 Policy S8(6), which seek active, public-facing, useable, permeable, lively/interesting and well-detailed active frontage which achieve indoor and outdoor environments which are comfortable and inviting for people to use, creating a inclusively vibrant public realm. These policies must be 'framed' and underpinned by GG1 to ensure that these are inclusive of all, promote a sense of belonging, social interaction/participation, avoid separation and create a fairer city for all, irrespective of circumstance or background. It is considered that the proposed uses and how these relate to the active frontage would reinforce a non-inclusive form of development.
600. The Government's National Design Guide defines active frontage as the front of buildings with openings onto public space that generate activity and engagement between the building interior and outside, particularly entrances so that people come and go at different times. It recognises that successful public realm for all is in part dependant on the uses around its edges (which) reinforce its appeal and help make it into a destination (para 106-7).
601. The vast majority of street level frontage would comprise hotel bedrooms, considered the least active of all frontage, whose modus operandi is to provide defensible, often inactive, at least actively managed/secured, space in front, avoiding views in and protecting views out, while preventing potential noise/disturbance at the cost of the mixed vitality and vibrancy which makes an inclusive public realm. As an insular, introvert form of frontage, unlike even residential, it seeks to control and manage the space in front in its own interest, especially as here, where the vast majority of frontage encloses private land. Deemed a sensitive receptor, it would ensure the public space be dictated in the interest of the hotel guest, and this on the whole would underpin the management, programming and curation of the public realm.
602. The consequence of an unrestricted/unfettered amount of Quayside Events and/or Managed Events (which could happen at the same time), would be that these would be more likely to take place during those peak times at lunch (12:00-15:00) or evening peak (17:00-20:00), outside of sensitive hours. Given the size and disposition of the proposed Quay, after taking account of the extent of the private hotel river terrace, would mean that any event is more than likely to occupy those spaces in front of the hotel rooms. Given at the current time we do not have further details regarding the management plan and

potential restrictions over the use of the public realm, and there is at present no independent Heritage/Cultural Partner to give a wider social remit to the space, then it would be managed only in the interest of the luxury hotel. This could mean that all events are actively managed towards a particular end user deemed desirable for outlook or noise/disturbance purposes.

603. The result of this is that it is more likely that the public would only have access to the seating here outside of peak times, and that is if the applicant is proposed access 24/7.
604. On Lower Thames Street the principal access to the wings would remain locked fire escapes (and which would not be made step-free). The large on-street vehicle layby near the main entrance would result in a less generous arrangement for viewing the principal façade here, which would be more cluttered and noisier, the result of lingering taxis, private hire vans and/or even imposing coaches. A very limited amount of urban greening is proposed around this elevation, in what would be an even harder urban environment, in particular where there could be potential in front of the Centre Block. The proposals would provide a main lobby that could look and feel exclusive and appears as a private hotel reception and corporate events space lobby, with incidental display boards tucked away in the corners. The whole elevation would otherwise remain an impervious block, with hotel bedroom windows and their heavy curtains set behind railings making the façade particularly 'blind' and introverted at eye level. It is not considered that the proposal would deliver an successful active frontage here.
605. On Water Lane, no successful active frontage is proposed. The original main entrance would be blocked, and all windows would serve hotel bedrooms. There is limited seating to be provided to provide for active edge dwell space or 'eyes on street'
606. The off-street cycle parking, in the event of a Quayside and/or Managed Event here, could have restricted access prohibiting their use.
607. On land adjacent to Old Billingsgate, the reinstatement of the Tide Waiters entrance for the F1 Use, is welcomed, but would only be open to the wider public until 17:00 (Tues-Sun), after which the intended use is uncertain, if any. Whilst this harbours the potential for more inclusive active frontage, it is questioned, in particular in the context of unrestricted/unfettered Quayside Events/Managed Events, whether this could be ensured. The proposal would allow for the closure of Water Lane up to the kerb line with the narrow pavement. This could be closed entirely, up to the kerb, reducing the effective width to a pinch point outside the main entrance of c.1m, and which might prohibit step-free access to the Quay. Short stay cycle parking has been preferred to seating with access to these could be restricted in event of a Quayside Event and/or Managed Event. Even outside of events time, the potential substantial servicing requirements for unrestricted/unfettered Quayside events could result, as is the unsatisfactory legacy of the 1980s events space at Old Billingsgate, in

the carriageway being blocked by vehicles even outside 'active' events

608. The most important active frontage is to the Quayside, given the intrinsic active relationship between the Custom House and the operational River, one of, if not the earliest, places for the wider public to promenade in central London.
609. The visual embodiment of the unsuccessful relationship proposed would be the defensive-looking and 'blind' 'curtain wall' - a monolithic raised flood defence wall comprising a huge c.60m of blockwork across the entire principal river elevation. At c.2m tall – your average adult eye level being 1.6m -. this would create a stark 'fortress' style wall, protruding 3-6m into the Quay, reinforcing a strong visual sense of 'us and them' in the passive observer, engendering a feeling that it is a space to pass through, rather than dwell for the wider public.
610. Despite Officers best efforts, the Applicant was reluctant to turn these walls into a public river terrace, where possible, allowing elevated river views for which there is otherwise limited opportunity. The 'dead zone' created by the flood defence wall between the hotel frontage and the Quay, difficult to maintain, clean and oversee, could give rise to anti-social behaviour with active policing or additional security measures such as CCTV acting to further accentuate the sense of a defensive space, a sense of 'us and them'. Given the potential for heavy curtains, the distance between window and public seating of between 3-6m, with the intervening 2m high wall, and a low level ambiance after dusk to prevent light spill to the hotel bedrooms, it is unclear how desirable the seating will be in particular to more vulnerable demographics, where there is little to no immediate passive natural surveillance, or 'eyes on street', to make it feel safer or welcoming.
611. As discussed, those areas in front of the seating are most likely to be used for events, either Quayside Events and/or Managed Events and which would be unrestricted/unfettered. The result is that for a potentially significant amount of the time the wider public would either i.) not be able to access and use the seating at all or ii.) the experience would be seriously diminished.
612. In terms of permeability on the front, the proposal would fall short. What is proposed is a luxury hotel, where the guest experience is heavily managed, curated and security conscious. The scheme does not seek to re-open existing historic openings which Smirke or another closed, to reintroduce that frenetic ebb-and-flow which once characterised waterfront life, therefore, those historic north-south routes through the wings remaining sealed fire escapes and no further opening up of those former doors to the Quay from the busy administrative quarters.
613. In order to make the seating useable and desirable to the wider public and to deliver a public realm which would attract younger people, including families with children, further confirmation was sought on 'baked-in' cultural / formal/informal play infrastructure, in accordance with policies Local Plan Policies CS 10(6), CS 19(4), DM 19.4, London

Plan Policy S4, D8(M), emerging City Plan Policies S1, HL8, CV2 and S19 guidance contained in the Riverside Walk Enhancement Strategy SPD and the Good Growth by Design document 'Making London Child Friendly' (2021).

- 614. The proposed scheme does not provide permanent play or other such infrastructure on the Quayside which could have taken a number of forms aimed at a wide demographic. Neither has the Applicant proposed the provision of permanent multi-use infrastructure, which could also include outdoor fitness equipment, further encouraging a wider public to use the River for outdoor sports and recreation in accordance with Local Plan Policy DM 19.3.
- 615. At c.7m deep and 85m long the main river terrace would utilise a substantial area of the historic Quay which is currently 'open' to accommodate a plant room for the hotel SPA, with a private hotel terrace on top. Comprising a symmetrically composed central grand stair and flanking ramps of Portland Stone and bottle balustrades it would make an appropriate architectural response within the constraints of achieving 'Part M' access. The Centre Block would contain a raised main terrace with flanking 'pocket gardens' to the wings. The main part of the terrace would contain the hotel's food and beverage retail offer. The small 'pocket gardens', would allow for a small area of public access, deemed essential by the Inclusive Access Officer as respite space for the exceptionally long access ramps. When viewed from the remainder of the Quay, they would appear as a potential extension of the private hotel river terrace.

### Conclusions

- 616. In conclusion the scheme proposes a significant new public open space in a highly accessible, south facing, riverside location. The space has long been blighted by the security infrastructure required by the former government occupiers of the building, and it would be an expectation of any planning scheme that this, together with the car park, would be removed and the Quayside integrated into the wider public realm along the riverside.
- 617. In order to meet the requirements of Development Plan policy, access to the building should be welcoming, convenient, comfortable and inclusive to all. The disposition of the uses and the details of the management of public access is therefore critical, particularly to ensure that members of the public, families etc feel free and unhindered to enter the building and the Queens Warehouse, either from the main entrance on Lower Thames Street or from the new terrace and entrances from the Quayside.
- 618. There is concern that the proposed access to the building remains highly hotel managed. The disposition of uses in the Queens Warehouse reduces the inclusivity and comfort of the public access areas and route through with most of the area being proposed as hotel front of house, or retail food and beverage resulting in potential uncertainty over whether a non-guest or patron would be welcomed.

The very restricted opportunities for members of the public to access the Long Room and the disconnected location of the Museum from the rest of the building, the river and the Quayside fails to fully achieve the aims of adopted and draft development plan policy which seeks improved public access to heritage assets and enhanced interpretation of the City's heritage and the consideration that should be given, when dealing with historic buildings, to inclusive design enabling as many people as possible to access and enjoy the historic environment.

- 619. The proposal would result in inactive frontages and would not contribute significantly to increasing vibrancy and vitality along the river frontage.
- 620. The restrictions placed on the area of public realm created on the Quayside are inappropriate and not supported by officers. The Quayside should be unrestricted and provide unfettered public access 24/7 365 days a year.
- 621. This proposal to fetter public access to the Quayside and Custom House is contrary to the principles of the Mayor's draft Public London Charter, the planning objectives and policies to achieve social and economic inclusivity in London's developments and open spaces, and the key aims to achieve a welcoming and unfettered environment for visitors to, workers and residents of the City in this area identified as a key area of change.
- 622. In conclusion, the proposal would result in a non-inclusive form of development, the result of the proposed management, curation, use, layout/disposition, appearance and inactive frontage, which would not deliver a successful public realm for all and so would not constitute Good Growth, contrary to Local Plan Policies CS 10, DM 10.1, DM 10.3, DM 10.8, CS 19, DM 19.1, London Plan Policies D3, D5 and D8, policies of the NPPF and the National Design Guide, emerging City Plan Policies S1, S8, S17, S19, OS1, in particular when seen through the 'lens' of the Good Growth objectives, GG1-GG6, including guidance in the Mayor's Public London Charter, Expanding London's Public Realm and Making London Child-Friendly. Officers consider it would fail to deliver an overall positive contribution to the City or London.

### **Urban Greening:**

- 623. The proposed development would result in an estimated Urban Greening Factor (UGF) score of 0.03.
- 624. The proposal would therefore fall well short of the minimum Urban Greening Factor (UGF) set out in London Plan Policy G5 (Urban Greening) of 0.3. G5(A) is clear that major development should contribute to the greening of London, incorporating green infrastructure as a fundamental element of site and building design, including trees, green roofs, green walls and nature-based sustainable drainage. Emerging City Plan Policy OS2 (City Greening) requires all new development to demonstrate the highest feasible levels of greening consistent with good design and context. The NPPF, paragraph 131,

recognises the importance of trees, stating all new streets should be tree-lined and opportunities should be taken to accommodate trees elsewhere in development.

625. The proposal would retain the mature avenue of London Plane trees and conditions would be attached to ensure their future prosperity. Otherwise it is a hard-urban historic site with obvious constraints when incorporating green infrastructure with the fabric of a listed building. However, even accounting for this, it is not clear, that urban greening has been optimised. All that is proposed a single additional tree on Water Lane and a small amount of planters and green roof elsewhere, some of which make it difficult to deliver a successful wider public realm.
626. Overall, accounting for constraints, it is not considered that urban greening has been optimised or delivered as a fundamental and integral element of site and building design, contrary to London Plan Policy G5, whilst having regard for emerging City Plan Policy OS2.

### **Inclusive Access**

#### Inclusive Access within the Building

627. Planning policy requires that developments are designed and managed to provide for the access needs of all communities, including the particular needs of disabled people: Local Plan policies CS10, DM10.1, DM10.5 and DM10.8, policies S1 and S8 of the draft City Plan and policy D5 London Plan. In addition, Policy E10 of the London Plan requires Visitor Infrastructure to be accessible.
628. London Plan 2021 Policy E10 states that either 10% of new bedrooms should be wheelchair-accessible in accordance with BS8300-2:2018 Figure 52 and Figure 30 or 33, or 15% of the new bedrooms should be accessible in accordance with BS300-2:2018 19.2.1.2;
- 5% wheelchair-accessible en-suite shower room for independent use
  - 1% with a tracked hoist system and a connecting door to an adjoining (standard) bedroom
  - 5% with en-suite shower room to meet the requirements of people with ambulant mobility impairments
  - Further number of bedrooms to make up a total provision of 15% of all bedrooms which should be large enough for easy adaptation to accessible bedroom standards.
629. The City of London Access Group (CoLAG) formed a focus group to provide observation on the submission scheme in relation to inclusive and accessible access parts of the development. They raised a number of concerns, detailed in the consultation section of this report, which can be summarised as follows:
- Welcome the reuse of a historic building The plans are complicated with narrow corridors, and the management of the building would be a key issue, with lots of competing uses

- The proposed layby would restrict use of footpath on Lower Thame St
- Disappointing that disabled parking is in the basement and not visible at ground level
- The changing places toilets are located in the wrong place and would not be conveniently located, especially for guests on the Quayside and there is no clarity on how hotel guests access it
- Concerning to see that access could be determined by someone affluent, does not increase social mobility
- Access seems to have been a 'last minute' addition and this is not an exemplary scheme
- External pathways/footways are far too narrow once the area is filled with stalls and tables
- Do internal and external doors have sensors to assertively open them?
- Could a sesame life be provided for fire escape?
- If Quayside is closed for an event, especially on Water Lane, it would be impossible to access the public cycle parking
- The internal layout of the Queens Warehouse is not acceptable in access terms
- There is only one accessible toilet on the GF
- The ramp of the Quayside is not fit for purpose, it is extremely long and narrow, the sharp corners will be difficult to negotiate and it would also not be compliant without passing places
- Level access for taxi drop off would be required to allow ramps to discharge
- Fire evacuation: Policy D5 for inclusive design. Needing to have a fire evacuation lift
- Signage and navigation will be an issue
- Lots of clutter, need to design for neurodiversity
- Widths of the corridors in the gardens / terraces garden entrance that is only 1500mm wide
- Terrace at 5th floor pathways just edge over the 1800mm-width mark, there ought to be passing places in line with building regs and standards.
- There would be several pavement pinch points created as a result of the development, especially outside the new museum steps where it would be reduced to c1m which is insufficient for a less ambulant user to pass
- How would safe fire evacuation of the museum work?

630. CoLAG have not supported this scheme and the strong comments and objections provided have been taken into consideration.
631. The committee raised a number of concerns in relation to access issues present within the current building design and the external areas of public realm proposed, including level changes and public highway alterations.

632. Officers have negotiated with the developer to provide 10% accessible rooms. The original application submission was not compliant and further negotiation required the developer to offer a selection of rooms 'pepper potted' throughout the hotel, including ones within both the eastern and historic western blocks and ones with river views and parity of access to all areas of the building.
633. The plans do not show 1% of rooms with a tracked hoist system, however, the Design and Access Statement does refer to a hoist being available upon request. The provision of a hoist and appropriate room set up, including neighbouring companion room would be required by condition if permission were to be granted.
634. As such, officers consider that the proposed plans show, that from the first occupation of the development, 10% of the hotel bedrooms would be wheelchair accessible which meets the requirements of Local Plan policy DM11.3 and London Plan policy E10. If permission were to be granted a condition would be required to ensure these are provided.
635. Accessible sanitary facilities including accessible WCs would be provided for use by visitors at basement, ground floor, first floor and fifth floor levels. Accessible shower and changing facilities would be provided in the basement for the gym/ spa and within the staff facilities. There is no accessible WC proposed within the museum and only one accessible WC proposed on the ground floor which is unacceptable given the fact that along with the events that could take place, users would have to wait longer than expected or travel to other floors to use an accessible WC.
636. Vertical circulation within the hotel would be via four passenger lifts in the East and West Wing cores (all floors), two passenger lifts within the central block (basement to first floor) and one passenger lift between the museum and fifth floor roof terrace. Horizontal circulation would be step free on all floors except for stepped access on the third floor between the East and West Wing.
637. The proposed development would include two roof top pavilions and associated terraces. The eastern terrace would have a bar/restaurant that would be open to the paying customers. This terrace is considered to have sufficiently sized external spaces that would allow for people to dwell and suitable passing spaces to be maintained. The western terrace would have a bar/restaurant for paying customers, but also be open to the public between 10am-5pm (Tuesday-Sunday) without the compulsion to buy. This terrace is significantly smaller than the eastern terrace and would comprise a narrow 1.8m terrace overlooking the Thames. There is a direct segregated lift from the museum to this terrace which would open onto a narrow corridor area. It is unclear how the terrace is accessed from the lift by members of the public, but the plans would suggest they would need to make their way to the eastern elevation through an area of the bar/cafe. Officers consider that the narrow terrace in the most prime section for views of the Thames would



be constrained and if there were a number of people with accessibility requirements it is unclear how this would be appropriately accommodated. It is also unclear if members of the public could use the internal spaces, for instance if the weather is bad, to look out from the roof top, or if this internal space would have furniture for patron use that would prevent internal use of the space, given the spaces are so tight. In essence, the West Block roof terrace/bar would be a difficult place to access and move about with comfort for a less ambulant users.

638. It is also shown on the plans that the two roof top terraces would be connected to allow for access between them for emergency egress purposes only. This access route would be over 70m long and have a width of around 1m, therefore not acceptable for users with mobility or access needs. The applicant has advised that this would only be used in the case of an emergency and an accompanying wheelchair management plan would be in place for emergency egress. A condition would therefore be required if permission were granted to ensure this part of the roof terrace was only to be used in emergency situations and a wheelchair management plan be submitted.
639. Two designated off-street wheelchair-accessible parking spaces would be provided in the basement of the building. It is not detailed how these would be advertised to blue badge holders as to their presence, or if they would only be available to hotel guests as part of a stay, rather than for wider public access and use, for instance if a user wanted to visit the Quayside for a river walk or to make use of the area of public realm for a Quayside/Managed Event.
640. London Plan policy S6 requires the provision of a Changing Places facility in large scale developments, and Building Regulations require the provision of at least one changing places toilet in assembly, recreation and entertainment buildings, such as hotels with function facilities, museums etc with a capacity of 350 people or more.
641. The proposed plans show a changing places toilet is provided within the museum. It is unclear from the plans if or how this would be accessible by hotel users, corridors are shown from within the hotel, however, no details have been provided of the operation or management of the competing uses and spaces. Also, it is not known if the changing places toilet in the museum space would be accessible outside of museum hours for either members of the public, patrons of ancillary uses or hotel guests. The Changing Places facility should be readily available to all visitors to Custom House, with convenient and independent access and no opening time restrictions.
642. It is considered that the applicant has not demonstrated that there would be free and unrestricted access to the changing places toilet facility for the use of hotel guests or event guests associated with the hotel.

## Inclusive access and Public Realm

643. London Plan 2021 D5 states that developments should “be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment, and Policy D8 states that public realm proposals should be accessible, with appropriate management arrangements in place that “maximise public access and minimise rules governing the space”.
644. The building would be made accessible by ramp from the Quayside. The ramp would be 1.8m wide and comprise one section at 30m Long with a dogleg to the next section measuring 20m long, therefore the ramp would be a total of 50m long. There are level landings at every 5m. This is an extremely long ramp, and due to its narrowness, there is no scope for implementing benches or seats on any of the landing areas. There are small garden areas at landing number 6. No alternative means of accessible entrance has been proposed to overcome the need to use the long ramp; therefore, this is the only accessible entrance for the public from the Quayside into the publicly accessible route through the building. The ramp is not considered to be practical as it may cause fatigue to those who require its use due to its length and lack of resting places, therefore it is not considered to provide the highest standard of inclusive access.
645. Officers are concerned that current proposals would allow for all or parts of the Quayside to be closed for private events, for substantial periods over the course of a year. If an event was to close off the external terrace at ground floor level, for say a private drinks reception, or the central area of the Quayside for a wedding reception, access to the public areas of the building would be impeded and the ramp would be restricted to access the building. Further to this there may also be obstructions when there are free public events such as food fairs and Christmas markets on the Quayside. It is considered unacceptable that the applicant has not demonstrated designated clear, inclusive access routes are proposed within the blue line area of the quayside to the Custom House staircase and ramps during times when events are to be held.
646. It is proposed to implement a taxi drop off lay-by at the front of the building off of Lower Thames Street. This would create a pinch point along the existing public right of way. Although this would be a minimum of 2m, it is still considered to constrain the existing right of way and pedestrian comfort levels in this area. It is also considered that given the level different between the pavement and the layby it would be problematic for disabled taxis to discharge ramps for passengers to exit onto the highway.
647. Proposed adjustments to the pavement levels on Lower Thames Street and the creation of appropriately designed ramps from the Quayside and from land adjacent to Old Billingsgate Walk ensures that there would be, in principle, step free access to all parts of the building from

outside.

648. To the west of Custom House, the pavement to the museum entrances and cycle stands would have unrestricted access, however there are sections narrower than 1.8m (minimum width required for two wheelchair users to pass each other) and a narrow pinch point by the new museum stairs approximately 1.15m wide. There are Environment Agency constraints which prevent the raising of the adjacent carriageway to improve the width of the pavement, however it was previously believed that the carriageway could be used by some pedestrians which would help reduce the number of pedestrians on the pavement and prioritise access for people who require step-free, level surfaces. As the carriageway would be within the blue line area, this would impact the volume of pedestrians on the pavement and the pedestrian comfort levels. There is a 1.5x1.5m wheelchair manoeuvring space at the southern end of the pavement, but it is located on a slope which is not practical.
649. To the east of Custom House, the blue line area covers the whole of the western pavement of Water Lane and a substantial proportion of the western pavement, with the unrestricted access being extremely narrow to the east and at the north of the lane.
650. Access routes should be a minimum 2m wide, as this allows for two larger electric mobility scooters to pass each other. It is also important to note that an aim of the City of London Transport Strategy (Proposal 2) is for all pavements to have a minimum Pedestrian Comfort Level of B+. The reduction of the access routes, both quantity and width, would negatively impact the Pedestrian Comfort Level and could create uncomfortable and crowded pedestrian experiences.
651. All the benches in the public realm are located within the blue line area, so access to resting points could be restricted if the Quayside was closed for events. The pocket gardens are also within the blue line area so access could be obstructed and prevent the opportunity for people to rest whilst using the ramps. The pocket gardens are also narrow and have constrained entrances, which may make them difficult to use for people with mobility issues.
652. As such, Officers consider that it has not been demonstrated that the development would achieve an environment that meets the highest standard of accessibility and inclusive design and would therefore not satisfy Policies CS10 DM10.8 of the Local Plan, emerging Policy S1 and HL1 of the draft City Plan, or Policy D5 of the London Plan.
653. If planning permission were to be granted detailed design of the external landscaping, including surfaces, seating, ramps and stairs, cycle parking and internal and external doors would be required by condition.

## Culture and Cultural Strategy

### Policy Background:

654. Policies CS11 and DM11.2 in the Local Plan 2015 and policy S6 in the emerging City Plan, require the protection of existing objects of cultural significance and encourage new cultural experiences and art works. Policy S6 in the emerging City Plan requires the production of Cultural Plans for major developments, outlining how the development would contribute to the enrichment and enhancement of the City's inclusive cultural offer.
655. Seen through the 'lens' of the Good Growth objectives, in particular GG1 and GG5, such uses should demonstrably be for a wider demographic, increase participation, social integration and deliver a fairer, more inclusive and equal London and promote London's rich heritage and cultural assets. To do Officers needed to be clear that the use would be inclusive, with a broader social and education remit, and that this is deliverable and 'baked-in' to a permission/consent, for it to be considered 'Good Growth', that is socially and economically inclusive.
656. Emerging City Plan Policy S19 seeks to enhance development in the Pool of London area by encouraging cultural events in public spaces and by enabling communities to appreciate and interpret heritage assets. Policy HC5 of the London Plan seeks to support the continued growth of London's cultural facilities.
657. In 2019 the Mayor of London published a River Thames Cultural Vision which seeks to elevate London's international profile and deliver on the Mayor's Good Growth priorities set out in the new London Plan. The Vision aims to drive and enhance significant economic, environmental and social change, identifying the River Thames as a growing destination for major cultural organisations, offering a multitude of reasons to visit the City, increasing and widening its cultural tourism offer and central to driving London's evening and night-time cultural life. The Vision offers opportunities to deliver on many of the Mayor's priorities for London by, amongst others:
- Broadening access to culture for all Londoners, including delivering on 'All of Us: The Mayor's Strategy for Social Integration calls for Londoners to come together and recognises cultures role in shared experiences.
  - Promoting cultural infrastructure as important to the success of large-scale developments
  - Increase engagement of underused areas and inspire Londoners about the heritage and importance of the River Thames to London
  - Promoting access to nature
  - Encouraging journeys along the Thames
658. The Vision identifies ten key opportunities to deliver its long term

objective of increasing engagement with underused areas and to inspire Londoners about the heritage and importance of the River Thames to London, connecting its diverse communities with each other and the River and putting the Thames back at the heart of London's cultural life, in particular for East London.

659. The City of London Cultural Strategy 2018-2022 sets out the City's objectives to seize a once in a generation opportunity to reposition the City as a world Capital for commerce and culture, harnessing the power of arts, heritage and learning to make the Square Mile far more open, creative, resilient and entrepreneurial. The vision includes a wide range of strategic objectives from delivering cultural excellence and championing cultural leaning to promote our cultural, heritage and creative strengths and widening and diversifying audiences. The vision also seeks to transform the City's public realm, making it more open, distinct, welcoming and culturally vibrant, and to better promote the City's world class culture and heritage offer, using outdoor spaces to widen its appeal to a more diverse audience, enabling communities in the City and beyond
660. The City of London's Open Spaces Strategy (2015) seeks to create a network of high quality and inspiring open spaces which helps to ensure an attractive, healthy, sustainable and socially cohesive place for all the City's communities and visitors.
661. The proposed scheme is accompanied by a draft Cultural and Community Strategy (May 2021). Any Cultural Plan should set out aims to ensure that the proposed development would successfully deliver cultural benefits locally, nationally and internationally with far-reaching social value embracing the 10 principles set out in the Mayor of London's River Thames Cultural Vision.

#### The Proposal:

662. The submitted Cultural Strategy for the building sets out the intention to 're-establish Custom House as a gem in the heart of the City of London for everyone, all year round' and includes the following specific offers:
  - The creation of a free to access Museum (456sq.m) , open 6 days a week (Tuesday to Sunday, excluding Bank Holidays) from 10am to 5pm on the ground floor of the north-west corner of the building, linked to the West Block courtyard and including a café area in the Tide Waiters Room. The Museum would be accessible from external entrances on Lower Thames Street and land adjacent to Old Billingsgate Walk. There would be direct lift access to the West Wing roof café/bar and terrace from the Museum courtyard/café, providing free public access during Museum opening hours, without compulsion to purchase The Museum would be curated by a Heritage Partner, appointed and managed by the hotel operator. After public opening hours the Museum space and roof terrace café/bar would form part of the hotel's operations and functions, including access to the rooftop for customers or hotel patrons.

- Pre-bookable tours of the Long Room and the Robing Room (one per calendar month) provided by the Heritage Partner.
- Heritage Partner use of the Long Room and Robing Room for 24 timed slots per year (a timed slot being 9am to 1pm, 1pm to 4.30pm and 4.30pm to 9pm) (subject to the Rooms' availability and at the discretion of the hotel operator).
- In key public areas, including the main entrance lobby from Lower Thames Street, which would have unrestricted public access, display boards relating to Custom House's history and heritage would be displayed.
- A Culture and Community Strategy would be submitted to the City Corporation for approval prior to the opening date. This strategy would include proposals for the historic display areas and/or artefacts providing details of the history of the property, a specification for the historic display areas and a programme for the implementation of the strategy.
- The hotel would be occupied in accordance with this strategy for the first 5 years after the Culture and community Committee was established.
- A Culture and Community Committee would be established by the Owner with (amongst others) representatives of the Owner, the City, a Ward member, GLA, the Heritage Partner, Museum of London, local residents.
- A culture and community events officer, part of the wider hotel events team, would be recruited, and will implement the Culture and Community Strategy, organise a program of events and prepare the annual report for the review of the Culture and Community Committee.
- The holding of Quayside Events which are cultural and social events that are open to the general public.
- Use of meeting and event spaces free of charge for a number of days each year, including free Wi-Fi as part of those uses.

663. The proposal scheme is for a luxury hotel, it is considered that most of the ancillary offering, such as bars, restaurants, events and leisure facilities would be of a high end provision, and not necessarily accessible to all as a paid for public use. As such, the free public access offerings, are considered fundamental to enabling varied and diverse communities to experience and engage with this strategic heritage asset on the Thames, one of the last great Thames-side assets to come forward for reuse

664. This is especially true in relation to the Long Room, which has a unique place in the Capital's and Britain's identity as a global trading nation and the origins of London as a 'World City'. It was once famed in the public imagination as a unique place for social and cultural mixing. The Robing Room, an important antechamber of it, is also reflective of that honour in public service and interface between the state and the wider populace. The Applicant intends that these are used as ancillary hotel facilities, hosting corporate functions/events.

665. These would only be accessible for free on a potential maximum of pre-bookable tour once a month or as part of a Heritage Partner event (which may not be free of charge). It is unfortunate and a real missed opportunity to not provide increased public access into this significantly important internal space, unless you were to pay for the hire of the room it would only be accessible for free a handful of times a year to the public. The limited periods over which a Heritage/Cultural Partner would have to curate/programme it, at the discretion of the hotel occupier, for potentially more inclusive public events, is limited. The proposed Heritage Partner, under the current terms, would not be independent, but owned and managed by the hotel, potentially limiting the wider social remit, dependant on the nature of the final Cultural Plan Implementation Strategy.
666. In the ordinary course of business, a public route through the building from the hotel entrance on Lower Thames Street of the hotel river terrace on the southern side of the building would be created through the hotel reception lobby. Submitted plans show this as a narrow strip through the building flanked on either side by hotel reception areas, waiting areas and beyond this, restaurant and bars. The public route would be open between 9am and 10pm each day (as long as the hotel is in operation) to the public. It is not detailed in the strategy how the public would be advised of the public route and this would be something the City would expect further information on, as it could be interpreted from Lower Thames Street that it is just an entrance to an exclusive hotel. The route through the hotel would lead out onto a terraced area, where steps or ramps can be taken down to the Quayside. The terrace areas are outlined as being for the bar/restaurants as external seating areas. There are narrow strips highlighted on the public access plan that show how the terraces can be used to access the ramps. It is considered that there would be little space for the public to freely dwell on the terraces and appreciate the views of the river or appreciate the architecture of the building, they would essentially be narrow access corridors.
667. Again, a real missed opportunity for enabling inclusive use of the building's spaces. It should also be noted that this public route can be shut off by the hotel operator if required, for instance if there is a private event with the building or on the Quayside. There is nothing in the draft Heads of Terms proposed which would 'bake-in' an independent heritage/cultural partner into the curation or programming of the defined 'Public Access Areas' outside of the museum space.
668. An amendment to the scheme was provided to include a publicly accessible museum space that would allow for the potential interpretation of the buildings rich and significant history to a diverse demographic and new audiences. The museum, with Café, would be provided at ground floor level in the western part of the building. The main entrance to the museum will be from land adjacent to Old Billingsgate Walk, tucked around the side of the building, rather than in relation to the main civic arrival experiences This is considered a

missed opportunity to not include an entrance from the Quayside, to which the heritage of the building is intrinsically linked, and to those more prominent areas of higher footfall, and have the ability to draw in passers-by to view an interior part of the building clearly identifiable as a public space.

669. The museum will be curated by a Heritage Partner and owned and managed by the Hotel. The museum and its entrances will be fitted out by the hotel, including internal decorations, and the LPA would not meaning input under the current terms. It is unclear from the submission document how much autonomy the Heritage Provider will have in the curation of the spaces. Officers are concerned that as the hotel will be responsible for the internal decoration of the museum it could become an extension of the luxury hotel branding and not an inclusive space for learning and exploration.
670. The LPA would have no remit in securing a broader social and educational outreach remit for the Heritage Partner, who would not be able to extend their wider public remit outside of school and working hours during the week. It is not unusual for 'heritage hotels' to have spaces with boards on a wall, but which are otherwise part of the wider ancillary functions of a hotel.
671. It is unclear what the museum would be used for outside of opening hours and if the hotel operator would use the space for events or functions. This may lead to a conflict between the curation of the spaces as a functional museum and one that is adaptable to private events. Over time, the wider public could come to understand these spaces as more ancillary to the hotel as a result of their out-of-hour private or corporate use.
672. It is unlikely that the Museum would use the Tide Waiter's entrance or the more prominent entrance on Lower Thames Street, but would use the even less prominent ramped non-historic access to have a single, secured and dedicated inclusive access point.
673. The cultural strategy refers to a Heritage Partner being appointed for the curation and management of the museum; this will be appointed by the hotel operator. It is unclear how the Heritage Partner will be funded, given that there is limited scope to host fundraising events and with such limited access to the Robing/Long Room (at the discretion of the hotelier).
674. They will be responsible for the staffing of the museum, the provision of artefacts, running of events and any other associated costs. The strategy states that the museum will be fitted out by the hotel, but it does not state if the Heritage Partner will have to pay rent, utilities or any other associated running costs such as insurance. The museum is free to visit. It is therefore unclear how the museum would generate revenue to cover its costs. It is not stipulated if the Long Room events could be monetised or if the café would be a source of revenue capable of sustaining the museum. It is also unclear if the Heritage Partner has any discretion in opening hours or the use of the museum spaces



outside of public access times to hold revenue generating events. As such, Officers are concerned that the museum would be unviable as set out within the Cultural Strategy. It is also considered necessary to consider the submitted viability assessment for the scheme, where the inclusion of a museum on the site would likely result in the marginal viability of the hotel scheme. It is not clear whether the final Heritage Partner would be an independent credible creative outfit, rather than just an extension of the hotel.

- 675. These two concerns combined do highlight a significant area of concern for the longer-term viability and provision of the key public offering in relation to the cultural benefit and historic interpretation of the scheme.
- 676. As part of the museum, there would be a segregated lift to the roof terrace at level 5 within the West Block. Free public access to this small terrace would be provided within the museum opening hours. The terrace would also be open to hotel patrons or users of the terrace bar/restaurant. The access to the terrace would be on a first come first serve basis. It is not known what the capacity of the terrace would be and if the bar/restaurant use would be able to provide bookable spaces which would curtail the public access provision. The Cultural Strategy does not currently provide any detail on this. In reality, it could be that the public could often not be able to gain access to roof terrace, which could be full with paid guests/visitors.
- 677. There is limited WC provision for the proposed museum, which would be at roof level. If the roof was 'full', then a museum guest would need to exit the building and attend the toilets off the hotel lobby.
- 678. The museum area would be an annexed and landlocked part of the ground floor, divorced from those principal civic spaces of the Quayside, Queen's Warehouse, Long Room and main lobby which are so important to the narrative of the building. They would have limited to no stake in their active curation and programming to ensure there is the potential pre-conditions for a more diverse mix of media and content which could attract a wider public.
- 679. It is considered that this limited public access to the building's internal spaces for Cultural events and cultural and historic interpretation falls short of a meaningful offer commensurate with the significance of this building and site. It has not been demonstrated within the strategy that the hotel would provide an inclusive and well promoted public access offer. There is insufficient detail relating to the curation of spaces, events, public access, heritage partner and X within the cultural strategy.

### Quayside

- 680. The Cultural Strategy outlines the intention for a year-round programme of events for the Quayside including both public and private events. Early ideas include:

- installation of heritage panels and information boards providing information about Custom House, the listed historic cranes and the building's role in the Pool of London.
- Pop-up kiosks for food and drink, Christmas markets or other publicly access events.
- Private events and significant closures of the Quayside.
- Two plinths on either side of the raised terrace for the display of art installations (it is unclear if these are permanent or not)

681. Whilst the submitted Cultural Strategy sets out the possibility for public events, it is relatively silent on private events. There is no information on the balance of the events calendar, if the hotel would be in operation of them all or if guest curators or the Heritage Partner would have ability to host events. Currently the strategy gives all weight in the events on the Quayside to be within the control of the hotel operator.
682. The Cultural Strategy states that public access will be open to and actively encouraged to the Quayside. A calendar of events over the year will be planned and managed by the Hotel operator. The strategy states that 'this acre of space in the heart of the City will be warm, inviting and buzzing with activity. A place that brings people together. Where everyone feels welcome.' Officers welcome this initiative strategy, however, consider that the proposed provision falls short of this aspiration. Given the most up-to-date offer provided by the application (public offer email dated 18/08/2021) which would allow for up to 100% of the Quayside to be shut off for private events for a significant amount of time over the year. The cultural strategy does not give detailed consideration to the types or duration/mix of private events. For instance, over peak days or months the hotel operator could host mainly private events, shutting off the Quayside and public access to the building from the Quayside to the public. It is unclear how the Quayside would be closed off, if there would be fencing or security set up to stop the public accessing the site, therefore creating a wholly unwelcoming space that create physical and social barriers .
683. The Cultural Strategy submitted is aspirational in its objectives and this is welcomed by officers, however, there is significant concerns that the conflict between public and private access and events is likely to result in the aspirations of the strategy to fall short in reality. The marginal viability of the scheme is a material consideration in the ability for the aspirational cultural strategy to be delivered. It is unclear how the provision of the museum would be sustained over the lifetime of the development. If the significant closures of the Quayside are required to ensure the hotel is profitable (unclear as it has not be included within any viability assessment), then the public benefit of the space must be equated to the provision of the Quayside for public use, accessible cultural and community uses, and interpretation of the heritage asset.
684. As outlined in within other sections of this report, the closure of the Quayside for private events is not supported by the City and is not considered to fulfil the policy requirements for unfettered public access to new areas of public realm on the riverside, or for a Cultural offer to

broaden access to culture for all Londoners.

685. The Strategy identifies the opportunity to partner with schools, local groups and City institutions such as the Tower of London, Museum of London, the Livery Companies to curate a seasonal cultural and educational programme for all. This is wholly welcomed and further detail should be provided on how this would be provided, if there is an expectation of the Heritage partner to satisfy this objective, this needs to be factored into the funding of the provider to carry out this additional work.
686. In addition to a Heritage Partner, the Strategy proposes that a Culture and Community Events Officer would be appointed by the hotel to sit within its large events team, in order to implement the Cultural and Community Strategy. A Culture and Community Committee is to be established at the discretion of the hotel operator, comprising amongst other representatives of the Owner, the City, a Ward member, GLA, the Heritage Partner, Museum of London, local residents. This is welcomed and the full details of the responsibilities and governance the committee would have over cultural offerings and balance between the public interests and the private hotel interests.
687. In conclusion the history and tradition of Custom House, which is of local, national and international importance and the significant value of the public open space on the Quayside gives an unprecedented opportunity to deliver a vibrant, varied and inclusive Cultural offer for workers, residents and visitors to the City. Custom House would become a major landmark destination on the North Bank of the Thames and would integrate with the network of other historic institutions in the City and on the river.
688. The draft Cultural and Community Strategy, outlines a number of ideas and commitments to implement an inclusive, diverse and sustainable cultural offer. This is wholly welcomed and should underpin any proposal on this site. However, for the reasons outlined above, officers do not consider that the scheme presented would be deliverable in line with the supporting Cultural Strategy. Therefore, the proposal would not demonstrate that it would contribute to the enrichment and enhancement of the City's inclusive cultural offer. It would not enhance development in the Pool of London by not encouraging cultural events in public spaces and by enabling communities to appreciate and interpret heritage assets. The development would not deliver the Mayor's priorities as outlined in the River Thames Cultural Vision or Good Growth priorities.
689. As such, the proposal would be contrary to Policies CS11 and DM11.2 in the Local Plan 2015, policies S6, S19 in the emerging City Plan and Policies HC5 of the London Plan.
690. If the appeal were to be allowed, to ensure the delivery of a tangible and successful cultural strategy, befitting of this significant historic building and site, a robust Cultural Implementation Strategy would need to be secured in the S106 agreement. This would need to secure a

year round reviewable Cultural Programme which would establish monitorable deliverables in the curation of the internal and external spaces for cultural activities and events, the sharing of knowledge and the celebration of the history of Custom House, which would respond to the needs of the local area and be informed by a continuing dialogue with stakeholders, the local community and building users.

691. The applicant has submitted a draft Heads of Terms. Officers have concerns regarding the proposed draft Heads of Terms in respect of provisions of the Cultural Strategy including:

- The restrictions to public access to the Quayside and the building as discussed elsewhere in this report;
- No inclusion of the terms around the selection criteria, appointment or retention of a Heritage Partner;
- No requirement to obtain Local Planning Authority approval of the Heritage Partner to be appointed by the hotel operator and the provision that, if it is not possible to appoint a Heritage Partner despite best endeavours, then details of an alternative use of the area to be submitted to the City, meaning the proposed Museum could fall away;
- The apparent limited remit and locus of the Culture and Community Committee;
- That the relevant period for the implementation of the approved Culture and Community Strategy and the existence of the Culture and Community Committee lasts only 5 years. What the Operator's intentions are for after this period are not set out.

692. It is considered that the proposed draft heads of terms for Culture and Community Strategy, Museum and Public Access as currently drafted would not robustly secure the delivery of an inclusive, diverse and sustainable cultural offer in accordance with Development Plan policy. As such, officers consider that there is very limited public benefit that could be attributed to the cultural and community strategy, and its deliverables.

### **Residential Amenity**

693. Local Plan Policies CS10, CS11, DM10.3, DM11.3, DM15.7, DM21.3 and draft City Plan Policies HL3, HS3, CV3, S23, S24, and SB1, and London Plan Policies D3, D6, D13, D14 seek to protect the amenity of neighbouring uses, including residential, from adverse impacts of uses including hotel and culture from noise, light pollution, daylight and sunlight and other amenity impacts.

694. Draft City Plan policy DE5 requires that there is no immediate overlooking of residential premises, unacceptable disturbance from noise or other significantly adverse impacts on residential amenity from roof terraces

## Noise

695. Local Plan policies DM15.7, DM 3.5, draft City Plan policies CV4, HL3 and London Plan policies D13 and D14 require developers to consider the impact of their developments on the noise environment. It should be ensured that operational noise, including from evening and night-time uses does not adversely affect the amenity of residents and other noise sensitive uses.
696. The nearest noise sensitive receptors to Custom House are the residential flats at Sugar Quay, immediately opposite to the east, and the Premier Inn hotel to the north-east of the site.
697. The application was initially accompanied by an Acoustic Planning Report (11<sup>th</sup> June 2020, prepared by Sandy Brown). Following amendments to the scheme an updated Acoustic Planning Report (June 2021, prepared by Sandy Brown) has been submitted in support of this application. The report states that an environmental noise survey was carried out to establish background sound levels around the site and close to nearby noise sensitive premises, and ambient and maximum noise levels at the site (summer 2019).
698. The noise report considers the internal environment of the proposal for hotel guest rooms and the requirement of internal sound insulation of the retained structure. It should be noted that the proposal relates to a Grade I listed building and any noise or acoustic interventions will need to ensure that there is no conflict with the conservation and enhancement of this significant heritage asset. The report assumes that if the brick walls are made good the thickness of brick wall would provide acceptable levels of sound insulation. These predictions assume that horizontal flanking through the timber floors is well controlled. The report states that this is to be assessed in detail as the design progresses. The existing floors would achieve around 5-10 dB lower than the minimum Approved Document E requirements for both airborne and impact sound insulation. Interventions would be required within the existing timber floor structure.
699. In relation to the external facades the report considers façade sound insulation measures to control noise ingress, especially from Lower Thames Street. The elevation fronting onto Lower Thames Street would require R<sub>w</sub>+C<sub>tr</sub> 38 dB as a minimum glazing sound insulation. This would result in secondary glazing being required in addition to the existing original windows.
700. Officers are conscious that interventions to floors and windows to provide adequate acoustics within the building may cause conflict with the Grade I listed building, where original features such as windows are protected to ensure the historic significance of the asset is conserved. Subject to the proposed glazing specifications being acceptable in Listed Building Terms, it is considered that the application would provide acceptable internal noise levels for hotel guests.
701. The noise report(s) consider the operational noise generated by the two roof top terraces. The report focuses on the eastern terrace due to

its proximity to the residential properties at Sugar Quay. The end of the proposed terrace would be 25.5 metres away from the end of the proposed roof terrace.

702. The report submitted in August 2020 proposes noise from the terrace is limited to 10db above the average noise levels. The noise survey results used to inform this would result in limits on operational noise at 1m from the nearest residential receptor being 52bd (daytime) 50bd (night-time).
703. The August 2020 report considers that the east wing terrace, based on 15 people speaking in raised voices at the same time would result in noise levels of 50db at the nearest window at Sugar Quay. The report sets the following operational noise limits of terrace being 83bd (daytime) 81db (night-time) based on a typical terrace bar break out space with limited background music noise. Internal spaces could reach levels 20-30db higher than this if a suitable facade is used, doors are installed with good seals and not left open when the space is operational. The figures put forward consider that the Sugar Quay development windows are closed as the apartments, due to whole house ventilation and comfort cooling, would not require windows to be opened.
704. The report submitted in June 2021 provides further detailed assessment of the predicted noise levels from the roof top terraces. This report is based on the terrace being occupied to its maximum capacity (1 person per sqm), however, only considers that a third of the people are talking at any one time. The report does not quantify this in numbers, but officers have assumed this would mean approximately 190 people could be accommodated on the terrace and 63 people at any one time.
705. The updated assessment would result in a noise level of between 53-55db at the nearest window of Sugar Quay. This conservative estimate is above the limits set out in the August 2020 report which states that noise limits for residential receptors should be under 52bd. The applicant has justified this by stating that the ambient façade noise levels at Sugar Quays is already above this, therefore resulting in no noticeable noise from the terraces, based on windows being closed.
706. Officers note that based on the two reports submitted the increased capacity on the terrace, from 15 people speaking, to 63 people speaking (of a potential 190 people on the terrace) would result in only a 3-5 db increase in noise at Sugar Quay.
707. The updated assessment also includes a comparison of the predicted transmitted terrace noise levels against the internal noise criteria. The British standard for internal noise levels is 30db. The applicant assumes (taken from the Sugar Quay planning report) that sound insulation performance would be between 43-38db, the applicant has subtracted this away from the terrace noise levels (55-53bd) to give a predicted internal noise level of between 12-15db.
708. This updated assessment has taken both an existing ambient façade

noise and sound insulation performance for Sugar Quay from the Sugar Quay planning report (reference: 14/01006/FULMAJ). Based on these the applicant expects that noise levels from the terrace would not be audible within the Sugar Quay apartments, with the windows closed.

709. Officers do note that the reference drawings in both the submitted reports, within the operational noise sections, display different measurement locations. The earlier report draws from the end of the balcony and the latter report from the central area of the balcony. As such, it is unclear if this has resulted in slightly different assessments being undertaken in the respective reports. It is concerning that if the latter assessment has been taken from a further distance this could result in different conclusions being drawn.
710. It is noted that the assessment submitted only considers the roof terrace impact in isolation on the residential units at Sugar Quay. It has not taken into account any cumulative impacts that could result from other terraces associated with the development site, for instance in there is a large function in the Long Room, restaurants or bars in the central block spilling out onto other terraces or Quayside. Officers consider that this could lead to increase noise levels above that contained within the noise assessment reports. Without this information officers consider that the development could result in unacceptable noise levels, creating harmful impacts to the residential dwellings at Sugar Quays.
711. Given that Officers only received details regarding closures of the Quayside for private and public events on the 18/08/2021 it is not referred to within the submitted noise report. The accompanying public access plan outlines the entire Quayside, inclusive of Water Lane and land adjacent to Old Billingsgate Walk, for the provision of private and public events. Officers have significant concerns regarding the potential for adverse impacts to be caused to the amenity of neighbouring properties, most concerning would be residential properties at Sugar Quay. The hotel would be permitted, as per the submitted information, to close 100% of the Quayside for a significant proportion of time both for private events, such as London fashion week, cinema evenings or weddings, or for public events like Christmas markets or food shows. There has been no submission of any information to demonstrate the impact these events would have on ambient noise levels or what mitigation measures would be required to safeguard neighbouring occupants. No information has been provided on specific timings of events, audio or music allowances, how events would be managed or controlled or how the developer would control people accessing or leaving such events. As such, Officers have been unable to make an assessment on this and cannot conclude that there would not be adverse impacts caused to the amenity of residential properties or other neighbouring developments.
712. The application does not include specific assessment or information regarding the extent and nature of events across the hotel complex for example on the Quayside and in the building. The Long Room has a

capacity of up to just under 1000 people with an associated external terrace area and the roof top terraces for 190 people. There has been no cumulative assessment of the potential impacts that could result from a number of events happening at the same time across the site and the potentially harmful impacts this may cause to the amenity of neighbouring residential properties. There has also been no assessment made of potential cumulative impacts from surrounding uses, such as events being held at Old Billingsgate.

713. Consideration would also need to be given to the dispersal and management of events both within and outside the building to ensure that there would not be harm caused to the amenity of neighbouring properties when events end and potentially crowds of people exit into the local area. The submitted noise report does not consider this. If permission were to be granted a dispersal and management of events plan would need to be conditioned.
714. Officers are also mindful that the main servicing and delivery access is along Water Lane, adjacent to Sugar Quays, to the basement access on the Quayside. No information is contained within the noise survey report(s) that assess the potential impacts of this on the residents of Sugar Quays. Further to this, due to the proposed Quayside closures and events, there is likely to be unrestricted access for set up, servicing and removal of events within the Quayside areas. Given that these have the potential to occupy the space, for instance a public market, for 100% of the time it is not known how the amenity of the residents would be affected or protected in relation to noise and disturbances generated by delivery and servicing vehicles.
715. The survey results will inform the necessary choices for plant equipment, such that the level of noise emissions from plant would meet the criteria stipulated by planning conditions.
716. The City's Markets and Consumer Protection department have reviewed this application and provided the following, most recent, response:

*Based on further information received concerning the proposed use of the quayside terrace area this department has significant concerns regarding the potential direct detrimental impact that the quayside terrace is likely to have on neighbouring residential properties. In addition, there is concern that the cumulative impact of the multiple terraces may also give rise to significant levels of disturbance to neighbouring properties.*

*Insufficient information has been submitted to allow for the determination of the potential impacts on amenity of noise for the proposed terrace usage.*

717. Officers have taken the Environmental Health Officers comments into account in the assessment of the proposed development .



718. For the reasons set out above, and to protect the amenity of residential occupants in particular, officers conclude that there is insufficient information to conclude that the impact would be considered acceptable. It is therefore considered that this would have been recommended as a reason for refusal had the local planning authority had the opportunity to determine the as it cannot be demonstrated that there would not be an unacceptable harmful impact to neighbouring properties, including residential dwellings at Sugar Quays.
719. As it cannot be demonstrated that there would not be harm to residential amenity the proposed development would be contrary to Local Plan Policies CS10, CS11, DM11.3, DM15.7, DM21.3 and draft City Plan Policies HL3, HS3, CV3, S23, S24, and SB1, and London Plan Policies D3, D6, D13, D14.
720. If planning permission were to be allowed, it is recommended a number of conditions to be imposed which would impose limits and restrictions relating to the operation of the hotel and associated events to protect the amenities of residents and the surrounding area during the period of works and the operational phases of the development.
721. If planning permission were to be allowed, details of events on the Quayside, including hours, and events in the building, would be need to be detailed and controlled under the provisions of a Visitor Management Plan and an Events and Operations Management Plan secured by S106 agreement, and any licences would need to be separately obtained.

### Overlooking

722. Local Plan policy DM10.3 encourages roof terraces where they do not immediately overlook residential premises. Draft City Plan policy DE5 requires that there is no immediate overlooking of residential premises, unacceptable disturbance from noise or other significantly adverse impacts on residential amenity
723. The western roof terrace would provide a public viewing space associated with the museum and a bar/restaurant space associated with the hotel. This terrace is considered acceptable in amenity terms as it would not result in the overlooking of any neighbouring residential properties.
724. The larger eastern roof terrace would provide a restaurant/bar space associated with the hotel. The proposed roof terrace would be located primarily to the south and would extend to the east towards the east end of the building adjacent to Water Lane. To the other side of Water Lane is a residential development, Sugar Quay, which has a number of windows fronting onto the development site. Sugar Quay is a modern building with large glazed windows and rises some 11 stories in height. Therefore, resulting in direct overlooking of windows from the development site. The measurement from the end of the terrace to the nearest window is approximately 25m. from the eastern end of the

terrace would provide a space for people to dwell and look out into the Sugar Quay development, including into habitable rooms such as bedrooms and living rooms. The submitted plans show a standard height balustrade (1.1m) around the eastern terrace area. There are no details on the plans stating if this would be solid or glazed, however, due to the height even if this was a solid material it would not be of a height sufficient to prevent views being attained from the end of the terrace into the residential properties. The nature of the views south east towards Tower Bridge and City Hall etc and likely to draw observers to this part of the terrace which would increase sense of infringement. Given the open aspect of the terrace and the ability for people to dwell in these spaces is likely to reduce the privacy of the neighbouring properties to some degree, especially to habitable rooms. The applicant has not included assessment of this aspect of overlooking within their planning statement, nor have they sought to include any mitigation measures in this location.

725. Officers consider that a privacy screen could be implemented in this area which may alleviate the potential for overlooking, however, this is likely to result in some harm to the listed building which would need to be considered as part of this application. As no proposal for a screen has been made, Officers are unable to make an assessment at this time. Based on the information provided Officers consider that there would be a degree of overlooking from the terrace area to neighbouring residents in Sugar Quay. As there are no mitigation measures to assess, in its current form there is insufficient information to ensure that overlooking issues could be acceptably mitigated at this time.
726. The roof top pavilion would also have potential for overlooking issues to occur, due to the eastern elevation of glazing creating the potential for overlooking to the same Sugar Quay residents. The proposed lighting strategy states that this elevation would be obscurely glazed which would alleviate the potential for overlooking to occur. Therefore, officers are satisfied that the internal area of the pavilion would not result in unacceptable levels of overlooking.
727. As it cannot be demonstrated that there would not be harm, as a result of the potential for overlooking from proposed roof terrace, to the residential amenity of neighbouring properties the proposed development would be contrary to Local Plan Policies CS10, CS11, DM10.3, DM11.3, DM15.7, DM21.3 and draft City Plan Policies DE5, HL3, HS3, CV3, S23, S24, and SB1, and London Plan Policies D3, D6, D13, D14.

#### Light spillage

728. Local Plan policy DM15.7 and draft City Plan policy DE9 require that development should incorporate measures to reduce light spillage particularly where it would impact adversely on neighbouring occupiers, the wider public realm and biodiversity.
729. A draft internal lighting strategy has been submitted which describes

the measures to be implemented to reduce light spill from the rooftop pavilions and terraces at a very high level. The eastern glazed elevation of the rooftop bar facing Sugar Quay, would be of obscured glass, to prevent both overlooking and direct light spillage towards the residential units, which of course exacerbates the inappropriateness of the roof extensions as a contextual heritage response. Lighting on the external terraces would be low level and muted, although it is not clear if the required Lux levels can be met without the potential for glare or light trespass.

- 730. If permission was allowed a condition would need to be included which requires a detailed lighting strategy to be submitted for approval prior to the occupation of the building, demonstrating the measures that would be utilised to mitigate the impact of internal and external lighting on light pollution and residential amenity.
- 731. As such, subject to conditions, it is considered that the proposal would not result in adverse light spill in accordance with Local Plan policy DM15.7 and draft City Plan policy DE9.

#### Daylight, Sunlight, Overshadowing

- 732. An assessment of the impact of the development on daylight and sunlight to surrounding residential buildings and public amenity spaces has been undertaken in accordance with the Building Research Establishment (BRE) guidelines and considered having regard to policy D6D of the Publication London Plan, policy DM 10.7 of the Local Plan and policy DE8 of the draft City Plan 2036. The BRE guidelines can be used to assess whether a noticeable reduction in natural light is likely to occur.
- 733. Daylight has been assessed for both Vertical Sky Component (VSC) and No Sky Line (NSL) for nearby residential windows. These are complementary assessments for daylight: VSC is the measure of daylight hitting a window, NSL assesses the proportion of a room in which the sky can be seen from the working plane.
- 734. The BRE criteria state that a window may be adversely affected if the VSC measured at the centre of a window is less than 27% and less than 0.8 times its former value (i.e. experiences a 20% or more reduction.) In terms of NSL, a room may be adversely affected if the daylight distribution (NSL) is reduced beyond 0.8 times its existing area (20% or more reduction.)
- 735. For sunlight a window may be adversely affected if it receives less than 25% of Annual Probable Sunlight Hours (APSH) (including at least 5% in the winter months) and less than 0.8 times its former value, or is reduced by more than 4% APSH over the whole year.
- 736. Ten residential units over the 3rd to 6th floors at Sugar Quay immediately to the east of Custom House were identified as requiring assessment. (Assessment of flats below these levels is not required as

no part of the additional massing on Custom House would be visible above the existing parapet from these units, and flats above 6th floor level would be above the proposed development and so would not be impacted.) Of the 15 rooms and 40 windows assessed, results show that the reductions in VSC and Daylight Distribution (DD) would be negligible ranging between no change and 3% reduction.

- 737. Likewise, for sunlight, of the 13 windows tested, most would experience no change, and reductions in sunlight, where occurring, would be negligible with windows retaining annual and winter sunlight values within 0.8 times the former value.
- 738. An overshadowing assessment to the existing public amenity area at St Dunstan in The East Church Yard shows that there would be no change to the amount of permanent overshadowing as a result of the development.
- 739. The Quayside has also been assessed for sunlight amenity using the permanent overshadowing test. The results show that the space would have good sunlight availability across the year with the entire area achieving at least 2 hours of sunlight on 21 March, in line with BRE Guidance.
- 740. In conclusion the impact on daylight and sunlight to nearby residential properties and on overshadowing to public amenity areas is well within the BRE Guidelines and would not be harmful. The proposals would comply with the relevant policies of the Local and London Plan.

## **Sustainability & Energy**

### **Circular Economy**

- 741. Emerging New London Plan Policy SI7 ('Reducing waste and supporting the circular economy') sets out a series of circular economy principles that major development proposals are expected to follow. Emerging City Plan 2036 Policy S16 sets out the City's support for Circular Economy principles.
- 742. The submitted Circular Economy Statement describes the strategic approach to incorporating circularity principles and actions according to the GLA Circular Economy Guidance. Overall, the majority of the existing building is retained, with the non-original east wing being replaced inside its replica exterior walls and above the existing historic underpin foundations. The new works would include lowering of the basement slab and rebuilding the interior structure. This amount of rebuilding is proposed to re-align the floor levels internally, to relocate building services into the basement and overall to achieve a sympathetic relationship between the original and modern parts of the building.
- 743. The existing post-war structure has been assessed to be unsuitable for adaptation to achieve a high quality and accessible interior that is appropriately corresponding with the historic architecture, due to the differences in floor levels and limitations in the flexibility of the existing construction for this development and any future adaptations. The

retention of the small sections of the existing structure that could be retained is therefore considered to be impractical.

744. In addition, the statement considers the impact of the two new roof pavilions and of the external works.

745. The applicant's commitments to achieve a low embodied carbon impact new structure for the east wing and the extensions include:

- Optimising the design of the new steel and reinforced concrete frame while avoiding the need for strengthening works to the retained walls and foundations
- Using recycled aggregate and 50% cement replacement products for the new concrete elements
- Aiding future flexibility of use and alterations by designing a simple, regular East Wing structure and providing a BIM model (building information modelling) with structural and materials details
- Using hot rolled steel sections (rather than cold rolled steel) that have increased flexibility and can include recycled steel for the new pavilion structures
- Reducing water demand
- Selecting of building services manufacturers that offer "take back schemes"
- Responsible sourcing of materials, local procurement and material performance, to be reviewed during the detailed design stages of the development
- Undertaking a Reuse Viability Assessment (a more detailed pre-demolition audit) in the next design stage to advise on the reuse and closed loop recycling potential of building elements, fittings and fixtures.

746. A Detailed Circular Economy Assessment and a post-completion update in line with the Mayor's guidance on Circular Economy Assessments to confirm that high aspirations can be achieved would be requested by conditions if planning permission were to be granted. The detailed assessment would be expected to demonstrate that the relevant targets set out in the GLA Circular Economy Guidance can be and have been met.

### **Energy and CO2 emissions**

747. The strategy assesses the refurbished areas and the new extension areas separately.

Refurbished areas:

748. The refurbishment would achieve an overall 50% reduction in regulated carbon emissions compared with a building that is compliant with the building regulations relating to existing buildings other than dwellings.

749. The energy demand reduction measures would amount to a 13.1% reduction of carbon emissions savings compared to the Building Regulations compliant building. However, when compared to the performance of the existing listed building, the energy demand

reduction measures would result in a 34.7% reduction of carbon emissions, achieved by measures such as secondary glazing, thermal fabric upgrade of the east wing and active energy efficiency improvements through new building services (see paragraph below regarding the whole development). Improvements to the insulation of the building envelope of the central wing and west wing of Custom House would not be acceptable in the context of its special architectural and historic interest.

New extension areas:

- 750. The roof extensions would achieve an overall 48.6% reduction in regulated carbon emissions compared with a building that is compliant with the building regulations relating to new buildings other than dwellings.
- 751. The energy demand reduction measures would amount to a 15% reduction of carbon emissions savings compared to the Building Regulations compliant building which meets the London Plan target for efficiency measures. These include high thermal efficiency to the facades and roofs of the new built elements as well as energy efficient building services (see paragraph regarding the whole development).

Whole development:

- 752. The proposed energy efficiency measures through active measures include the use of very high efficiency (95%, standard is 90%) gas boilers for some of the heating load, and Variable Refrigerant Flow (VRF) water source heat pumps to provide the total cooling load of the building. In addition, wastewater heat recovery (WWHR) would be incorporated as this is an efficient, carbon saving technology in hotel use where showers constitute over 80% of the domestic hot water energy consumption. Natural ventilation as part of a mixed mode system for the bedrooms could be enabled through the windows at a later date when noise and air pollution have decreased to acceptable levels. Sensors would be fitted to the windows to turn off the mechanical ventilation system when the windows are open, to save energy use.
- 753. The proposed design has made provision for a future connection of Custom House to a district heating network when this becomes available to serve the site. A space for a future connection has been identified at basement level in the gas boiler plant room space.
- 754. 69% of the proposed building's heating load would be provided by renewable technologies in the form of Water Source Heat Pumps (WSHP) and Variable Refrigerant Flow (VRF) water source heat pump systems which would generate heat for the majority of the year from the cooling system throughout the building via a condenser water loop.
- 755. Variable refrigerant flow (VRF) water source heat pump systems will also be used for heating (and cooling) of individual guest rooms which will make up the majority of the heating load for the building. The operation of VRF units is not associated with NO<sub>x</sub> emissions hence it has no negative impact on air quality.

756. The whole development would achieve 13% carbon emissions savings from energy demand reduction, 37% carbon emissions savings from renewable and low carbon technologies, resulting in 50% carbon emissions savings overall.
757. The site-wide energy strategy demonstrates compliance with the London Plan carbon emission targets. If planning permission were approved a S106 clause would be included requiring reconfirmation of this energy strategy approach at completion stage and carbon offsetting contribution to account for any shortfall against London Plan targets, for the completed building. There would also be a requirement to monitor and report the post construction energy performance to ensure that actual operational performance is in line with GLA's zero carbon target in the London Plan.

## **BREEAM**

758. The scheme was pre-assessed against the BREEAM UK Refurbishment and Fit-out (RFO) 2014 scheme. The maximum score that can be achieved by the proposed building at this state is 76.21%, which corresponds to a BREEAM 'Excellent' rating, considered to be an acceptable outcome for a Grade I listed building.
759. The development's scores in the City's three of the four priority categories (Energy, Materials, Water and Pollution) are acceptable. The score in the Pollution category is relatively low (6 out of 13 credits) due to the use of refrigerants needed to run the building's heat pump systems, the need to use grid energy to run these and the limited opportunities to reduce surface water run-off to avoid watercourse pollution. However, further opportunities for the use of low impact refrigerants and to include rainwater harvesting for the western and central roofs would be assessed in the detailed design stage. A post construction BREEAM assessment would be requested by condition.
760. The final BREEAM pre-assessment result complies with Local Plan Policy CS15.

## **Whole Life-Cycle carbon emissions**

761. Emerging New London Plan Policy SI 2 (Minimising greenhouse gas emissions) requires applicants for development proposals referable to the Mayor (and encouraging the same for all major development proposals) to submit a Whole Life-Cycle Carbon assessment against each life-cycle module, relating to the product sourcing stage, construction stage, the building in use stage and the end-of-life stage. The assessment captures a building's operational carbon emissions from both regulated and unregulated energy use, as well as its embodied carbon emissions, and it takes into account potential carbon emissions benefits from the reuse or recycling of components after the end of the building's life. The assessment is therefore closely related to the Circular Economy assessment that sets out the contribution of the

reuse and recycling of existing building materials on site and of such potentials of the proposed building materials, as well as the longevity, flexibility and adaptability of the proposed design on the Whole Life-Cycle Carbon emissions of the building. The Whole Life-Cycle Carbon assessment is therefore an important tool to achieve the Mayor's net-carbon city target.

762. The submitted Whole Life-Cycle carbon assessment for the whole building includes the demolition of the East Wing, as well as the details of the proposed construction, materials and systems for all new built elements and alterations detailed in the Circular Economy Statement.
763. The whole development would meet, and improve upon, the GLA's aspirational benchmark for maximum carbon emissions over the life-cycle of the building. This demonstrates the benefits of the significant proportion of retention of the existing building.
764. Further opportunities to reduce embodied carbon across the life-cycle of the scheme will be considered in the detailed design stages of the development and include:
- Establish a material procurement strategy, including engaging with the second-hand material market
  - Review the viability of low impact refrigerants to reduce in-use emissions
  - Explore material "take back schemes"
  - Identify use for innovative products such as cement replacements
  - Review the opportunity to use timber stud internal partitions instead of steel stud partitions
  - Develop an end of life/deconstruction plan for all modern structures.
765. A strategy that has optimised the results for the proposal's Whole Life-Cycle carbon emissions through the detailed design development, and a confirmation of the post-construction results would be requested by conditions.

### **Climate Change Resilience**

766. Policies DM 15.5 of the Local Plan and DE1 of the emerging City Plan requires developers to demonstrate through Sustainability Statements that major developments are resilient to the predicted climate conditions during the building's lifetime.

### **Heat Stress**

767. The sustainability statement outlines the alignment of the proposals with the GLA cooling hierarchy. The amount of heat entering the building and generated inside would be minimised through the relatively low window-to-wall ratio of the historic building and its high thermal mass, and highly efficient LED lighting and other installations



are designed to prevent internal heat gains. Passive ventilation is not proposed due to anticipated high noise and air pollution levels in the local area. Therefore, the proposals include the incorporation of mechanical ventilation with heat recovery. However, natural ventilation could be introduced in the future.

#### Flooding

768. The risk of local flooding would be reduced by the proposals to harvest rainwater for irrigation from the eastern part of the roof and by discharging rainwater directly into the river.

#### Water Resources

769. The development aims to reduce water consumption by 25% over the BREEAM baseline through the specification of water efficient equipment, and a leak detection system. In addition, rainwater harvesting for landscaping irrigation is suggested. These measures will enable the development to reduce the use of fresh potable water which will be under increasing pressure as we experience longer periods of drought.

#### Natural Capital and Pest & Diseases

770. Although constrained by its current low ecological value, some improvements to biodiversity and urban greening are proposed. These will be further enhanced by the proximity of the site to the Tidal Thames, designated as Site of Metropolitan Importance for Nature Conservation, and help to support small habitats. The details of the landscape planting will be important in ensuring that the plants and habitats created are resilient to hotter dryer summers, warmer wetter winter, more extreme weather events and pests and diseases.
771. Overall, this development includes a range of measures which will improve its resilience to climate change. Details of these measures will determine how effectively the building performs in coming decades, and a condition is attached to seek more detailed modelling and planting plans against the UK Climate Projections UKCP18 to 2080.

#### Ecology

772. A baseline ecological survey has been carried out that identifies the site as being of low ecological value, with no notable or protected species or habitats. The proposed development provides the opportunities for ecological enhancement to improve biodiversity and the ecological value of the site for targeting Land Use and Ecology BREEAM credits.
773. The submitted Preliminary Ecological Appraisal has identified the trees on the south side of Custom House to have a high potential for nesting birds.

774. The existing site supports nesting birds, on the roof and in the 13 London plane trees on the south edge of the Quayside. As nesting birds are legally protected, demolition works should take place outside of the nesting bird season or following a breeding bird survey by a suitably qualified ecologist. Enhancements can be achieved by the incorporation of bird boxes either within the built form or hung in trees and the improvement of foraging opportunities with increased landscaping at ground and roof level. Other enhancements are the provision of wildlife friendly landscaping on the proposed green roof and the introduction of bat boxes on the trees to be positioned facing south.
775. If planning permission were to be granted, a condition is recommended requiring details of the provision to be made to improve the ecological value of the site and for these to be maintained for the life of the building.

## **Conclusion**

776. The City of London Climate Action Strategy supports the delivery of a net zero, climate resilient City. The agreed actions most relevant to the planning process relate to the development of a renewable energy strategy in the Square Mile, to the consideration of embedding carbon analysis, circular economy principles and climate resilience measures into development proposals and to the promotion of the importance of green spaces and urban greening as natural carbon sinks, and their contribution to biodiversity and overall wellbeing.
777. The proposed development would see the continued use of a building, thereby applying circularity principles. A high level of embodied and operational carbon emission reduction would be achievable through the positive impacts of the retention of a majority of the building and the replacement of building services with efficient and renewable technologies.
778. An appropriate degree of climate change mitigation would be achieved. The sustainability strategy overall meets London Plan policies as well as Local Plan policies, and the development is on track to achieve an “excellent” BREEAM assessment rating. The proposals therefore are considered to positively contribute to the environmental sustainability of the City of London.

## **Arboriculture**

779. Local Plan policy CS19: Open Spaces and Recreation Plan protects the amenity and biodiversity value of trees within the City of London and is supported by the Tree Strategy Supplementary Planning Document (SPD) (2012). Draft City Plan 2036 policies OS3, OS4, DE3 and London Plan policy G7 requires the retention of existing trees and encourages additional tree planting to increase biodiversity and create green spaces.

- 780. The site includes 15 trees: two located on Water Lane and a row of 13 mature London Planes, along the Quayside adjacent to the river.
- 781. The scheme proposes that these trees would be retained, and one additional tree is to be planted in Water Lane.
- 782. An Arboricultural Report accompanies the applications surveying the condition of the trees and assessing the potential impact of development on them. The report states that the proposed works to the building and the proposed public realm works to the Quayside will not have a harmful impact on the existing trees and their root systems and stipulates protective measures to be adhered to during the period of works.
- 783. If planning permission were to be granted, a planning condition would be applied requiring the details of protective measures to be submitted to and approved by the Local Planning Authority.
- 784. The proposed scheme would comply with the relevant policies above.

### **Flood Risk**

- 785. London Plan policy SI 12, Local Plan policies CS18 Flood Risk, DM18.1, DM18.2 and DM18.3 and draft City Plan 2036 policies S15 Climate Resilience and Flood Risk, CR2, CR3 and CR4 are the relevant policies addressing Flood Risk. These require that developments deliver a reduction in flood risk, demonstrate the suitability of use in flood risk terms, reduce the risk of flooding from surface water, reduce rainwater run-off and ensure that flood defences provide the highest category of protection for the City, building in flood resistance and resilience.
- 786. The site is located within the City Flood Risk Area, Flood Zone 3, and a Flood Risk Assessment has been prepared and submitted in accordance with policy. This covers the sequential and exception tests, flood defences, flood gate and basement flood protection and flood emergency plans.
- 787. The assessment finds that flood risk from surface water, ground water, sewers and artificial water bodies is deemed to be low for this site. The most significant source of potential flooding is from the River Thames. When a flood event occurs, the water from the Thames overtops the river wall which is adjacent to the foreshore (not the flood defence wall) and advances up the Quayside. The building is protected by flood defences along its southern edge, meaning that the flood risk to the building is a residual one, which would only be realised in the event of a breach in the said flood defences.
- 788. The statutory flood defence line for the River Thames comprises the flood defence wall which closely follows Custom House's southern façade. The existing service ramp to the basement service area from Water Lane forms a gap in the defence line and is presently protected by a manually operated flood gate. To the east and west of Custom House (Water Lane and land adjacent to Old Billingsgate Walk) the

flood zone is naturally curtailed as the ground levels rise towards Lower Thames Street.

789. The proposed development incorporates flood resilience measures. The existing flood defence wall has an existing top of wall level of 5.85m AOD to 5.97m AOD. In responding to potential climate change levels it is proposed to raise the height of the wall to the year 2100 level of 6.35m AOD (as recommended in the Environment Agency's Thames Estuary 2100 Plan). This involves the demolition and reconstruction of the wall to the East and Central Block and the raising of the height of the existing wall at the West Wing with additional masonry courses, and with additional strengthening to the rear façade of the wall. (The design impact of this and the integration of the wall into the quayside proposals is addressed in earlier sections of this report.)
790. The existing service vehicle ramp to the basement would be narrowed, increasing the area of the quayside and reducing the gap in the defence line; the manual flood gate across the service ramp would be replaced with an automatic hydraulic flip-up barrier providing defence to the 2100 level of 6.35m AOD.
791. The proposed alterations to the southern face of the building which include creating an external terrace from the Queen's Warehouse, and new steps and two wheelchair accessible ramps from the terrace to the Quayside, would result in an encroachment into the River's floodplain. This would result in a loss of floodplain (reduction in storage volume of water) of 187.7m<sup>3</sup> and 305m<sup>3</sup> for the 2065 and 2100 levels respectively. Following discussions with the Environment Agency, the proposals have been amended to partially compensate for this encroachment by minor alterations to slightly lower the level and to alter the crossfall of the river quayside across the whole of the site. The mitigating effect of this has been reviewed by the Environment Agency who are satisfied with the proposed amendments and this level of compensation; the EA have withdrawn their initial objection.
792. As part of the amendments to the scheme, a revised west elevation drawing has been submitted which shows a museum entrance whereas the original proposed west elevation showed this doorway converted to a window. It is unclear whether or not this change could compromise the flood defence which relies on the rise in level of the lane to the west of Custom House. The Flood Risk Assessment, based on the original scheme, shows this entrance blocked and made water-tight. This entrance lies within Flood Zone 3 and confirmation will be required that the provision of an entrance does not compromise the flood defence. Notwithstanding the withdrawal of an objection by the Environment Agency, additional information on the impact of these changes on flood defence is required.
793. National policy requires a sequential, risk-based approach to the location of development, which aims to steer development towards areas with the lowest probability of flooding. Land uses are categorised according to their vulnerability to flooding with different uses being

deemed acceptable or not in different flood zones. A Sequential Test is used to apply this policy approach, with an Exceptions Test required for 'more vulnerable' development to be considered acceptable in Flood Zone 3. Under national policy an office is classed as a 'less vulnerable' use whereas a hotel increases the vulnerability classification to 'more vulnerable'. The City's Local Plan reflects this national policy approach to flood risk.

794. National Planning Practice Guidance (PPG) indicates that the Sequential Test and the Exceptions Test do not apply to applications for most forms of change of use, although it recognises that a change of use may involve an increase in flood risk if the vulnerability classification is changed. In such cases, PPG states that the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime, adding that, depending on the risk, mitigation measures may be needed.
795. Given that this application is classed as a major development due to the level of new floorspace proposed, it is arguable whether the Sequential Test and Exceptions Test should be applied notwithstanding that it is primarily a change of use proposal. In any event, to address the increase in vulnerability of the proposed hotel use, it is proposed to use the lower ground floor (which is below the breach flood level of 5.905m AOD) for less vulnerable uses, such as servicing, mechanical plant, back of house and a spa/gym. The uses classified as more vulnerable (hotel bedrooms) would be at ground floor and above, which is above the breach flood level, and for which safe access and egress can be provided out to Lower Thames Street, which is above the maximum flood extent.
796. If planning permission were to be approved a planning condition would need to be applied to prohibit future use of any area of the building below the breach flood level for sleeping accommodation or for other "more vulnerable" uses.
797. The Flood Risk Assessment provides evidence that the development would not increase flood risk elsewhere through the sustainable drainage strategy which will divert all surface water direct to the River Thames thus reducing the burden on the combined sewer in this area. The proposed raising of the local flood defence level at this site will reduce flood risk overall.
798. A Flood Emergency Plan has been prepared and submitted in accordance with the Development Plan and the City Corporation's draft Flood Emergency Plans for New Developments Planning Advice Note. The aim of this is to provide background and advice to the eventual hotel operator to enable them to prepare specific emergency planning procedures, undertake staff training, understand flood warnings and procedures, to identify evacuation routes, and to ensure the safe evacuation access and egress of Custom House in the event of a

breach of the flood defence wall. This is a live document which would be maintained, enacted and reviewed by the hotel operator. The submitted document meets the requirements of the NPPF and Development Plan.

799. The proposals together meet the requirements of the Environment Agency, national policy and the relevant Development Plan policies.

### **SuDS**

800. The relevant policies - London Plan policy SI 13, Local Plan policy DM18.2 and draft City Plan 2036 policy CR3 set out a drainage hierarchy, state that development must incorporate SuDS principles and that SuDS features should be integrated into the design of the building and landscaping.
801. The development has been assessed against the drainage hierarchy contained in Policy SI 13 of the London Plan.
802. The existing building discharges both foul and surface water to the combined sewer on Lower Thames Street while surface water from the Quayside drains directly into the River Thames.
803. The proposed development would improve upon this by capturing surface water from the building and draining it to basement level; from here it would be piped below the Quayside to discharge to the River Thames via a new outfall through the listed wall, thus avoiding any surface water discharge to the sewer. Appropriate licences would need to be obtained from the Environment Agency, the Port of London Authority and the Marine Management Organisation for the discharge and any associated works. The impact of the proposed works on the listed wall is considered in the Heritage Impact section of the report above.
804. Other SuDS techniques which are proposed include the collection of rainwater in a rainwater harvesting tank on the East wing for use as irrigation, a small area of green roof and limited areas of green planting for water attenuation.
805. The Lead Local Flood Authority raises no objections to the proposals and has recommended the imposition of conditions should planning permission be granted, requiring the details of the proposed SuDS components and details of its lifetime maintenance.

### **Air Quality**

806. Local Plan 2015 policy CS15 seeks to ensure that developments positively address air quality. Policy DE1 of the draft City Plan 2036 states that London Plan carbon emissions and air quality requirements should be met on sites and policy HL2 requires all developments to be at least Air Quality Neutral, developers will be expected to install non-combustion energy technology where available, construction and deconstruction must minimise air quality impacts and all combustion

flues should terminate above the roof height of the tallest part of the development. The requirements to positively address air quality and be air quality neutral are supported by policy SI of the London Plan.

- 807. An Air Quality Assessment has been carried out to assess the likely impact of the proposed development on air quality as a result of the construction and operational phases of the development.
- 808. During demolition and construction, dust and PM10 emissions are likely to increase and would require control through the implementation of good practice mitigation measures contained in the Construction Environmental Management Plans to be submitted and approved under conditions attached to the planning permission.
- 809. For the completed development, heat and hot water would be provided by Air Source Heat Pumps in conjunction with low NOx gas boilers. The boilers would be compliant with the GLA emission limits set out in the Sustainable Design and Construction SPG, and would replace the existing low efficiency oil-fired boilers at the site, substantially reducing combustion emissions to air.
- 810. The proposed use is expected to generate 180 vehicle movements a day, which is a reduction compared with the existing site use and therefore the overall impact on local air quality would be beneficial. The assessment concludes that the development would have no significant impacts on local air quality.
- 811. The development meets the Air Quality Neutral benchmarks for both building and transport emissions assessment.
- 812. The City's Air Quality Officer has no objections and recommends that, if planning permission were to be granted, a condition is applied requiring the submission and approval of an Air Quality Report to detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and the submitted Air Quality Assessment.
- 813. Subject to the compliance with conditions, the proposed development would accord with Local Plan 2015 policy CS15, policies HL2 and DE1 of the draft City Plan 2036, and policy SLI of the d London Plan which seek to improve air quality.

### **Fire Safety**

- 814. Policy D12 of the London Plan seeks to ensure that proposals have been designed to achieve the highest standards of fire safety, embedding these into developments at the earliest possible stage.
- 815. The application is accompanied by a fire strategy which demonstrates how the development would achieve acceptable standards of fire safety, including details of construction methods and materials, means of escape and fire safety features.
- 816. Regarding the means of access for fire service personnel, the

submitted fire strategy had not been updated to reflect the closures on the Quayside. Requires are for the need to provide fire brigade access to within 18m of the dry riser inlet points. It is also considered that a fire strategy for this scheme should include consideration of the fire access to Sugar Quays and any potential issues that may arise from the proposal scheme, especially in relation to the potential closures of Water Lane. An updated fire strategy would be required to demonstrate that safe access could be achieved both for Custom House and Sugar Quays.

- 817. The building itself would be served by five stairs and this will include two new firefighting shafts in the East and West wings of the building in separate fire compartments. Both the new firefighting shafts will be provided with protected firefighting lobbies, firefighting lift installations and dry rising fire mains.
- 818. If planning permission were to be granted, a condition would be recommended requiring the submission of details of a Fire and Emergency Escape Strategy for all building users (including people with disabilities) with details of the means of escape, areas of refuge and fire evacuation lifts and stairs and fire service access shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority, Building Control Health and Safety Team prior to construction of the building and the strategy shall remain in place thereafter.
- 819. Subject to compliance with the condition the proposed development would meet the requirements of Policy D12 of the London Plan.

### **Transport, Servicing, Parking and Impact on Public Highways**

#### Cycling

- 820. The London Plan Policy T5 (Cycling) requires cycle parking be provided at least in accordance with the minimum requirements published in the plan. Policy T5 (Cycling) requires cycle parking to be designed and laid out in accordance with guidance contained in the London Cycling Design Standards (LCDS) and that developments should cater for larger cycles, including adapted cycles for disabled people.
- 821. Based on 200 hotel rooms, 1587 GEA of retail, a museum with 2 full time equivalent staff (FTE), and a spa with 4 FTE, we have estimated that the development requires a minimum of 22 long stay cycle parking spaces and 86 short stay cycle parking spaces based on the London Plan. We have estimated the number off FTE for the museum and the spa because this information has not been provided. The Applicant is proposing 40 long stay cycle parking spaces and 96 short stay cycle parking spaces, which is satisfactory.
- 822. The long stay cycle parking would be accessed via the servicing ramp from Water Lane, and the short stay cycle parking would be on Water



Lane and the land adjacent to Old Billingsgate Walk. A minimum of 5% of the cycle parking spaces would be accessible for adapted cycles and this the arrangement of the cycle parking would be secured by planning condition, in line with London Plan Policy T5 (Cycling), LCDS 8.2.1, and draft City Plan 2036 policy AT3. The Applicant proposes to be able to close off either all or parts of the Quayside, land adjacent to Old Billingsgate and Water Lane for the holding of Quayside Events and/or private Managed Events, which could either wholly or partly remove access to the short stay cycle parking, or at least deter access to them, which in the absence of an appropriate management plan is unacceptable, and contrary to the requirements in London Plan Policy T5 (table 10.2).

823. The proposal includes 4 showers and a minimum of 40 lockers to complement the cycle parking provision. The London Plan Policy 10.5.7 recommends a minimum of 2 lockers per 3 long-stay spaces, and at least 1 shower per 10 long-stay spaces and the proposals are satisfactory.

824. The Applicant would be responsible for promoting the use of the cycle parking spaces and as such would be required, by legal agreement to produce a Cycling Promotion Plan, which is a cycling focused Travel Plan. It would be submitted to the City for approval in line with the London Plan Policy T4 (Assessing and mitigating transport impacts).

#### Vehicular access

825. London Plan Policy T6 (Car parking), Local Plan 2015 Policy DM16.5, and the draft City Plan 2036 Policy VT3 require developments in the City to be car-free except for designated Blue Badge spaces. Specifically, London Plan Policy T6.4 (Hotel and leisure uses parking) allows limited on-site provision of parking to meet the needs for disabled persons, operational needs, and parking for taxis and coaches. Policy DM11.3 of the Local Plan 2015 says hotels should provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles and coaches.

826. The existing site currently provides approximately 100 on-site car parking spaces on the Quayside, now redundant following the departure of the bespoke former occupier, which would be removed in accordance with London Plan Policy T6.

827. As part of the proposed development, two Blue Badge spaces are proposed in the basement of the development. The Blue Badge spaces would have electric vehicle charging points in line with the London Plan Policy T6 (Car Parking), and the draft City Plan 2036 Policy VT3. The provision of the Blue Badge spaces is in line with London Plan Policy T6.4.

828. As discussed elsewhere in this report, the Applicant proposes to retain

the ability to close off either all or parts of the Quayside, land adjacent to Old Billingsgate and Water Lane for the holding of Quayside and/or Managed Events, which could either wholly or partly remove access to the Blue Badge spaces in the absence of an appropriate management plan, which is unacceptable and contrary to London Plan Policy T6.4 and VT3.

829. The Applicant has proposed a lay-by on Lower Thames Street, for which TfL is the highway authority. The purpose of the lay-by is to allow taxis and private hire vehicles to drop guests off without causing Lower Thames Street to be disrupted, or Water Lane to be congested. The proposed lay-by would be 15m long with waiting restrictions and would be able to accommodate up to three taxis, or one coach. No management of this bay by the operators of the development would be allowed, as the bay would be a public facility on public highway.
830. During negotiations Transport for London advised that the proposed layby on the Transport for London Road Network (TLRN) would only be given positive consideration in the event of the hotel scheme providing an exceptional new area of pedestrian public realm on the Quayside so that, on the whole, the scheme could be said to deliver on the Healthy Streets approach and Model Hierarchy contained in the Mayor and CoL's Transport Strategies. As discussed elsewhere in this report, the Applicant proposes to retain the ability to close off either all or parts of the Quayside for the holding of Quayside and/or Managed events which would either wholly or partly exclude inclusive public access to the Quayside for all. This conflicts with the aims of the Mayor of London's Public Charter and diminishes the value and amenity of the proposed public realm. On that basis, the public offer on the quayside could not reasonably be described as exceptional, therefore, TfL and Officers do not consider that the creation of servicing on the TLRN is justified in this case. When in use, the lay-by would reduce the effective width of the pavement on Lower Thames Street, contrary to draft City Plan Policy AT1. It would not comply with policies contained within the Mayors Transport Strategy, which sets out a vision with a bold aim for 80 per cent of all trips in London to be made on foot, by cycle or using public transport by 2041. It would also not be in line with draft City Plan Policy AT2, as the proposals promote unsustainable private travel by vehicle in a pre-eminent position at the front door of the development and does not prioritise active travel, contrary to the modal hierarchy, the Mayors Transport Strategy and the City of London Transport Strategy. Policy DM11.3 of the Local Plan 2015 says hotels should provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles and coaches. It is considered that without providing a lay-by for the pick-up/drop-off of passengers, there are still satisfactory opportunities for the pick-up/drop-off of customers, in line with on-street restrictions, on Lower Thames Street and Water Lane.
831. In addition, Policy 2 of the Mayor's Transport Strategy and Proposal 2 of the City of London Transport Strategy, requires us to put the needs of people walking first when designing and managing our streets. The provision of a lay-by for drop-offs and pick-ups would not be in line with

Proposal 2. The City of London Transport Strategy also requires that the Square Mile is accessible to all. Specifying that pavements and crossings should be smooth, level and wide enough to avoid uncomfortable crowding. The provision of a lay-by on Lower Thames Street, would reduce the width of the footway, make the footway uneven, and cause a pinch point on the highway. The lay-by is not considered necessary to make the development acceptable and would be contrary to proposals in the City of London Transport Strategy, as set out above.

#### Servicing and deliveries

832. Policy DM16.5 of the Local Plan 2015 and the draft City Plan 2036 Policy VT2 require developments to be designed to allow for on-site servicing. London Plan Policy T7 (Deliveries, servicing and construction) requires development proposals to provide adequate space off-street for servicing and deliveries, with on-street loading only permitted where this is not possible.
833. The servicing of the whole building would take place off-street accessed off Water Lane. Vehicles would be able to enter and exit the servicing area in forward gear. The servicing area would accommodate 2 vehicles up to 8m in size. As discussed elsewhere in this report, the Applicant proposes the potential to close off either all or parts of the Quayside, land adjacent to Old Billingsgate and Water Lane for the holding of Quayside and/or Managed Events, which could either wholly or partly remove access to the servicing bay, which is unacceptable.
834. Draft City Plan Policy VT2 requires delivery to and servicing of new developments to take place outside peak hours (0700-1000, 1200-1400, and 1600-1900 on weekdays) and requires justification where deliveries within peak hours are considered necessary. The applicant has agreed to no servicing at peak times 0700-1000, 1200-1400, and 1600-1900, in line with the City of London Transport Strategy. Environmental Health Officers have stated that if this application were to be approved restrictions on servicing and delivery would need to be imposed to ensure no overnight servicing would take place to preserve the amenity of neighbouring residential properties.
835. The draft City Plan 2036 Policy VT2 requires major commercial development to provide for freight consolidation. London Plan Policy T1 (Strategic approach to transport) requires development 'to minimise freight trips on the road network including through consolidation'. Proposal 38 in the City of London Transport Strategy is to 'Reduce the number of freight vehicles in the Square Mile'. The City of London Transport Strategy defines freight consolidation as 'routing deliveries to a business, building or area via a warehouse where they are grouped together prior to final delivery.' The City of London Freight and Servicing SPD, point 63, requires suppliers to use consolidation centres in suitable locations within Greater London to minimise the number of trips required to service developments.

836. The proposals are considered contrary to London Plan Policy T7 (G) as the development proposals have not demonstrated the ability to facilitate safe, clean, and efficient deliveries and servicing. The proposals are considered contrary to draft City Plan 2036 Policy VT2 due to the lack of information on servicing of the quayside and the objection to off-site consolidation.
837. The applicant has not agreed to the use of an off-site consolidation centre in order to reduce the number of deliveries to the development per day. Instead they have proposed a 'combination of consolidation methods,' however a combination of consolidation is not considered to be as effective as off-site consolidation. Notwithstanding the above, the applicant has agreed to a cap of 28 deliveries to the development per day which would need to be secured through an appropriate legal agreement. This is for all vehicles associated with the building, including any events within the building (but not vehicles associated with the riverside event space, which would be subject to a separate management plan). The Applicant has confirmed this is a realistic cap for the building, despite not confirming what events may occur in the Long Room. Given the incomplete information we have received, relating to the events in the Long Room, and the potential servicing requirements associated with this it is considered that believe a cap of 28 vehicles would only be achievable if an off-site consolidation centre is used. The development would be required to produce a delivery and servicing plan, and if approved, this would be secured by legal agreement.

#### Quayside Event Space

838. Under the current proposals the Quayside and much of land adjacent to Old Billingsgate and Water Lane to be closed for an unrestricted/unfettered managed and/or private event for potentially significant periods throughout the year. The Applicant has not provided detailed information on the proposed events, therefore we have assessed the case using unresolved issues and incomplete information. Consequently, we have had to assume a worst-case scenario to assess the impact of servicing the quayside event space.
839. In a worst case scenario there could be an event on the quayside, whether private or public, every day of the year at any time. The Quayside Event scenarios the Applicant has proposed, may include public events. As an example, if there is a market every day and there are 50 stalls (5m wide each) and each has 1 delivery per day, there could be 50 deliveries per day. This is almost double the number of vehicles to the development, on top of what has already been agreed for the servicing of the building and would have a severe impact on the quality of the public realm.
840. The Applicant has failed to demonstrate that the servicing of the quayside would not cause an unacceptable impact on the Quayside, Water Lane and Lower Thames Street. Therefore, the proposals are

unacceptable. Should the application be approved the development would be required to produce an event management plan for the quayside public realm space. The event management plan would include servicing restrictions for the event space on the riverside to ensure vehicles are kept to a minimum, including a requirement for off-site consolidation and delivery caps. Where possible and efficient, events on the quayside would be required to use the servicing yard for appropriately sized deliveries. The applicant would also be required to explore cargo cycle only events, to reduce the number of vehicles servicing the quayside, as part of the benefit of this proposal is to keep the riverside vehicle free.

841. A plan showing the area of the quayside for closure for private events includes the whole of Water Lane including a narrow strip of public highway along its eastern edge (plan ref: G200\_p\_00\_004 Rev A). Closure of public highway would not be permitted. The potential closure of the rest of Water Lane, which is private, would have an unacceptable impact on Sugar Quay residents, and people who use Water Lane to access the riverside. Water Lane is regularly used for pick up and drop off, and closing Water Lane would force any pick up and drop off onto Lower Thames Street.
842. Based on the information that we have been provided with the set up/close down of private closures and events would not be included within the daylight hours as set out by the applicant. The addition of closures for set up and close down, would increase the quayside closures by a significant number of days per year.
843. The applicant hasn't demonstrated that the quayside could be safely managed and serviced in all scenario types. For example, with the information we have been provided the applicant could close part of the quayside, which would prevent vehicles from turning around on the quayside. This may lead to reversing manoeuvres in the public realm, and there are unknown safety concerns associated with this. Therefore, any event on the quayside would potentially detrimentally impact on the safety of the public and management of the development. The draft City Plan deals extensively with issues of pedestrian movement, safety and comfort, both within new development sites and the surrounding general street environment.
844. The section of the riverside walkway along Custom House is currently a two metre wide footpath. As described in the City of London Riverside Walk Enhancement Strategy the walkway here is of confined nature caused by the position of the railings alongside the adjoining car park. This section of the walkway creates an unpleasant, often crowded environment. The walkway is also occasionally flooded and unusable. It is the aspiration of the City that through discussions with current or future owners, the private forecourt could be brought entirely into public use, thus creating a continuous string of spaces for public use from Montague House to Sugar Quay. Point 1.3 of the City of London Riverside Walk Enhancement Strategy recognises development provides opportunities for widening sections of the Riverside Walk.

845. The current proposals are not in line with the City of London Riverside Walk Enhancement Strategy because there remain scenarios where the quayside would be wholly or partially closed, and the river walkway would be flooded, meaning that there would be no improved public access along the river front as part of this application.

#### Pedestrian Comfort

846. The applicant has failed to demonstrate that the closure of the quayside would not have a detrimental impact on Pedestrian Comfort Levels (PCLs) in baseline, future and cumulative scenarios. A PCL assessment was initially not considered necessary because of the proposed opening up of the quayside and in the absence of information of the quantum and nature of managed events. As there were no proposed reductions to the footpaths, only expansions of public realm areas, it was therefore considered these were sufficient to cope with the increased footfall generated by the hotel and other uses. However, once the Applicant provided information on the number of closures, Officers requested information on PCLs around the site. PCLs are a widely accepted and well-established metric used for measuring or predicting future on-street pedestrian comfort to support planning in London (see TfL Pedestrian Comfort Guidance for London 2019). The Applicant has failed to provide an assessment of PCLs.
847. Transport Assessments submitted in support of planning applications should assess the level of pedestrian comfort and should provide a clear justification if any pavements in the vicinity of the development would fail to achieve a B+ rating." The number of people predicted to attend events on the quayside has also not been given, nor has a cumulative assessment of a range of events happening across the proposed hotel complex. There is concern that in a scenario where some or part of the quayside is closed for private events, additional crowding may occur on the narrow Riverside Walk, further exacerbated due to people dwelling and observing the private events.
848. TfL's pedestrian comfort guidance gives detailed advice on which PCLs should be considered suitable for different area types during peak hours. For 'office and retail' levels the minimum 'acceptable' level is set at C+. The 'at risk' level is set at C- for peak times and an even lower PCL (C- to D) for an average of the maximum activity. This is because of the greater number of single travellers and the shorter durations of most walking trips. For a 'Tourist attraction', as visitors more often tend to be in groups, the 'at risk' level of service is raised to a PCL of B-. Due to unfamiliarity and not being alone, people visiting tourist areas are likely to be more sensitive to crowding. Tourist attractions like the development proposed are therefore treated as particularly sensitive to crowding in relevant TfL guidance. TfL's guidance defines PCLs of C+ and C- as "unacceptable / uncomfortable" for a tourist attraction. Furthermore, walking movement becomes significantly more restricted and difficult as C+ degrades to C-. PCLs at this level also cause issues with future-proofing; they do not have contingency built in to allow room

for further growth. Given the closure of the quayside, we therefore need a thorough PCL assessment to be done for the whole site, including the river walkway.

849. The applicant has predicted (using the TRICS database) that the total number of trips to the development only (excluding the quayside) in the AM and PM peak would reduce considerably due to the likely arrival times of hotel guest visitors compared to office user peak time. Overall the daily (two way) trips would reduce from 4670 as existing, to 1593 as proposed for the hotel use and 440 for the museum. This is a net reduction in the number of trips to the development over the course of a day of around 2636 trips. The reduction in trips in the AM and PM peaks are 489 and 343 respectively. It should be noted the trips to the riverside event space is not included in the trip generation exercise.
850. The submitted transport assessment indicates that the overall increase in trips to the development across all modes would have a positive impact on the surrounding highway and public transport network capacities, particularly at peak times. However, the transport assessment does not consider the impact on the PCLs on the city walkway or surrounding streets when the quayside is closed for private events. It is therefore considered that the proposals are not in line with London Plan Policy T4 (Assessing and mitigating transport impacts), because the applicant has not appropriately assessed the impact of the quayside closures on people walking. The City transport planning team predict that there would be more people in the public realm and city walkway due to the proposed events, so the PCLs would become materially worse. This is made worse as the Quayside is part of the Thames Path National Trail, a strategic London and National active travel route.

#### Public Transport

851. The site has the highest level of public transport provision with a public transport accessibility level (PTAL) of 6B. The site is located close to Tower Hill, and Bank/Monument underground stations, Tower Gateway DLR, and Cannon Street and Fenchurch Street Station. The site is close to several bus routes running close by on Lower Thames Street and Fenchurch Street.

#### Construction

852. The applicant has committed to maintaining pedestrian access along the riverside throughout the construction phase. The applicant has also been liaising with the adjacent landowners to ensure public routes on adjacent land would be maintained through construction.

#### City Walkway

853. The City of London Corporation maintain, and cleanse the riverside walkway outside Custom House, however it appears it was never officially dedicated as city walkway. Therefore, as part of this application, the applicant has agreed to regularise the city walkway as it is used today. We recommend the existing width of walkway running

parallel to the Thames is officially declared as city walkway when the public realm works are completed.

854. The existing ramp on the riverside walkway is proposed to be replaced and improved by the applicant, the width of the ramp would be widened and be a minimum of 2705mm (it is currently approximately 2400).

#### Public Realm and Hostile Vehicle Mitigation

855. Local Plan 2015 Policy DM3.2, the draft City Plan 2036 Strategic Policy S2 (Safe and Secure City), and Policy SA3 (Designing in Security) set out how appropriate security and safety provision must be incorporated into all development. Policy D11 (Safety, security and resilience to emergency) of the London Plan states development proposals should include measures to design out crime that, in proportion to the risk, deter terrorism, assist in the detection of terrorist activity and help mitigate its effects.
856. Security proposals to protect the building and the new areas of public realm have been developed in consultation with the designing out crime and the counter terrorism security officers within the City of London Police. HVM would be located on private land, and as much as possible would be incorporated into the public realm design.
857. The applicant has proposed a signage strategy. Any signage that is proposed in the public realm should be in the form of Legible London totems.

#### Section 278 Agreement

858. If the permission were to be granted, the applicant would need to enter into a S278 agreement with TfL (the highway authority) comprising works to the Lower Thames Street pavements to reprofile the levels and allow level access into the development, crossing improvements on Lower Thames Street, and works to tie the private public realm works into the public highway.
859. There would also be highway works 'in kind' on Water Lane, which is mainly private land. The S278 agreement, highway works 'in kind', and the private public realm works would be secured through the Section 106 agreement to ensure they are of an exceptional standard.

#### Transportation conclusion

860. Overall the proposals are compliant with London Plan Policy T1 and D11, the Local Plan 2015 policy DM3.2 and DM11.3, and the draft City Plan 2036 policies, S2, and SA3 as outlined above.
861. Whilst the development proposal would be in line with a number of transportation and highway policies within the development plan, officers consider that due to insufficient information being provided as part of this submission, it is not demonstrated that the development would provide adequate and safe servicing, acceptable PCLs, and unfettered access to cycle and blue badge parking and would therefore be contrary to London Plan Policies T4(E), T5, T6, T6.4, and T7, the



Local Plan 2015 Policy 16.3, 16.5, the draft City Plan 2036 Policies AT1, AT2, AT3, VT2 and VT3, the Mayor's draft Public London Charter, and the City of London Transport Strategy Proposal 38.

### **Security**

862. Local Plan Policy DM3.2, draft City Plan 2036 Strategic Policy S2 (Safe and Secure City) and Policy SA3 (Designing in Security) sets out how appropriate security and safety provision must be incorporated into all development. Policy D11 of the London Plan states development proposals should include measures to design out crime that, in proportion to the risk, deter terrorism, assist in the detection of terrorist activity and help mitigate its effects.
863. Security proposals to protect the building and the new areas of public realm have been developed in consultation with the Designing out crime and the counter terrorism security officers within the City of London Police.
864. The building is grade I listed and it would be difficult to implement 'internal' structural solutions to mitigate the impact of any vehicle borne attack.
865. Retractable Security bollards are proposed and would be located within the site boundary to stop vehicles entering the quayside.
866. If planning permission were to be granted, further details of security mitigation measures would be secured via condition and S106 obligations. This would incorporate the requirements of vehicle mitigation measures, including traffic calming to protect pedestrians when entering and leaving the building/Quayside and all mitigation measures would be required to be within the site boundary.
867. The proposal, subject to conditions and S106 is considered to be in accordance with policy DM3.2 and draft City Plan strategic policy S2 and policies SA1 and SA3.

### **Public Sector Equalities Duty (section 149 of the Equality Act 2010)**

868. When considering the proposed development, the Public Sector Equality Duty (PSED) requires City of London to consider how the determination of the application will affect people who are protected under the Equality Act 2010, including having due regard to the effects of the proposed development and any potential disadvantages suffered by people because of their protected characteristics.
869. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:-
- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 870. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 871. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.
- 872. This application has been assessed against the Equality Act 2010 and any equality impacts identified.
- 873. The Applicants have held a range of meetings with stakeholders and the following stakeholders are considered to be relevant in the context of the Equalities Act:
  - Aldgate Residents Association
  - Middlesex Street Community Association
  - Residents and local businesses in the surrounding area
  - Old Billingsgate Market
- 874. As set out in the submitted Statement of Community Involvement (SCI), the consultation process included local residents and the community, which sought to understand the needs of local community groups and identify opportunities to inform the designs of the proposals.
- 875. Potential impacts of the proposed development on the nearby occupiers and protected characteristics have been assessed, including the impacts on the use and functionality of the spaces.
- 876. Throughout this report officers have expressed concerns about inclusive access and design and that officers therefore have concerns that the development does not do enough (or in some cases provide enough certainty in the absence of draft management plans) to ensure that the development eliminates discrimination and promotes equality of opportunity for people who share relevant protected characteristics and persons who do not share it, particularly in the case of disability and access for parents with buggies.

### **Human Rights**

- 877. It is unlawful for the City, as a public authority, to act in a way which is incompatible with a Convention right (being the rights set out in the European Convention on Human Rights ("ECHR")).
- 878. In the event that it is concluded that the benefits of the proposal do not outweigh any disbenefits, the grant of planning permission will result in interference with the right to private and family life (Article 8 of the ECHR) including by causing harm to the amenity of those living in nearby residential properties. It is the view of officers that, if it is considered that the balance should be struck in favour of granting planning permission, such interference is necessary in order to secure the benefits of the scheme and therefore necessary in the interests of

the economic well-being of the country, and proportionate.

### **CIL and Planning Obligations**

879. If the proposed development were to be granted it would require planning obligations to be secured in a Section 106 agreement to mitigate the impact of the development to make it acceptable in planning terms. The proposal would also result in payment of the Community Infrastructure Levy (CIL) to help fund the provision of infrastructure in the City of London.
880. These contributions would be in accordance with Supplementary Planning Documents (SPDs) adopted by the Mayor of London and the City.
881. From 1st April 2019 Mayoral CIL 2 (MCIL2) supersedes the Mayor of London's CIL and associated section 106 planning obligations charging schedule. This change removes the Mayor's planning obligations for Crossrail contributions. Therefore, the Mayor will be collecting funding for Crossrail 1 and Crossrail 2 under the provisions of the Community Infrastructure Levy regulations 2010 (as amended).
882. CIL contributions and City of London Planning obligations are set out below.

#### **MCIL2**

<b>Liability in accordance with the Mayor of London's policies</b>	<b>Contribution</b>	<b>Forwarded to the Mayor</b>	<b>City's charge for administration and monitoring</b>
<b>MCIL2 payable</b>	£345,950	£332,112	£13,838

#### **City CIL and S106 Planning Obligations**

<b>Liability in accordance with the City of London's policies</b>	<b>Contribution</b>	<b>Available for allocation</b>	<b>Retained for administration and monitoring</b>
<b>City CIL</b>	£191,400	£181,830	£9,570
<b><u>City Planning Obligations</u></b>			

<b>Affordable Housing</b>	£127,600	£126,324	£1,276
<b>Local, Training, Skills and Job Brokerage</b>	£76,560	£75,794	£766
<b>Carbon Reduction Shortfall (as designed)</b>	£2,717,675	£2,717,675	£0
<b>Section 278 Design and Evaluation</b>	£0	£0	£0
<b>S106 Monitoring Charge</b>	£4,000	£0	£4,000
<b>Total liability in accordance with the City of London's policies</b>	<b>£3,117,735</b>	<b>£3,151,623</b>	<b>£16,112</b>

#### City's Planning Obligations

883. The City would require the obligations set out below in accordance with the City's SPD if permission were to be granted. They would be deemed necessary to make the application acceptable in planning terms. They are considered directly related to the development and fairly and reasonably related in scale and kind to the development and meet the tests in the CIL Regulations and government policy.

- Heads of Terms:
- Highway Reparation and other Highways Obligations
- Local Procurement Strategy
- Local Training, Skills and Job Brokerage Strategy (Demolition; Construction and End Use)
- Delivery and Servicing Management Plan (including Consolidation)
- Travel Plan (including Cycling Promotion Plan)
- Carbon Offsetting
- Utility Connections
- Section 278 Agreement (TfL)
- City Walkway Works - Custom House Walk and Custom House Quay
- Declaration of City Walkway
- Visitor Management Plan
- Cultural Strategy and associated Cultural Plan to include:
  - Establishment of a Culture and Community Committee,

- Appointment of a Culture and Community Events Officer, and
  - Commitment to specific events (ie. Open House London Festival)?
  - Curation of cultural displays throughout the building
  - Curation of museum
  - Public tour areas
  - Provision of annual reports of cultural activities, tours and events
  - Heritage Partner
    - appointment of independent Heritage Partner
    - selection criteria for HP to be approved by CoL
    - final selection of HP to be agreed with CoL
    - funding arrangements for the HP
    - review and monitoring
  - Museum and Western Pavilion / Roof Terrace
    - Museum (456sqm)
    - Museum Management Plan
    - Lease agreement with heritage partner and independent operation of museum
    - Details of funding/rents/utilities
    - Western Pavilion and Roof Terrace
    - Secure the first come first served (with no bookable spaces) of the roof terrace for public core opening hours of museum
    - Out of core hours events and ability to keep the museum open at discretion of heritage partner
    - Advertisement and publicity of the museum
    - Outreach program to schools, communities etc
  - Long Room and Robing Room
    - Public Access
    - Tours and Capacity
    - Heritage Partner Events/Tours: use for an access to the Long Room and Robing Room for events and tours
    - Min number of school trips per year
    - Specification of Works
  - Public Realm (incl. Water lane, land adjacent to Old Billingsgate, and Quayside)
    - Public Access - 24/7 365 days per year
    - Quayside Events Management Plan
  - Lobby and Riverside Terraces
    - Public Access - 24/7 365 days per year (in line with the operational hours of the hotel)
884. The applicant has provided a draft Heads of Terms as part of their submission documents.
885. Officers are concerned that the draft Heads of Terms are not sufficient to secure the obligations deemed necessary to make the proposed development acceptable. As noted within relevant sections of the report there are significant concerns that key obligations are not fit for purpose. A copy of the draft Heads of Terms can be found appended to this report.

886. If permission were to be granted or appeal proceedings take place officers would seek to negotiate acceptable obligations within the Section 106 to secure relevant aspects of the proposal scheme.

#### Monitoring and Administrative Costs

887. A 10 year repayment period would be required whereby any unallocated sums would be returned to the developer 10 years after practical completion of the development. Some funds may be set aside for future maintenance purposes.
888. The applicant will pay the City of London's legal costs and the City Planning Officer's administration costs incurred in the negotiation, execution and monitoring of the legal agreement and strategies.

#### Site Specific Mitigation

889. The City will use CIL to mitigate the impact of development and provide the infrastructure necessary for the wider area. In some circumstances, it may be necessary additionally to seek site specific mitigation to ensure that a development is acceptable in planning terms. Other matters requiring mitigation are yet to be fully scoped.

#### **Assessment of Public benefits and the paragraph 202 NPPF balancing exercise**

890. Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
891. Wider public benefits should flow from development and could be anything that delivers economic, social or environmental outcomes as described in the NPPF. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
892. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, the more important the asset, the greater the weight. Paragraph 200 states that, any, harm to significance of a designated heritage asset, should require clear and convincing justification.
893. As the statutory duties imposed by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged, considerable importance and weight must be given to the desirability of preserving the special interest and setting of listed buildings, when carrying out the paragraph 202 NPPF balancing exercise. The more important the asset the greater the weight that should be given to the asset's conservation.

894. Less than substantial harm of different degrees has been identified to designated heritage assets and this is summarised below:

- Significant harm to the significance of the Grade I listed London Custom House, the result of cumulative harms to the interior, exterior and quay, overall resulting in harm, which is less than substantial, just above the middle of the spectrum.
- Modest harm to the significance of the Grade II\* listed Custom House River Wall, Stairs and Cranes, the result of alteration and undermining of setting, considered to be at the lower end of the less than substantial spectrum.
- Slight harm to the significance of the Grade I listed (and Scheduled Ancient Monument) Monument to the Great Fire ('The Monument'), the result of a diminishment in the contribution of setting, considered to be very much towards the lower end of the spectrum.
- Modest harm to the significance of the Grade I listed St Dunstan in the East, the result of a diminishment in the contribution of setting, considered to be at the lower end of the spectrum.
- Slight harm to the significance of the Grade I listed Church of All Hallows by the Tower, the result of a diminishment in the contribution of setting, considered to be very much towards the lower end of the spectrum.
- Modest harm to the significance of the Grade II listed Old Billingsgate, the result of a diminishment in the contribution of setting, considered to be towards the lower end of the spectrum.
- Modest harm to the significance of the Eastcheap Conservation Area, the result of a diminishment in the contribution of setting, considered to be towards the lower end of the spectrum.
- Slight harm to the significance of Tower Bridge, the result of a diminishment in the contribution of setting, considered to be very much towards the lower end of the spectrum.
- Slight harm to the significance of the Tower Bridge Conservation Area, the result of a diminishment in the contribution of setting, considered to be very much towards the lower end of the spectrum.
- Slight harm to the significance of the Tooley Street Conservation Area, the result of a diminishment in the contribution of setting, considered to be very much towards the lower end of the spectrum.

895. In this case, para 202 requires this harm should be weighed against those wider public benefits of the proposal. The PPG, para 020, recognises that public benefit should flow from the development, and that these need to be of a scale and nature of benefit to the wider public at large, and should not be a private benefit.

896. The following public benefits flow from the proposed development:

- Heritage benefits are the reuse of a listed building and direct enhancements including restorative works, in particular reinstating the Long Room lobby and the removal of modern alterations.
- The removal of the existing redundant security infrastructure and car park and the provision of public access to a significant new area (2800 sq.m.) of public realm on the Quayside and on land adjacent to Old Billingsgate Walk, creating a new riverside area of potential civic importance. The proposal would enable a hotel operator to use the Quayside for private events which could either partially or totally exclude members of the public throughout the year, diminishing the wider public benefit associated with the creation of this new area of public realm.
- Provision of a museum (Use class F1 (c) 422sqm, 1.86% of the total building) and associated café freely accessible to the public Tuesday-Sunday (excluding bank holidays) from 10-5pm and curated by a Heritage Partner, owned and managed by a hotel operator. To include once monthly tours of the hotel and the use of the Long Room for 24 timed slots per year for the Heritage Partner. This is to be secured through an appropriate s106 agreement.
- The curation of a Cultural Strategy and plan that would create a program of cultural events, the scope and implementation of which is to be agreed through a s106 agreement.
- Internal public realm comprising the Public Access Areas, allowing a form of public access to certain small areas of the interior which, alongside so some Public Displays Areas offering interpretive material, would allow the public an understanding and appreciation of heritage significance. The extent and nature of the public access will depend upon the detailed provisions of the s106 Agreement.
- The provision of a small publicly accessible (without compulsion to buy) hotel roof café/bar with ancillary viewing terrace with a dedicated access.
- The provision of publicly accessible bars, restaurants, spa/gym leisure facilities, and conference/event spaces.
- The provision of a hotel which would add to the City's expanding visitor accommodation infrastructure.
- Short stay cycling parking provision proposed Land Adjacent to Old Billingsgate and Water Lane, in excess of policy requirements, albeit tempered by potential access restrictions
- Planning obligation payments in accordance with the City of London's adopted SPD.

897. Officers consider that, giving considerable importance and weight to the desirability of preserving the listed buildings and their settings, the public benefits of the scheme, taken at their highest, are far outweighed by the less than substantial harm that the proposed development would cause to the significance of the designated heritage assets identified.



### **Compliance with Section 4 of the NPPF, Decision-Making**

898. Officers have approached decision making in a positive and creative way, working proactively with the Applicant from day one to secure a development which would optimise economic, social and environmental conditions, in accordance with paragraph 38 of the NPPF. Officer's attended varied meetings since 2018, always offering clear and consistent advice which was solution focused. Our first comprehensive letter of pre-application advice provided in 2018 set out all the principal planning matters which were still being resolved up until a non-determination appeal was made valid on the 25th September 2021.
899. Throughout the planning process progress was made and in that time heritage harm has gone from substantial to less than substantial, there have been urban design and accessibility improvements and sustainability has been properly addressed and improved. However, it is true that there was and remains long-standing disagreement on a range of planning matters, from land use principles to heritage and urban design, amongst other matters of detail. Officers have been clear and consistent in their advice and, even when that disagreement was becoming insurmountable, continued to work proactively with the applicant to mitigate impacts and find common ground.
900. Unfortunately, not long after finalising the process on establishing the basic land use viability baseline, the Applicant submitted to us very material new information on public realm closures and potential management without sufficient information on which Officers could make informed decisions. Regrettably, an appeal against non-determination was received while the Council undertook a further round of public consultation on a scheme which has drawn much public interest. Since that point, despite our best efforts, the Applicant shut down communication with CoL Officers, which has resulted in additional reasons for refusal, which we hoped could have been addressed. Unfortunately, we regretfully recommend the application for refusal.

### **Conclusion**

901. The proposal has been assessed in accordance with the relevant statutory duties and having regard to the Development Plan and other relevant policies and guidance, SPDs and SPGs and relevant advice including the NPPF, and the emerging Local Plan and considering all other material considerations.

### **The Development Plan**

902. The London Custom House is one of the last great historic Thames-side institutions to come forward for re-use. It is a once in a generation opportunity to build upon the UK's and London's great tradition of providing public destinations along the River Thames which are at the heart of the national cultural debate, such as Somerset House, the Southbank Centre or the Royal Festival Hall. It is a rare occasion for

a seminal and defining London and British building to come forward for a new future and will set the standard for the City's post-Covid ambitions to 'Level Up' and deliver 'Good Growth', in accordance with national and local policy to 'Build Back Better', in particular how these relate to heritage. It will set the standard for the regeneration of the remainder of the Pool of London 'Key Area of Change'. It is a heritage asset of the highest order, of national, even international significance, once at the heart of the world's largest trading port, capturing the imagination of the public and visitors alike, the origin of London as a global 'World City', and a symbol of Britain as a global trading power, 'Global Britain Plc'. It has a resonance today like at no other time and its conservation, enhancement and celebration should capture the spirit of the time.

#### Change of Use

903. Viability information has been submitted in support for the loss of the current office floor space, which is considered acceptable in this instance and would accord with Local Plan Policy DM1.1.
904. The site is within the CAZ and the principle of a hotel use could be supported in this location.
905. The proposed development will not ensure the continuing beneficial use of a Listed Building and therefore conflicts with Policy DM11.3 and emerging Policy CV3 of the Draft City Plan.
906. Officers therefore consider that based on the information set out within the application material there is insufficient information to demonstrate that the proposal would not result in adverse impacts to neighbouring amenity which would be contrary to part of Policy DM11.3 and emerging Policy CV3 of the Draft City Plan.
907. Officers consider that based on the information set out within the application material there is insufficient information to demonstrate that the proposal would provide satisfactory arrangements for service and delivery vehicles associated with the hotel use and the Quayside events which would be contrary to part of Policy DM11.3 and emerging Policy CV3 of the Draft City Plan.
908. Whilst some parts of Policy DM11.3 and draft Policy CV3 are satisfied other parts are not. All parts of these policies are required to be satisfied in order for a proposal to comply with them. Officers consider that the proposal would not ensure the continued beneficial use for a historic building. That is because the proposals, in large part driven by the hotel proposal, would result in a significantly diminished heritage asset, and one of the highest order. It is also because, Officers consider, that non-inclusive form of development would not attract a wider audience or demographic to appreciate or understand the heritage significance.
909. Officers consider that it has not been demonstrated that the proposal would conserve the amenity of existing neighbouring occupiers or provide satisfactory or safe arrangements for servicing vehicles.

Therefore, the proposed development for a new hotel in this location would not accord with Local Plan Policy DM11.3 or draft City Plan Policy CV3.

#### Other Land Uses

910. In principle the creation of 1,474m<sup>2</sup> (GIA) of independent flexible ground floor and roof level retail/restaurant/bar floorspace and public viewing terrace (Classes E & Sui Generis (Drinking Establishment)) and lower ground floor leisure facilities (Class E) is considered to be acceptable. However, it is considered that the retail offer would not be likely to result in effective activation of frontages or enhancement at street level as a consequence of the limited general public use of the spaces or access to the building. The proposed development would be likely to be perceived as a hotel for use by hotel guests, and this would be further enforced when large areas of the Quayside are closed for private events. It is considered that the scheme would not significantly contribute to creating active frontages and vibrancy in this area. It is clear that the public benefit associated with the provision of additional uses as part of the hotel scheme are limited as they would not likely result in genuine, inclusive publicly accessible spaces.
911. The provision of a museum is welcomed and accords with the policies of the Development Plan. To ensure the museum is delivered as a genuine public benefit a robust legal agreement would need to be agreed to ensure the appointment of an independent Heritage Partner to curate and manage the museum as an independent function from the hotel. Officers are concerned that the location of the museum in the northwest corner of the building is divorced from the river and Quayside, and from other historical areas of the building. If a robust legal agreement is not agreed officers are concerned that the potential for the curation and management of the museum could to be at the ultimate discretion of the hotel which would result in an extension of the hotel functionality, rather than a genuine public space and asset.

#### Pool of London

912. Officers consider that the scheme does not respond to, and build upon, its key riverside location. Falling within a Key Area of Change, the Pool of London, the scheme should seek to capitalise on the City's unique riverside location, including for recreation, development should protect (and enhance) wider public access and river views and improve vibrancy by encouraging a mix of appropriate commercial uses, expanding this to recognise the benefit of providing cultural uses. Officers consider that the scheme would not provide a genuinely publicly accessible and inclusive scheme that would bring vibrancy to the riverside. The proposal would not conserve or enhance a significant Grade I listed building and it has not been demonstrated that it would provide a credible cultural use, with a wider public remit, that would engage with a diverse audience to assist in the appreciation and understanding of the area. It is therefore considered contrary to Policy CS9, emerging Policies S17 and S19 of the draft City Plan, the Riverside Walkway Enhancement Strategy and the Mayor of London's

### Heritage

913. The proposal would cause, in the language of the NPPF 'less than substantial' harm to the significance of important heritage assets, including The Custom House. As the statutory duties imposed by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged, considerable importance and weight must be given to the desirability of preserving the special interest and setting of listed buildings, when carrying out the paragraph 202 NPPF balancing exercise. The general duty applies with particular force if harm would be caused, as in this case, to the setting or significance of a Grade I listed building. The more important the asset the greater the weight that should be given to the asset's conservation. The effect of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to create a statutory presumption against granting planning permission for development which fails to preserve a listed building or its setting. The presumption, which is not irrebuttable, is engaged in this case. On the basis of the analysis set out above, it is not considered that the statutory presumption has been rebutted.
914. The proposal would not safeguard the London Custom House and the River Wall, Stairs and Cranes as Grade I and II\* listed buildings, failing to preserve or enhance their significance. As a result of development within their setting, the proposal would fail to safeguard the settings of the Monument (grade I and scheduled ancient monument), Old Billingsgate (grade II), St Dunstan in the East (grade I), All Hallows by the Tower (grade I) and the Eastcheap, Tower Bridge and Tooley Street Conservation Areas. The degree of less than substantial harm caused to the significance of these assets is considered to fall lower on the spectrum than the harm to The Custom House, albeit to heritage assets of high to outstanding national interest.
915. As harm is caused to the significance of designated heritage assets, the proposal fails to conserve or enhance the significance of designated heritage assets and their settings, while failing to safeguard the listed buildings, contrary to Local Plan Strategic Policy CS 12(1) and DM 12.1(1;4). It would conflict with Local Plan Policy DM 12.3 (Listed Buildings), which allows for change of use or alteration, *only*, where this would not detract from special interest/significance, character or setting – the proposal would fail in relation to both the change of use and the alterations proposed. Failing to conserve significance is also contrary to London Plan Policy HC1 (Heritage Conservation and Growth). The proposal would also run contrary to City Plan 2036 Strategic Policy S11(1;2) (Historic Environment) and HE1(1;2) (Managing Change to Heritage Assets).

### Strategic Views

916. The proposal would conflict with policies and guidance protecting the contribution of strategic views to the core character and identity of the Square Mile and London. Here the proposals at roof level would fail to

protect and enhance significant local views of and from the Monument, drawing some conflict with Local Plan Strategic Policy CS13(2), emerging City Plan Policy S13(bullet 2) and guidance in the Protected Views SPD. That slight harm caused to Tower Bridge, All Hallows by the Tower and St Dunstan in the East (through development within their setting) would draw some further conflict by failing to protect and enhance these identified City Landmarks and Skyline Features.

917. The harm identified relates to a seminal London heritage asset, which is a prominent contributing key element/feature to the characteristics of LVMF strategic River Prospects from Tower Bridge (10A.1) and London Bridge (11.B1-2) and the Townscape View from Queen's Walk by City Hall (25A.1-3). It would result in development which is intrusive, harming the characteristics of the Views, in conflict with Local Plan Policy CS 13(1), City Plan Policy S13 and London Plan Policy HC 4.
918. Overall, it is considered the proposal would be contrary to Local Plan Policy CS 13 (City Plan Policy S13) and London Plan Policy HC4, and guidance contained in the Protected Views SPD and LVMF SPG, for the harm the proposal would cause to strategic views of the City and London.

#### Design and Public Realm

919. The architecture by virtue of the proposed height, bulk and detailed design, would not promote a high standard of design and would therefore conflict with Local Plan Policies CS10 and DM 10.1, the NPPF and associated guidance in the National Design Guide.
920. The scheme proposes a significant new public open space in a highly accessible, south facing, riverside location. However, the development proposal would allow the hotel operator to close all or part of the Quayside for managed events for a significant amount of time over the course of each year.
921. Therefore, the proposed development would not result in inclusive access (as a result of closure wholly and partly for events on the Quayside) and would limit the internal public permeability of the whole building, which in turn would limit the interpretation and enjoyment of this seminal heritage asset.
922. The management of the spaces, curtailed pedestrian movement through the building and across the Quayside, along with the detailed curation, design and look-and-feel of the internal and external public realm, including the interface created between these would result in a non-inclusive form of public realm. The vibrancy and animation of the riverside for public use due to the limited active frontages and restricted publicly accessible open space would fail to deliver a fairer, more equitable and inclusive place which is welcoming to all communities and therefore conflicts with the spatial aspirations of Core Strategic Policy CS9 and the Pool of London Key Area of change Policy S19 and guidance in the Riverside Enhancement Strategy, City Public Realm SPD, the Mayor's draft Public London Charter and 'Expanding

London's Public Realm' document.

923. The restricted opportunities for members of the public to access the Long Room and the disconnected location of the Museum from the rest of the building, the river and the Quayside fails to fully achieve the aims of adopted and draft development plan policy which seeks improved public access to heritage assets and enhanced interpretation of the City's heritage and the consideration that should be given, when dealing with historic buildings, to inclusive design enabling as many people as possible, across a broad and diverse spectrum, to access and enjoy the historic environment.
924. In conclusion, the proposal would result in a non-inclusive form of development, the result of the proposed management, curation, use, layout/disposition, appearance and inactive frontage, which would not deliver a successful public realm for all and so would not constitute Good Growth, contrary to Local Plan Policies CS 10, DM 10.1, DM 10.3, DM 10.8, CS 19, DM 19.1, London Plan Policies D3, D5 and D8, policies of the NPPF and the National Design Guide, emerging City Plan Policies S1, S8, S17, S19, OS1, in particular when seen through the 'lens' of the Good Growth objectives, GG1-GG6, including guidance in the Mayor's Public London Charter, Expanding London's Public Realm and Making London Child-Friendly. Officers consider it would fail to deliver an overall positive contribution to the City or London.

#### Inclusive access

925. The proposed internal layout of the building and management of the wider public realm would not provide suitable and accessible facilities for hotel guests, customers to the ancillary retail uses or to members of the public who are able to access the building. The external areas of public realm would result in reduction of public footpath widths and pinch points, and it has not been demonstrated how this would impact on Pedestrian Comfort Levels (PCLs) and accessibility issues in general.
926. The proposal would not comprise the highest standard of accessible inclusive design, failing to meet the access needs of all of the City's communities, including the particular needs of disabled people. The development proposal would therefore be contrary to Local Plan Policies CS10, DM 10.1, DM10.8 and CS16, draft and City Plan Policies S1 and HL1, London Plan Policy D5 and policies contained in the NPPF.

#### Sustainability and Urban Greening

927. An appropriate degree of climate change mitigation would be achieved. The sustainability strategy overall meets London Plan policies as well as Local Plan policies, and the development is on track to achieve an "excellent" BREEAM assessment rating.
928. The proposal would fall very short of the minimum Urban Greening Factor and, accounting for the evident site constraints, has not

demonstrated or justified that it has delivered the highest feasible amount of essential green infrastructure as a fundamental element of building and site design. This is contrary to London Plan Policy G5 and emerging City Plan Policy OS2 (City Greening).

### Highways and Transport

929. Overall the proposals are compliant with London Plan Policy T1 and D11, the Local Plan 2015 policy DM3.2 and DM11.3, and the draft City Plan 2036 policies, S2, and SA3 as outlined above.
930. Whilst the development proposal would be in line with a number of transportation and highway policies within the Development Plan, Officers consider that due to insufficient information being provided as part of this submission, it is not demonstrated that the development would provide adequate and safe servicing, acceptable PCLs, and unfettered access to cycle and blue badge parking and would therefore be contrary to London Plan Policies T4(E), T5, T6, T6.4, and T7, the Local Plan 2015 Policy 16.3, 16.5, the draft City Plan 2036 Policies AT1, AT2, AT3, VT2 and VT3, the Mayor's draft Public London Charter, and the City of London Transport Strategy Proposal 38.

### Residential Amenity

931. It has not been demonstrated that the proposed development would not cause undue harm to the amenity of neighbouring occupants. Insufficient information has been provided in support of the proposal to allow Officers to assess the impact of the development in relation to noise and overlooking. As it cannot be demonstrated that there would not be harm to residential amenity, the proposed development would be contrary to Local Plan Policies CS10, CS11, DM11.3, DM15.7, DM21.3 and draft City Plan Policies HL3, HS3, CV3, S23, S24, and SB1, and London Plan Policies D3, D6, D13, D14.
932. When considered as a whole the proposed development does not accord with the Development Plan.

### **Other Material Considerations**

933. It is considered the proposed development would provide a new hotel within the City of London which would contribute to the economic prosperity of London. However, the proposal is not considered to support strong, vibrant or healthy communities by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. Furthermore, officers do not consider that the scheme would protect and enhance the built and historic environment.
934. It is considered the scheme would not represent sustainable development that is socially, economically and environmentally in

accordance with the NPPF.

935. The proposal would not conserve an irreplaceable resource in a manner appropriate to its significance, contrary to paragraph 189 of the NPPF. In accordance with paragraph 199 of the NPPF great weight should be given to the conservation of the asset, the greatest of weight, given that it is a Grade I Listed Building, a designated heritage asset of the highest order. In terms of the combined impact on the Custom House (and Quay) and the River Wall, Stairs and Cranes and the failure to preserve the contribution setting makes to the significance of a number of other designated heritage assets, then very considerable weight is attached which far outweighs the wider public benefit. It follows, then, that there is no material consideration to override the indication given by the Development Plan.
936. It is considered that the proposed development would not be in compliance with the NPPF when considered in its entirety.
937. The proposed development is not considered to accord with the emerging Draft City Plan 2036.
938. As set out in the section above it is considered that the public benefits are not sufficient to outweigh the less than substantial harm to the significance of designated heritage assets. Therefore, as the development does not accord with the Development Plan, and other material considerations also indicate that planning permission should be refused, the proposal is unacceptable and refusal of this application is, regrettably, recommended.

#### Overall Conclusions

939. The proposed scheme would cause harm to the significance of a character-defining Grade I listed heritage asset. It would cause some lesser harm to the significance of other heritage assets of high to outstanding significance. That same impact would harm strategic local City of London and pan-London views. In large part also for this reason, it would not constitute good design. It would not provide the highest level of accessible design for all the City's communities. It can't be demonstrated that the proposal would deliver on the City's and London's strategic sustainable transportation strategies or the 'Healthy Streets' approach, which prioritise pedestrians and active travel in a convenient, comfortable and safe manner. The proposal is not in accordance with the Development Plan when read as a whole, and there are no material considerations to indicate that the decision should be made otherwise than in accordance with the plan.
940. Overall, the proposal would fail to respect the City's past, while undermining its future, and it is not considered the proposal would make an overall positive contribution to London.
941. When taking all matters into consideration it is recommended that planning permission be refused.



## **Conclusion on Listed Building Consent**

942. The proposals have been assessed against Local Plan Policies CS 12, DM 12.1, and DM 12.3, draft City Plan 2036 policies S11 and HE1, London Plan Policy HC1 and the relevant NPPF paragraphs 199-208. There has also been special regard to the desirability of preserving Custom House and the River Wall, Stairs and Cranes including their setting and any features of special architectural or historic interest which they possesses, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
943. The proposed change of use to hotel is not considered appropriate in this instance as it would result in significant conflict with the conservation of the asset.
944. Overall, the proposal would not comply with Local Plan Policies CS12, DM 12.1 and DM 12.3 (1), draft City Plan 2036 policies S11 and HE1 (2, 3, 4 and 5), and London Plan Policy HC1 (A, B, D and E).
945. Therefore it is recommended that Listed Building Consent be refused.

## **Reasons for Refusal**

### **946. Planning Application Reasons for Refusal**

1. The proposed development would not ensure the continued beneficial use for a historic building. It has not been demonstrated that the proposal would conserve the amenity of existing neighbouring occupiers due to noise and overlooking or provide satisfactory or safe arrangements for servicing vehicles. The proposed development for the change of use of the existing building to a hotel (Use Class C1) would therefore not accord with, Local Plan Policy, CS10, CS11, DM3.5, DM11.3, DM15.7, DM21.3 and draft City Plan Policies HL3, HS3, CV3, DE5, S23, S24, and SB1, and London Plan Policies D3, D6, D13, D14.

## **Heritage**

2. The proposed development would fail to preserve the special architectural and historic interest and setting of the London Custom House (Grade I) and the River Wall, Stairs and Cranes (Grade II\*), causing less than substantial harm to their heritage significance the result of direct and in-direct impacts on setting, resulting from external and internal alterations, extensions, loss and de-contextualisation of historic fabric, plan form and character. The harm would not be outweighed by public benefits. The proposal is not in accordance with policies: London Plan Policy HC1; Local Plan Policies CS 12, DM 12.1, DM 12.3; HE1; Draft City Plan Policies S11 and HE1 and the NPPF.
3. The proposed development would fail to preserve the settings of Old Billingsgate (grade II), St Dunstan in the East Ruin (Grade I) and by association its Walls, Gates and Railings to the Churchyard (Grade II),

the Monument to the Great Fire (Grade I and Scheduled Ancient Monument), All Hallows by the Tower (Grade I), Tower Bridge (Grade I), the Eastcheap Conservation Area, the Tower Bridge Conservation Area and the Tooley Street Conservation Area, causing harm to their heritage significance and an appreciation of it by way of contribution made by elements of setting.

The harm would not be outweighed by public benefits. The development would not be in accordance with Local Plan Policies: CS 12, DM 12.1, DM 12.3; London Plan Policy HC1; City Plan Policies XX; and policies and guidance contained in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPG).

## **Design**

4. The proposed development would not comprise a high standard of design as a result of its architecture, in particular the roof extensions, which by virtue of their siting, height, massing, appearance and detailed design, by day and night, would fail to be visually integrated into the overall design of the building when seen from street and higher level view, which would not be sympathetic and contextual to character or history, adversely affecting the character and appearance of the host building, contrary to Local Plan Policies CS 10, DM 10.1, Emerging City Plan Policies and the NPPF and National Design Guide.

## **Strategic Views (London):**

5. The proposed development would comprise an intrusive form of development causing harm to the characteristics of London View Management Framework (LVMF) designated River Prospects from London Bridge (11B.1-2) and Tower Bridge (10A.1) including impact on the setting of the Monument as a landmark element and the Townscape View from the Queen's Walk at City Hall (25A.1-3). The development is not in accordance with Local Plan Policies: Local Plan CS 13(1); London Plan HC4; City Plan S13 and guidance contained in the LVMF SPG.

## **Strategic Views (Local):**

6. By virtue of the height, bulk, massing and appearance of the roof extensions, associated terraces and alterations to roof level, the proposal would fail to protect and enhance significant local views of and from the Monument, and would fail to protect and enhance views of identified historic city landmarks and skyline features, namely Tower Bridge, St Dunstan in the East and All Hallows by the Tower. The development is not in accordance with Local Plan Policies: Local Plan CS 13(2); City Plan Policy S13 and guidance in the Protected Views SPD.

## **Public Realm**

7. The proposed development would not result inclusive access by closure wholly and partly for events on the Quayside and limited internal public permeability which would limit the interpretation and enjoyment of a seminal heritage asset. The management, pedestrian movement, curation, detailed design and look-and-feel of the internal and external public realm, including the interface created between these would result in a non-inclusive form of public realm. The vibrancy or animation of the riverside for public use with limited active frontages and restricted publicly accessible open space would fail to deliver a fairer, more equitable and inclusive place which is welcoming to all communities whilst conflicting with the spatial aspirations of the emerging Pool of London Key Area of change. The proposal would not be in accordance with Local Plan Policies CS9, CS10, CS19, DM10.4 the overarching good growth objectives in the London Plan, London Plan policies D5, D8, S4, SI14 and SI16, Draft City Plan S17, S19, DE3, S14, OS1, CV2, HL1, the aspirations of the Riverside Walkway Enhancement Strategy SPD 2015, Mayor's Public Charter.

### **Accessible Design**

8. It has not been demonstrated that the proposed development would provide highest standard of accessible design including disabled access provisions or facilities both within the hotel development and externally within the Quayside area or adjacent areas of Public Highway. The development would not meet the highest standard of accessibility and inclusive design and would not be in accordance with Local Plan policies CS10, DM10.1, DM10.5 and DM10.8, policies D5 and E10 of the London Plan or policies S1 and S8 of the draft City Plan.

### **Highways**

9. The lay-by would result in the width of the pavement being reduced on Lower Thames Street therefore not promoting active travel by walking and diminish pedestrian comfort levels (PCL). The development would therefore not accord with Local Plan Policy DM16.1, DM16.2, emerging City Plan Policies AT1 and AT2, London Plan Policies T1 and T2, The Mayor's Transport Strategy and the City of London Transport Strategy.
10. In the absence of a scheme for offsite consolidation it has not been demonstrated that the development would facilitate safe, and efficient deliveries and servicing of the site, including adequate safety and servicing of the Quayside for events. The proposed would therefore not accord with Local Plan Policies DM16.1 and DM16.5, London Plan Policy T7 or emerging City Plan Policy VT2.
11. It has not been demonstrated that the proposed development would not have a detrimental impact on Pedestrian Comfort Levels as a result of

the change of use of the site and the potential for increased capacity. The applicant has failed to demonstrate that the closure of the quayside would not create unacceptable Pedestrian Comfort Levels and would therefore not be in accordance with London Plan Policy T4 or TfL Pedestrian Comfort Guidance for London 2019.

## 106

12. The applicant has failed to enter into an appropriate legal agreement to secure the provision of appropriate site specific mitigation including; Highway Reparation and other Highways Obligations; Local Procurement Strategy; Local Training, Skills and Job Brokerage Strategy (Demolition; Construction and End Use); Delivery and Servicing Management Plan (including Consolidation); Travel Plan (including Cycling Promotion Plan); Section 278 Agreement (CoL); Section 278 Agreement (TfL); Declaration of City Walkway; Visitor Management Plan; Cultural Strategy and associated Cultural Plan (including Cultural officer, Cultural Committee and Heritage Partner); Public Access Management Plan; and Quayside Events Management Plan and Planning Obligations in relation to Affordable Housing; Local Training, Skills and Job Brokerage; Carbon Reduction Shortfall; Section 278 Design and Evaluation; and S106 Monitoring Charge. The development therefore conflicts with Policy CS4 and the City's Planning Obligations SPD.

### 947. Listed Building Consent Reasons for Refusal

1. The proposed development would fail to preserve, causing extensive moderate less than substantial harm to the exceptional special architectural and historic interest of the grade I London Custom House, a visually prominent historic building within the Pool of London. This level of less than substantial harm would not be outweighed by the public benefits. This harm would result from external and internal alterations, extensions, adaptation and concealment to areas of very high, high and moderate heritage significance: eroding the Custom House architectural composition; eroding the historic floor plan; irreversibly removing historic fabric. These proposals would be contrary to policies: London Plan Policy HC1; Local Plan Policies CS 12, DM 12.1, DM 12.3; Draft City Plan Policies S11 and HE1 and the NPPF.

## **Appendix A**

### Background Papers

21.09.2020 Steven Tabbitt  
22.09.2020 Charles Horne  
23.09.2020 Spencer Scher  
29.09.2020 Karren Mair  
29.09.2020 Luis Oganés  
29.09.2020 Edward Worthy  
09.10.2020 Edward Worthy  
12.10.2020 Mr Lee Saywack  
12.10.2020 Matthew Thurston  
13.10.2020 David & Karen Collins  
14.10.2020 Elliott Giles  
14.10.2020 Inga Johal  
14.10.2020 James Barrett  
15.10.2020 Joel Watkins  
15.10.2020 Viki Fox - LAMAS  
16.10.2020 Bruce Mann  
22.10.2020 Natasha Curran  
01.11.2020 Peter Guillery  
09.01.2021 Sue Smith  
13.01.2021 Philip Roy  
02.02.2021 Jennifer M. Freeman  
04.02.2021 Eric Reynolds  
14.02.2021 Graham Taylor  
14.02.2021 Don & Lizebeth Burch  
14.02.2021 Peter Hilliard  
14.02.2021 Pauline Robertson  
14.02.2021 David Trillo  
14.02.2021 Andrew Shields  
14.02.2021 Elizabeth Gaskill  
14.02.2021 Elizabeth Gaskill  
14.02.2021 Josephine Eglin  
14.02.2021 Melissa Delano  
14.02.2021 John Kent  
14.02.2021 Ruth Fleming  
14.02.2021 Alison Homewood  
14.02.2021 Caroline Murray  
14.02.2021 Colin Eastaugh  
14.02.2021 Richard Wiseman  
14.02.2021 Glenn Leeder  
14.02.2021 Helena Smith  
14.02.2021 Dr Jackie Randall  
14.02.2021 Jamie Surman

14.02.2021 Lynda Bailey  
14.02.2021 Patricia Kelly  
14.02.2021 Peter Smith  
14.02.2021 Shirley Collier  
14.02.2021 Simon Ward  
14.02.2021 Steven Clarke  
14.02.2021 Vicky Stewart  
15.02.2021 Deborah Merrett  
15.02.2021 Mary Peskett Smith  
15.02.2021 Mary Peskett Smith  
15.02.2021 Jill Wilson  
15.02.2021 Charles Rumbles  
16.02.2021 Ann North  
16.02.2021 Jon Petre  
16.02.2021 Jennifer Newbold  
16.02.2021 Merlin Waterson  
16.02.2021 Susan Mayer  
17.02.2021 Alun Watkins  
17.02.2021 Joan Dawson  
17.02.2021 Patricia Wilkey  
17.02.2021 James Emerson  
18.02.2021 Julian Kirkby  
18.02.2021 Michael Hahn  
18.02.2021 Richard Kirker  
18.02.2021 Ruth Hope  
18.02.2021 Stephanie Lawrence  
04.03.2021 Catherine Hopkin  
22.03.2021 Davitt Jones Bould  
06.04.2021 Joanne Greene  
26.07.2021 Jason Zeloof  
31.07.2021 Martin Dubbey  
02.08.2021 Davitt Jones Bould  
13.08.2021 Pat Goldrick  
12.10.2020 Ros And Pat Goldrick

## **Development Plan Policies**

### London Plan Policies

Policy SD4 The Central Activities Zone (CAZ)

Policy SD5 Offices, and other strategic functions and residential development in the CAZ

Policy D4 Delivering Good Design

Policy D5 Inclusive Design

Policy D8 Public realm

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

Policy S4 Play and informal education

Policy S6 Public toilets

Policy E2 Providing suitable business space

Policy E10 Visitor infrastructure

Policy E11 Skills and opportunities for all

Policy HC1 Heritage conservation and growth

Policy HC3 Strategic and Local Views

Policy HC4 London View Management Framework

Policy HC5 Supporting London's culture and creative industries

Policy HC6 Supporting the night-time economy

Policy G5 Urban Greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

Policy SI1 Improving air quality

Policy SI2 Minimising greenhouse gas emissions

Policy SI5 Water Infrastructure

Policy SI7 Reducing waste and supporting the circular economy

Policy SI 8 Waste capacity and net waste self-sufficiency

Policy SI12 Flood risk management

Policy SL13 Sustainable drainage  
Policy SI14 Waterways – strategic role  
Policy SI16 Waterways – use and enjoyment  
Policy SI 17 Protecting and enhancing London's waterways  
Policy T2 Healthy Streets  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car Parking  
Policy T6.4 Hotel and leisure uses parking  
Policy T7 Deliveries, servicing and construction

#### Relevant Local Plan Policies

#### ***CS1 Provide additional offices***

To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international financial and business centre.

#### ***DM1.1 Protection of office accommodation***

To refuse the loss of existing (B1) office accommodation to other uses where the building or its site is considered to be suitable for long-term viable office use and there are strong economic reasons why the loss would be inappropriate. Losses would be inappropriate for any of the following reasons:

- a) prejudicing the primary business function of the City;
- b) jeopardising the future assembly and delivery of large office development sites;
- c) removing existing stock for which there is demand in the office market or long term viable need;
- d) introducing uses that adversely affect the existing beneficial mix of commercial uses.

#### ***DM1.2 Protection of large office sites***

To promote the assembly and development of sites for large office schemes in appropriate locations. The City Corporation will:



- a) assist developers in identifying large sites where large floorplate buildings may be appropriate;
- b) invoke compulsory purchase powers, where appropriate and necessary, to assemble large sites;
- c) ensure that where large sites are developed with smaller buildings, the design and mix of uses provides flexibility for potential future site re-amalgamation;
- d) resist development and land uses in and around potential large sites that would jeopardise their future assembly, development and operation, unless there is no realistic prospect of the site coming forward for redevelopment during the Plan period.

### ***DM1.5 Mixed uses in commercial areas***

To encourage a mix of commercial uses within office developments which contribute to the City's economy and character and provide support services for its businesses, workers and residents.

### ***CS2 Facilitate utilities infrastructure***

To co-ordinate and facilitate infrastructure planning and delivery to ensure that the functioning and growth of the City's business, resident, student and visitor communities is not limited by provision of utilities and telecommunications infrastructure.

### ***DM2.1 Infrastructure provision***

- 1) Developers will be required to demonstrate, in conjunction with utility providers, that there will be adequate utility infrastructure capacity, both on and off the site, to serve the development during construction and operation. Development should not lead to capacity or reliability problems in the surrounding area. Capacity projections must take account of climate change impacts which may influence future infrastructure demand.
- 2) Utility infrastructure and connections must be designed into and integrated with the development wherever possible. As a minimum, developers should identify and plan for:
  - a) electricity supply to serve the construction phase and the intended use for the site, and identify, in conjunction with electricity providers, Temporary Building Supply (TBS) for the construction phase and the estimated load capacity of the building and the substations and routes for supply;
  - b) reasonable gas and water supply considering the need to conserve natural resources;
  - c) heating and cooling demand and the viability of its provision via decentralised energy (DE) networks. Designs must incorporate access to existing DE networks where feasible and viable;

d) telecommunications network demand, including wired and wireless infrastructure, planning for dual entry provision, where possible, through communal entry chambers and flexibility to address future technological improvements;

e) separate surface water and foul drainage requirements within the proposed building or site, including provision of Sustainable Drainage Systems (SuDS), rainwater harvesting and grey-water recycling, minimising discharge to the combined sewer network.

3) In planning for utility infrastructure developers and utility providers must provide entry and connection points within the development which relate to the City's established utility infrastructure networks, utilising pipe subway routes wherever feasible. Sharing of routes with other nearby developments and the provision of new pipe subway facilities adjacent to buildings will be encouraged.

4) Infrastructure provision must be completed prior to occupation of the development. Where potential capacity problems are identified and no improvements are programmed by the utility company, the City Corporation will require the developer to facilitate appropriate improvements, which may require the provision of space within new developments for on-site infrastructure or off-site infrastructure upgrades.

### ***CS3 Ensure security from crime/terrorism***

To ensure that the City is secure from crime, disorder and terrorism, has safety systems of transport and is designed and managed to satisfactorily accommodate large numbers of people, thereby increasing public and corporate confidence in the City's role as the world's leading international financial and business centre.

#### ***DM3.1 Self-containment in mixed uses***

Where feasible, proposals for mixed use developments must provide independent primary and secondary access points, ensuring that the proposed uses are separate and self-contained.

#### ***DM3.2 Security measures***

To ensure that security measures are included in new developments, applied to existing buildings and their curtilage, by requiring:

a) building-related security measures, including those related to the servicing of the building, to be located within the development's boundaries;

b) measures to be integrated with those of adjacent buildings and the public realm;

- c) that security is considered at the concept design or early developed design phases of all development proposals to avoid the need to retro-fit measures that impact on the public realm;
- d) developers to seek recommendations from the City of London Police Architectural Liaison Officer at the design stage. New development should meet Secured by Design principles;
- e) the provision of service management plans for all large development, demonstrating that vehicles seeking access to the building can do so without waiting on the public highway;
- f) an assessment of the environmental impact of security measures, particularly addressing visual impact and impact on pedestrian flows.

### ***DM3.3 Crowded places***

On all major developments, applicants will be required to satisfy principles and standards that address the issues of crowded places and counter-terrorism, by:

- a) conducting a full risk assessment;
- b) keeping access points to the development to a minimum;
- c) ensuring that public realm and pedestrian permeability associated with a building or site is not adversely impacted, and that design considers the application of Hostile Vehicle Mitigation measures at an early stage;
- d) ensuring early consultation with the City of London Police on risk mitigation measures;
- e) providing necessary measures that relate to the appropriate level of crowding in a site, place or wider area.

### ***CS9 Thames and the Riverside***

To ensure that the City capitalises on its unique riverside location, sustaining the river's functional uses in transport, navigation and recreation, whilst minimising risks to the City's communities from flooding, by:

1. Designating the Thames Policy Area and preparing and keeping under review an area appraisal which identifies the attributes of the area and gives guidance on development within this area.

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:

- (i) protecting public access and river views along the riverside walk and securing completion of the riverside walk at Queenhithe;
- (ii) improving access to the river and riverside walk from the rest of the City and the Thames bridges;

- (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;
  - (iv) improving opportunities for biodiversity, in line with the City of London Habitat Action Plan for the Thames foreshore.
- 2. Supporting and safeguarding sites for the construction of the Thames Tideway Tunnel, including connection of the Fleet combined sewer outflow, resulting in reduced storm water discharges into the River Thames and improved water quality.
- 4. Promoting the functional uses of the River Thames and its environs for transport, navigation and recreation, particularly through:
  - (i) retaining Walbrook Wharf for waterborne freight traffic;
  - (ii) encouraging the use of the River Thames for the transport of construction and deconstruction materials and waste;
  - (iii) retaining Blackfriars Pier, and access to Tower Pier, and encouraging the reinstatement of Swan Lane Pier and the use of these facilities for river transport. Applications to remove these facilities will be refused unless suitable replacement facilities of an equivalent or higher standard are provided;
  - (iv) maintaining London Bridge, Tower Bridge, Blackfriars Bridge, Southwark Bridge and the Millennium Bridge;
  - (v) refusing development on or over the River, except for structures which specifically require a waterside location for river-related uses;
  - (vi) resisting the permanent mooring of vessels; if moored vessels are exceptionally permitted they must be of national importance, have a special connection with the City and the River Thames, be used for a river related purpose and not have a detrimental impact on navigation, river regime or environment;
  - (vii) maintaining access points to the River Thames foreshore, from both land and water, for public or private use as appropriate, subject to health and safety and environmental safeguards.

### ***CS10 Promote high quality environment***

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

### ***DM10.1 New development***

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

### ***DM10.2 Design of green roofs and walls***

- 1) To encourage the installation of green roofs on all appropriate developments. On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and their design should aim to maximise the roof's environmental benefits, including biodiversity, run-off attenuation and building insulation.
- 2) To encourage the installation of green walls in appropriate locations, and to ensure that they are satisfactorily maintained.

### ***DM10.3 Roof gardens and terraces***

- 1) To encourage high quality roof gardens and terraces where they do not:
  - a) immediately overlook residential premises;
  - b) adversely affect rooflines or roof profiles;
  - c) result in the loss of historic or locally distinctive roof forms, features or coverings;
  - d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

### ***DM10.4 Environmental enhancement***

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces. Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City;
- f) sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i) the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j) the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

### ***DM10.7 Daylight and sunlight***

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to

unacceptable levels, taking account of the Building Research Establishment's guidelines.

- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

#### ***DM10.8 Access and inclusive design***

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for of all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

#### ***CS11 Encourage art, heritage and culture***

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy.

#### ***DM11.2 Public Art***

To enhance the City's public realm and distinctive identity by:

- a) protecting existing works of art and other objects of cultural significance and encouraging the provision of additional works in appropriate locations;
- b) ensuring that financial provision is made for the future maintenance of new public art;
- c) requiring the appropriate reinstatement or re-siting of art works and other objects of cultural significance when buildings are redeveloped.

#### ***Policy DM 11.3 Hotels***

Proposals for new hotel and apart-hotel accommodation will only be permitted where they:

- do not prejudice the primary business function of the City;
- are not contrary to policy DM1.1;

- contribute to the balance and mix of uses in the immediate locality;
- do not result in adverse impacts on the amenity of neighbouring occupiers,
- including cumulative impacts;
- provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles
- and coaches, appropriate to the size and nature of the hotel or apart-hotel;
- are inclusive, providing at least 10% of hotel rooms to wheelchair-accessible
- standards;
- ensure continuing beneficial use for historic buildings, where appropriate.

### ***CS12 Conserve or enhance heritage assets***

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

#### ***DM12.1 Change affecting heritage assets***

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

#### ***DM12.3 Listed buildings***

1. To resist the demolition of listed buildings.
2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.



#### ***DM12.4 Archaeology***

1. To require planning applications which involve excavation or ground works on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.
2. To preserve, protect, safeguard and enhance archaeological monuments, remains and their settings in development, and to seek a public display and interpretation, where appropriate.
3. To require proper investigation and recording of archaeological remains as an integral part of a development programme, and publication and archiving of results to advance understanding.

#### ***CS13 Protect/enhance significant views***

To protect and enhance significant City and London views of important buildings, townscape and skylines, making a substantial contribution to protecting the overall heritage of the City's landmarks.

#### ***CS15 Creation of sustainable development***

To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

#### ***DM15.2 Energy and CO2 emissions***

1. Development design must take account of location, building orientation, internal layouts and landscaping to reduce likely energy consumption.
2. For all major development energy assessments must be submitted with the application demonstrating:
  - a) energy efficiency - showing the maximum improvement over current Building Regulations to achieve the required Fabric Energy Efficiency Standards;
  - b) carbon compliance levels required to meet national targets for zero carbon development using low and zero carbon technologies, where feasible;
  - c) where on-site carbon emission reduction is unviable, offsetting of residual CO2 emissions through "allowable solutions" for the lifetime of the building to achieve national targets for zero-carbon homes and non-domestic buildings. Achievement of zero carbon buildings in advance of national target dates will be encouraged;
  - d) anticipated residual power loads and routes for supply.

### ***DM15.3 Low and zero carbon technologies***

1. For development with a peak heat demand of 100 kilowatts or more developers should investigate the feasibility and viability of connecting to existing decentralised energy networks. This should include investigation of the potential for extensions of existing heating and cooling networks to serve the development and development of new networks where existing networks are not available. Connection routes should be designed into the development where feasible and connection infrastructure should be incorporated wherever it is viable.
2. Where connection to offsite decentralised energy networks is not feasible, installation of on-site CCHP and the potential to create new localised decentralised energy infrastructure through the export of excess heat must be considered
3. Where connection is not feasible or viable, all development with a peak heat demand of 100 kilowatts or more should be designed to enable connection to potential future decentralised energy networks.
4. Other low and zero carbon technologies must be evaluated. Non combustion based technologies should be prioritised in order to avoid adverse impacts on air quality.

### ***DM15.4 Offsetting carbon emissions***

1. All feasible and viable on-site or near-site options for carbon emission reduction must be applied before consideration of offsetting. Any remaining carbon emissions calculated for the lifetime of the building that cannot be mitigated on-site will need to be offset using "allowable solutions".
2. Where carbon targets cannot be met on-site the City Corporation will require carbon abatement elsewhere or a financial contribution, negotiated through a S106 planning obligation to be made to an approved carbon offsetting scheme.
3. Offsetting may also be applied to other resources including water resources and rainwater run-off to meet sustainability targets off-site where on-site compliance is not feasible.

### ***DM15.5 Climate change resilience***

1. Developers will be required to demonstrate through Sustainability Statements that all major developments are resilient to the predicted climate conditions during the building's lifetime.
2. Building designs should minimise any contribution to the urban heat island effect caused by heat retention and waste heat expulsion in the built environment.

### ***DM15.6 Air quality***

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

### ***DM15.7 Noise and light pollution***

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.

4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

#### ***DM15.8 Contaminated land***

Where development involves ground works or the creation of open spaces, developers will be expected to carry out a detailed site investigation to establish whether the site is contaminated and to determine the potential for pollution of the water environment or harm to human health and non-human receptors. Suitable mitigation must be identified to remediate any contaminated land and prevent potential adverse impacts of the development on human and non-human receptors, land or water quality.

#### ***CS16 Improving transport and travel***

To build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City.

#### ***DM16.1 Transport impacts of development***

1. Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and operation, in particular addressing impacts on:
  - a) road dangers;
  - b) pedestrian environment and movement;
  - c) cycling infrastructure provision;
  - d) public transport;
  - e) the street network.
2. Transport Assessments and Travel Plans should be used to demonstrate adherence to the City Corporation's transportation standards.

#### ***DM16.2 Pedestrian movement***

1. Pedestrian movement must be facilitated by provision of suitable pedestrian routes through and around new developments, by maintaining pedestrian routes at ground level, and the upper level walkway network around the Barbican and London Wall.

2. The loss of a pedestrian route will normally only be permitted where an alternative public pedestrian route of at least an equivalent standard is provided having regard to:
  - a) the extent to which the route provides for current and all reasonably foreseeable future demands placed upon it, including at peak periods;
  - b) the shortest practicable routes between relevant points.
3. Routes of historic importance should be safeguarded as part of the City's characteristic pattern of lanes, alleys and courts, including the route's historic alignment and width.
4. The replacement of a route over which pedestrians have rights, with one to which the public have access only with permission will not normally be acceptable.
5. Public access across private land will be encouraged where it enhances the connectivity, legibility and capacity of the City's street network. Spaces should be designed so that signage is not necessary and it is clear to the public that access is allowed.
6. The creation of new pedestrian rights of way will be encouraged where this would improve movement and contribute to the character of an area, taking into consideration pedestrian routes and movement in neighbouring areas and boroughs, where relevant.

### ***DM16.3 Cycle parking***

1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.
2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

### ***DM16.4 Encouraging active travel***

1. Ancillary facilities must be provided within new and refurbished buildings to support active transport modes such as walking, cycling and running. All commercial development should make sufficient provision for showers, changing areas and lockers/storage to cater for employees wishing to engage in active travel.
2. Where facilities are to be shared with a number of activities they should be conveniently located to serve all proposed activities.

### ***DM16.5 Parking and servicing standards***

1. Developments in the City should be car-free except for designated Blue Badge spaces. Where other car parking is exceptionally provided it must not exceed London Plan's standards.
2. Designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements and must be marked out and reserved at all times for their use. Disabled parking spaces must be at least 2.4m wide and at least 4.8m long and with reserved areas at least 1.2m wide, marked out between the parking spaces and at the rear of the parking spaces.
3. Except for dwelling houses (use class C3), whenever any car parking spaces (other than designated Blue Badge parking) are provided, motor cycle parking must be provided at a ratio of 10 motor cycle parking spaces per 1 car parking space. At least 50% of motor cycle parking spaces must be at least 2.3m long and at least 0.9m wide and all motor cycle parking spaces must be at least 2.0m long and at least 0.8m wide.
4. On site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the same time to be conveniently loaded and unloaded. Such servicing areas should provide sufficient space or facilities for all vehicles to enter and exit the site in a forward gear. Headroom of at least 5m where skips are to be lifted and 4.75m for all other vehicle circulation areas should be provided.
5. Coach parking facilities for hotels (use class C1) will not be permitted.
6. All off-street car parking spaces and servicing areas must be equipped with the facility to conveniently recharge electric vehicles.
7. Taxi ranks are encouraged at key locations, such as stations, hotels and shopping centres. The provision of taxi ranks should be designed to occupy the minimum practicable space, using a combined entry and exit point to avoid obstruction to other transport modes.

### ***CS17 Minimising and managing waste***

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

### ***DM17.1 Provision for waste***

1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
2. On-site waste management, through techniques such as recycle sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

### ***DM17.2 Designing out construction waste***

New development should be designed to minimise the impact of deconstruction and construction waste on the environment through:

- a) reuse of existing structures;
- b) building design which minimises wastage and makes use of recycled materials;
- c) recycling of deconstruction waste for reuse on site where feasible;
- d) transport of waste and construction materials by rail or river wherever practicable;
- e) application of current best practice with regard to air quality, dust, hazardous waste, waste handling and waste management

### ***CS18 Minimise flood risk***

To ensure that the City remains at low risk from all types of flooding.

### ***DM18.1 Development in Flood Risk Area***

1. Where development is proposed within the City Flood Risk Area evidence must be presented to demonstrate that:
  - a) the site is suitable for the intended use (see table 18.1), in accordance with Environment Agency and Lead Local Flood Authority advice;
  - b) the benefits of the development outweigh the flood risk to future occupants;
  - c) the development will be safe for occupants and visitors and will not compromise the safety of other premises or increase the risk of flooding elsewhere.
2. Development proposals, including change of use, must be accompanied by a site-specific flood risk assessment for:
  - a) all sites within the City Flood Risk Area as shown on the Policies Map; and
  - b) all major development elsewhere in the City.

3. Site specific flood risk assessments must address the risk of flooding from all sources and take account of the City of London Strategic Flood Risk Assessment. Necessary mitigation measures must be designed into and integrated with the development and may be required to provide protection from flooding for properties beyond the site boundaries, where feasible and viable.
4. Where development is within the City Flood Risk Area, the most vulnerable uses must be located in those parts of the development which are at least risk. Safe access and egress routes must be identified.
5. For minor development outside the City Flood Risk Area, an appropriate flood risk statement may be included in the Design and Access Statement.
6. Flood resistant and resilient designs which reduce the impact of flooding and enable efficient recovery and business continuity will be encouraged.

#### ***DM18.2 Sustainable drainage systems***

1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.
2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.
3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

#### ***DM18.3 Flood protection and climate***

1. Development must protect the integrity and effectiveness of structures intended to minimise flood risk and, where appropriate, enhance their effectiveness.
2. Wherever practicable, development should contribute to an overall reduction in flood risk within and beyond the site boundaries, incorporating flood alleviation measures for the public realm, where feasible.

#### ***CS19 Improve open space and biodiversity***

To encourage healthy lifestyles for all the City's communities through improved access to open space and facilities, increasing the amount and



quality of open spaces and green infrastructure, while enhancing biodiversity.

### ***DM19.1 Additional open space***

1. Major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.
2. New open space should:
  - a) be publicly accessible where feasible; this may be achieved through a legal agreement;
  - b) provide a high quality environment;
  - c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
  - d) have regard to biodiversity and the creation of green corridors;
  - e) have regard to acoustic design to minimise noise and create tranquil spaces.
3. The use of vacant development sites to provide open space for a temporary period will be encouraged where feasible and appropriate.

### ***DM19.2 Biodiversity and urban greening***

Developments should promote biodiversity and contribute to urban greening by incorporating:

- a) green roofs and walls, soft landscaping and trees;
- b) features for wildlife, such as nesting boxes and beehives;
- c) a planting mix which encourages biodiversity;
- d) planting which will be resilient to a range of climate conditions;
- e) maintenance of habitats within Sites of Importance for Nature Conservation.

### ***CS20 Improve retail facilities***

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

### ***DM20.1 Principal shopping centres***

### ***CS21 Protect and provide housing***

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown

in Figure X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

### ***DM21.3 Residential environment***

1. The amenity of existing residents within identified residential areas will be protected by:
  - a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;
  - b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.
2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.
3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.
4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.
5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

### **Draft City Plan 2036 Policies**

S1 Healthy and inclusive city

HL1 Inclusive buildings and spaces

HL3 Noise and light pollution

HL4 Contaminated land and water quality

HL6 Public toilets

HL7 Sport and Recreation

HL8 Play areas and facilities

HL9 Health Impact Assessment (HIA)

S2 Safe and Secure City

SA1 Crowded Places

SA2 Dispersal Routes

SA3 Designing in security

HS3 Residential environment

OF2 Protection of Existing Office Floorspace

S4 Offices

RE3 Ground floor retail provision in the City

RE5 Markets

S6 Culture, Visitors and the Night -time Economy

CV2 Provision of Visitor Facilities

CV3 Hotels

CV4 Evening and Night-Time Economy

CV5 Public Art

S7 Smart Infrastructure and Utilities

S8 Design

DE1 Sustainability requirements

DE2 New development

DE3 Public realm

DE4 Pedestrian permeability

DE5 Terraces and viewing galleries

DE8 Daylight and sunlight

DE9 Lighting

S9 Vehicular transport and servicing

VT1 The impacts of development on transport

VT2 Freight and servicing

VT3 Vehicle Parking

S10 Active travel and healthy streets

AT1 Pedestrian movement

AT2 Active travel including cycling

AT3 Cycle parking

S11 Historic environment

HE1 Managing change to heritage assets  
HE2 Ancient monuments and archaeology  
HE3 Setting of the Tower of London World Heritage Site  
S13 Protected Views  
S14 Open spaces and green infrastructure  
OS1 Protection and Provision of Open Spaces  
OS2 City greening  
OS3 Biodiversity  
OS4 Trees  
S15 Climate resilience and flood risk  
CR2 Flood Risk  
CR3 Sustainable drainage systems (SuDS)  
CR4 Flood protection and flood defences  
S16 Circular economy and waste  
CE1 Zero Waste City  
S17 Thames Policy Area  
S19 Pool of London  
S27 Planning contributions  
PC1 Viability Assessments

## **APPENDIX B**

There is relevant GLA supplementary planning guidance and other policy in respect of:

- Accessible London: Achieving an Inclusive Environment SPG (GLA, October 2014),
- Control of Dust and Emissions during Construction and Demolition SPG (GLA, September 2014),
- Sustainable Design and Construction (GLA, September 2014),
- Social Infrastructure GLA May 2015),
- London Environment Strategy (GLA, May 2018),
- London View Management Framework SPG (GLA, March 2012),
- Cultural Strategy (GLA, 2018); Mayoral CIL 2 Charging Schedule (April 2019),
- Central Activities Zone (GLA March 2016),

- Shaping Neighbourhoods:
- Character and Context (GLA June 2014);
- Mayor's Transport Strategy (2018):
- The Case for a River Thames Cultural Vision September 2019;
- Draft Public London Charter GLA February 2020.

Relevant City Corporation Guidance and SPDs comprises:

- Air Quality SPD (CoL, July 2017),
- Archaeology and Development Guidance SPD (CoL, July 2017),
- City Lighting Strategy (CoL, October 2018)
- City Transport Strategy (CoL, May 2019),
- City Waste Strategy 2013-2020 (CoL, January 2014),
- Protected Views SPD (CoL, January 2012),
- City of London's Wind Microclimate Guidelines (CoL, 2019),
- Planning Obligations SPD (CoL, adopted May 2021,
- Implemented 1 October 2021).
- Open Space Strategy (COL 2015),
- Office Use (CoL 2015),
- City Public Realm (CoL 2016),
- Cultural Strategy 2018 – 2022,
- Eastcheap Conservation Area Character Summary March 2013:
- Trinity Square Conservation Area Summary 2014;
- Statement of Community Involvement 5th July 2016;
- Flood Emergency Plans for New Development (Planning Advice Note June 2020).
- Freight and Servicing SPD (CoL Feb 2018).
- Tree Strategy SPD (CoL May 2012);
- Thames Strategy SPD (CoL 2015);
- Riverside Walkway Enhancement Strategy (CoL 2015);
- Open Space Strategy SPD (CoL 2015).

## Relevant Local Plan Policies

### ***CS10 Promote high quality environment***

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

### ***CS11 Encourage art, heritage and culture***

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy.

### ***CS11 Allow hotels in suitable locations***

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy by (inter alia) allowing hotels that support the primary business or cultural role and refusing hotels where they would compromise the City's business function.

### ***CS12 Conserve or enhance heritage assets***

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

### ***CS13 Protect/enhance significant views***

To protect and enhance significant City and London views of important buildings, townscape and skylines, making a substantial contribution to protecting the overall heritage of the City's landmarks.

### ***CS17 Minimising and managing waste***

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

### ***CS18 Minimise flood risk***

To ensure that the City remains at low risk from all types of flooding.

### ***CS19 Improve open space and biodiversity***

To encourage healthy lifestyles for all the City's communities through improved access to open space and facilities, increasing the amount and quality of open spaces and green infrastructure, while enhancing biodiversity.

***CS1 Provide additional offices***

To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international financial and business centre.

***CS22 Maximise community facilities***

To maximise opportunities for the City's residential and working communities to access suitable health, social and educational facilities and opportunities, while fostering cohesive communities and healthy lifestyles.

***CS2 Facilitate utilities infrastructure***

To co-ordinate and facilitate infrastructure planning and delivery to ensure that the functioning and growth of the City's business, resident, student and visitor communities is not limited by provision of utilities and telecommunications infrastructure.

***CS3 Ensure security from crime/terrorism***

To ensure that the City is secure from crime, disorder and terrorism, has safety systems of transport and is designed and managed to satisfactorily accommodate large numbers of people, thereby increasing public and corporate confidence in the City's role as the world's leading international financial and business centre.

***CS4 Seek planning contributions***

To manage the impact of development, seeking appropriate developer contributions.

***CS9 Meet challenges of Thames/Riverside***

To ensure that the City capitalises on its unique riverside location, sustaining the river's functional uses in transport, navigation and recreation, whilst minimising risks to the City's communities from flooding.

### ***DM10.1 New development***

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

### ***DM10.2 Design of green roofs and walls***

- 1) To encourage the installation of green roofs on all appropriate developments. On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and their design should aim to maximise the roof's environmental benefits, including biodiversity, run-off attenuation and building insulation.
- 2) To encourage the installation of green walls in appropriate locations, and to ensure that they are satisfactorily maintained.



### ***DM10.3 Roof gardens and terraces***

- 1) To encourage high quality roof gardens and terraces where they do not:
  - a) immediately overlook residential premises;
  - b) adversely affect rooflines or roof profiles;
  - c) result in the loss of historic or locally distinctive roof forms, features or coverings;
  - d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

### ***DM10.4 Environmental enhancement***

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces. Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City;
- f) sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i) the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j) the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

### ***DM10.7 Daylight and sunlight***

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines.
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

### ***DM11.2 Public Art***

To enhance the City's public realm and distinctive identity by:

- a) protecting existing works of art and other objects of cultural significance and encouraging the provision of additional works in appropriate locations;
- b) ensuring that financial provision is made for the future maintenance of new public art;
- c) requiring the appropriate reinstatement or re-siting of art works and other objects of cultural significance when buildings are redeveloped.

### ***DM11.3 Hotels***

Proposals for new hotel and apart-hotel accommodation will only be permitted where they:

- a) do not prejudice the primary business function of the City;
- b) are not contrary to policy DM1.1;
- c) contribute to the balance and mix of uses in the immediate locality;
- d) do not result in adverse impacts on the amenity of neighbouring occupiers, including cumulative impacts;
- e) provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles and coaches, appropriate to the size and nature of the hotel or apart-hotel;
- f) are inclusive, providing at least 10% of hotel rooms to wheelchair-accessible standards;
- g) ensure continuing beneficial use for historic buildings, where appropriate.

### ***DM12.1 Change affecting heritage assets***

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting

information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.

3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

### ***DM12.3 Listed buildings***

1. To resist the demolition of listed buildings.
2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

### ***DM12.4 Archaeology***

1. To require planning applications which involve excavation or ground works on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.
2. To preserve, protect, safeguard and enhance archaeological monuments, remains and their settings in development, and to seek a public display and interpretation, where appropriate.
3. To require proper investigation and recording of archaeological remains as an integral part of a development programme, and publication and archiving of results to advance understanding.

### ***DM15.1 Sustainability requirements***

1. Sustainability Statements must be submitted with all planning applications in order to ensure that sustainability is integrated into designs for all development.
2. For major development (including new development and refurbishment) the Sustainability Statement should include as a minimum:
  - a) BREEAM or Code for Sustainable Homes pre-assessment;
  - b) an energy statement in line with London Plan requirements;
  - c) demonstration of climate change resilience measures.

3. BREEAM or Code for Sustainable Homes assessments should demonstrate sustainability in aspects which are of particular significance in the City's high density urban environment. Developers should aim to achieve the maximum possible credits to address the City's priorities.
4. Innovative sustainability solutions will be encouraged to ensure that the City's buildings remain at the forefront of sustainable building design. Details should be included in the Sustainability Statement.
5. Planning conditions will be used to ensure that Local Plan assessment targets are met.

### ***DM15.2 Energy and CO2 emissions***

1. Development design must take account of location, building orientation, internal layouts and landscaping to reduce likely energy consumption.
2. For all major development energy assessments must be submitted with the application demonstrating:
  - a) energy efficiency - showing the maximum improvement over current Building Regulations to achieve the required Fabric Energy Efficiency Standards;
  - b) carbon compliance levels required to meet national targets for zero carbon development using low and zero carbon technologies, where feasible;
  - c) where on-site carbon emission reduction is unviable, offsetting of residual CO2 emissions through "allowable solutions" for the lifetime of the building to achieve national targets for zero-carbon homes and non-domestic buildings. Achievement of zero carbon buildings in advance of national target dates will be encouraged;
  - d) anticipated residual power loads and routes for supply.

### ***DM15.3 Low and zero carbon technologies***

1. For development with a peak heat demand of 100 kilowatts or more developers should investigate the feasibility and viability of connecting to existing decentralised energy networks. This should include investigation of the potential for extensions of existing heating and cooling networks to serve the development and development of new networks where existing networks are not available. Connection routes should be designed into the development where feasible and connection infrastructure should be incorporated wherever it is viable.
2. Where connection to offsite decentralised energy networks is not feasible, installation of on-site CCHP and the potential to create new localised decentralised energy infrastructure through the export of excess heat must be considered

3. Where connection is not feasible or viable, all development with a peak heat demand of 100 kilowatts or more should be designed to enable connection to potential future decentralised energy networks.
4. Other low and zero carbon technologies must be evaluated. Non combustion based technologies should be prioritised in order to avoid adverse impacts on air quality.

#### ***DM15.4 Offsetting carbon emissions***

1. All feasible and viable on-site or near-site options for carbon emission reduction must be applied before consideration of offsetting. Any remaining carbon emissions calculated for the lifetime of the building that cannot be mitigated on-site will need to be offset using "allowable solutions".
2. Where carbon targets cannot be met on-site the City Corporation will require carbon abatement elsewhere or a financial contribution, negotiated through a S106 planning obligation to be made to an approved carbon offsetting scheme.
3. Offsetting may also be applied to other resources including water resources and rainwater run-off to meet sustainability targets off-site where on-site compliance is not feasible.

#### ***DM15.5 Climate change resilience***

1. Developers will be required to demonstrate through Sustainability Statements that all major developments are resilient to the predicted climate conditions during the building's lifetime.
2. Building designs should minimise any contribution to the urban heat island effect caused by heat retention and waste heat expulsion in the built environment.

#### ***DM15.6 Air quality***

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).

4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

#### ***DM15.7 Noise and light pollution***

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

#### ***DM15.8 Contaminated land***

Where development involves ground works or the creation of open spaces, developers will be expected to carry out a detailed site investigation to establish whether the site is contaminated and to determine the potential for pollution of the water environment or harm to

human health and non-human receptors. Suitable mitigation must be identified to remediate any contaminated land and prevent potential adverse impacts of the development on human and non-human receptors, land or water quality.

#### ***DM16.1 Transport impacts of development***

1. Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and operation, in particular addressing impacts on:
  - a) road dangers;
  - b) pedestrian environment and movement;
  - c) cycling infrastructure provision;
  - d) public transport;
  - e) the street network.
2. Transport Assessments and Travel Plans should be used to demonstrate adherence to the City Corporation's transportation standards.

#### ***DM16.2 Pedestrian movement***

1. Pedestrian movement must be facilitated by provision of suitable pedestrian routes through and around new developments, by maintaining pedestrian routes at ground level, and the upper level walkway network around the Barbican and London Wall.
2. The loss of a pedestrian route will normally only be permitted where an alternative public pedestrian route of at least an equivalent standard is provided having regard to:
  - a) the extent to which the route provides for current and all reasonably foreseeable future demands placed upon it, including at peak periods;
  - b) the shortest practicable routes between relevant points.
3. Routes of historic importance should be safeguarded as part of the City's characteristic pattern of lanes, alleys and courts, including the route's historic alignment and width.
4. The replacement of a route over which pedestrians have rights, with one to which the public have access only with permission will not normally be acceptable.
5. Public access across private land will be encouraged where it enhances the connectivity, legibility and capacity of the City's street network. Spaces should be designed so that signage is not necessary and it is clear to the public that access is allowed.

6. The creation of new pedestrian rights of way will be encouraged where this would improve movement and contribute to the character of an area, taking into consideration pedestrian routes and movement in neighbouring areas and boroughs, where relevant.

### ***DM16.3 Cycle parking***

1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.

2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

### ***DM16.4 Encouraging active travel***

1. Ancillary facilities must be provided within new and refurbished buildings to support active transport modes such as walking, cycling and running. All commercial development should make sufficient provision for showers, changing areas and lockers/storage to cater for employees wishing to engage in active travel.

2. Where facilities are to be shared with a number of activities they should be conveniently located to serve all proposed activities.

### ***DM16.5 Parking and servicing standards***

1. Developments in the City should be car-free except for designated Blue Badge spaces. Where other car parking is exceptionally provided it must not exceed London Plan's standards.

2. Designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements and must be marked out and reserved at all times for their use. Disabled parking spaces must be at least 2.4m wide and at least 4.8m long and with reserved areas at least 1.2m wide, marked out between the parking spaces and at the rear of the parking spaces.

3. Except for dwelling houses (use class C3), whenever any car parking spaces (other than designated Blue Badge parking) are provided, motor cycle parking must be provided at a ratio of 10 motor cycle parking spaces per 1 car parking space. At least 50% of motor cycle parking spaces must be at least 2.3m long and at least 0.9m wide and all motor cycle parking spaces must be at least 2.0m long and at least 0.8m wide.

4. On site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the



same time to be conveniently loaded and unloaded. Such servicing areas should provide sufficient space or facilities for all vehicles to enter and exit the site in a forward gear. Headroom of at least 5m where skips are to be lifted and 4.75m for all other vehicle circulation areas should be provided.

5. Coach parking facilities for hotels (use class C1) will not be permitted.
6. All off-street car parking spaces and servicing areas must be equipped with the facility to conveniently recharge electric vehicles.
7. Taxi ranks are encouraged at key locations, such as stations, hotels and shopping centres. The provision of taxi ranks should be designed to occupy the minimum practicable space, using a combined entry and exit point to avoid obstruction to other transport modes.

#### ***DM17.1 Provision for waste***

1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
2. On-site waste management, through techniques such as recycle sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

#### ***DM17.2 Designing out construction waste***

New development should be designed to minimise the impact of deconstruction and construction waste on the environment through:

- a) reuse of existing structures;
- b) building design which minimises wastage and makes use of recycled materials;
- c) recycling of deconstruction waste for reuse on site where feasible;
- d) transport of waste and construction materials by rail or river wherever practicable;
- e) application of current best practice with regard to air quality, dust, hazardous waste, waste handling and waste management

#### ***DM18.1 Development in Flood Risk Area***

1. Where development is proposed within the City Flood Risk Area evidence must be presented to demonstrate that:
  - a) the site is suitable for the intended use (see table 18.1), in accordance with Environment Agency and Lead Local Flood Authority advice;

- b) the benefits of the development outweigh the flood risk to future occupants;
- c) the development will be safe for occupants and visitors and will not compromise the safety of other premises or increase the risk of flooding elsewhere.

2. Development proposals, including change of use, must be accompanied by a site-specific flood risk assessment for:

- a) all sites within the City Flood Risk Area as shown on the Policies Map; and
- b) all major development elsewhere in the City.

3. Site specific flood risk assessments must address the risk of flooding from all sources and take account of the City of London Strategic Flood Risk Assessment. Necessary mitigation measures must be designed into and integrated with the development and may be required to provide protection from flooding for properties beyond the site boundaries, where feasible and viable.

4. Where development is within the City Flood Risk Area, the most vulnerable uses must be located in those parts of the development which are at least risk. Safe access and egress routes must be identified.

5. For minor development outside the City Flood Risk Area, an appropriate flood risk statement may be included in the Design and Access Statement.

6. Flood resistant and resilient designs which reduce the impact of flooding and enable efficient recovery and business continuity will be encouraged.

### ***DM18.2 Sustainable drainage systems***

1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.

2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.

3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

### ***DM18.3 Flood protection and climate***

1. Development must protect the integrity and effectiveness of structures intended to minimise flood risk and, where appropriate, enhance their effectiveness.
2. Wherever practicable, development should contribute to an overall reduction in flood risk within and beyond the site boundaries, incorporating flood alleviation measures for the public realm, where feasible.

### ***DM19.1 Additional open space***

1. Major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.
2. New open space should:
  - a) be publicly accessible where feasible; this may be achieved through a legal agreement;
  - b) provide a high quality environment;
  - c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
  - d) have regard to biodiversity and the creation of green corridors;
  - e) have regard to acoustic design to minimise noise and create tranquil spaces.
3. The use of vacant development sites to provide open space for a temporary period will be encouraged where feasible and appropriate.

### ***DM19.2 Biodiversity and urban greening***

Developments should promote biodiversity and contribute to urban greening by incorporating:

- a) green roofs and walls, soft landscaping and trees;
- b) features for wildlife, such as nesting boxes and beehives;
- c) a planting mix which encourages biodiversity;
- d) planting which will be resilient to a range of climate conditions;
- e) maintenance of habitats within Sites of Importance for Nature Conservation.

### ***DM19.3 Sport and recreation***

1. To resist the loss of public sport and recreational facilities for which there is a continuing demand, unless:
  - a) replacement facilities are provided on-site or within the vicinity that meets the needs of the users of that facility; or

- b) necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision; or
- c) it has been demonstrated that there is no demand for sport and recreation facilities which could be met on the site.

2. Proposals involving the loss of sport and recreational facilities must be accompanied by evidence of a lack of need for those facilities. Loss of facilities will only be permitted where it has been demonstrated that the existing floorspace has been actively marketed at reasonable terms for sport and recreational use.

3. The provision of new sport and recreation facilities will be encouraged:

- a) where they provide flexible space to accommodate a range of different uses/users and are accessible to all;
- b) in locations which are convenient to the communities they serve, including open spaces;
- c) near existing residential areas;
- d) as part of major developments subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and neighbouring uses;
- e) where they will not cause undue disturbance to neighbouring occupiers.

4. The use of vacant development sites for a temporary sport or recreational use will be encouraged where appropriate and where this does not preclude return to the original use or other suitable use on redevelopment.

#### ***DM19.4 Play areas and facilities***

1. The City Corporation will protect existing play provision and seek additional or enhanced play facilities or space, particularly in areas identified as deficient, by:

- a) protecting existing play areas and facilities and, on redevelopment, requiring the replacement of facilities either on-site or nearby to an equivalent or better standard;
- b) where the creation of new play facilities is not feasible, requiring developers to work with the City Corporation to deliver enhanced provision nearby;
- c) requiring external play space and facilities as part of new residential developments which include 20 or more family units (those with 3 or more bedrooms) or 10 or more affordable units of 2 or more bedrooms;
- d) promoting opportunities for informal play and play within open spaces where it is not possible to secure formal play areas.

2. Play areas and facilities should not be located where they would cause undue disturbance to neighbouring occupiers.

### ***DM22.1 Social and community facilities***

1. To resist the loss of social and community facilities unless:
  - a) replacement facilities are provided on-site or within the vicinity which meet the needs of the users of the existing facility; or
  - b) necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision; or
  - c) it has been demonstrated that there is no demand for another similar use on site.
2. Proposals for the redevelopment or change of use of social and community facilities must be accompanied by evidence of the lack of need for those facilities. Loss of facilities will only be permitted where it has been demonstrated that the existing floor space has been actively marketed at reasonable terms for public social and community floorspace.
3. The development of new social and community facilities should provide flexible, multi-use space suitable for a range of different uses and will be permitted:
  - a) where they would not be prejudicial to the business City and where there is no strong economic reason for retaining office use;
  - b) in locations which are convenient to the communities they serve;
  - c) in or near identified residential areas, providing their amenity is safeguarded;
  - d) as part of major mixed-use developments, subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and neighbouring uses.
4. Developments that result in additional need for social and community facilities will be required to provide the necessary facilities or contribute towards enhancing existing facilities to enable them to meet identified need.

### ***DM22.2 Provision of Public Toilets***

A widespread distribution of public toilets which meet public demand will be provided by:

- a) requiring the provision of a range of public toilet facilities in major retail and leisure developments, particularly near visitor attractions, public open spaces and major transport interchanges. This includes the provision of pop-up toilets in suitable areas with concentrations of night-time activity;

- b) supporting an increase in the membership of the Community Toilet Scheme;
- c) resisting the loss of existing public toilets unless adequate provision is available nearby and requiring the provision of replacement facilities;
- d) taking the opportunity to renew existing toilets which are within areas subject to major redevelopment schemes and seeking the incorporation of additional toilets in proposed developments where they are needed to meet increased demand.

### ***DM1.1 Protection of office accommodation***

To refuse the loss of existing (B1) office accommodation to other uses where the building or its site is considered to be suitable for long-term viable office use and there are strong economic reasons why the loss would be inappropriate. Losses would be inappropriate for any of the following reasons:

- a) prejudicing the primary business function of the City;
- b) jeopardising the future assembly and delivery of large office development sites;
- c) removing existing stock for which there is demand in the office market or long term viable need;
- d) introducing uses that adversely affect the existing beneficial mix of commercial uses.

### ***DM2.1 Infrastructure provision***

1) Developers will be required to demonstrate, in conjunction with utility providers, that there will be adequate utility infrastructure capacity, both on and off the site, to serve the development during construction and operation. Development should not lead to capacity or reliability problems in the surrounding area. Capacity projections must take account of climate change impacts which may influence future infrastructure demand.

2) Utility infrastructure and connections must be designed into and integrated with the development wherever possible. As a minimum, developers should identify and plan for:

- a) electricity supply to serve the construction phase and the intended use for the site, and identify, in conjunction with electricity providers, Temporary Building Supply (TBS) for the construction phase and the estimated load capacity of the building and the substations and routes for supply;
- b) reasonable gas and water supply considering the need to conserve natural resources;
- c) heating and cooling demand and the viability of its provision via decentralised energy (DE) networks. Designs must incorporate access to existing DE networks where feasible and viable;

d) telecommunications network demand, including wired and wireless infrastructure, planning for dual entry provision, where possible, through communal entry chambers and flexibility to address future technological improvements;

e) separate surface water and foul drainage requirements within the proposed building or site, including provision of Sustainable Drainage Systems (SuDS), rainwater harvesting and grey-water recycling, minimising discharge to the combined sewer network.

3) In planning for utility infrastructure developers and utility providers must provide entry and connection points within the development which relate to the City's established utility infrastructure networks, utilising pipe subway routes wherever feasible. Sharing of routes with other nearby developments and the provision of new pipe subway facilities adjacent to buildings will be encouraged.

4) Infrastructure provision must be completed prior to occupation of the development. Where potential capacity problems are identified and no improvements are programmed by the utility company, the City Corporation will require the developer to facilitate appropriate improvements, which may require the provision of space within new developments for on-site infrastructure or off-site infrastructure upgrades.

### ***DM3.1 Self-containment in mixed uses***

Where feasible, proposals for mixed use developments must provide independent primary and secondary access points, ensuring that the proposed uses are separate and self-contained.

### ***DM3.2 Security measures***

To ensure that security measures are included in new developments, applied to existing buildings and their curtilage, by requiring:

a) building-related security measures, including those related to the servicing of the building, to be located within the development's boundaries;

b) measures to be integrated with those of adjacent buildings and the public realm;

c) that security is considered at the concept design or early developed design phases of all development proposals to avoid the need to retro-fit measures that impact on the public realm;

d) developers to seek recommendations from the City of London Police Architectural Liaison Officer at the design stage. New development should meet Secured by Design principles;

e) the provision of service management plans for all large development, demonstrating that vehicles seeking access to the building can do so without waiting on the public highway;

f) an assessment of the environmental impact of security measures, particularly addressing visual impact and impact on pedestrian flows.

#### ***DM3.4 Traffic management***

To require developers to reach agreement with the City Corporation and TfL on the design and implementation of traffic management and highways security measures, including addressing the management of service vehicles, by:

- a) consulting the City Corporation on all matters relating to servicing;
- b) restricting motor vehicle access, where required;
- c) implementing public realm enhancement and pedestrianisation schemes, where appropriate;
- d) using traffic calming, where feasible, to limit the opportunity for hostile vehicle approach.

#### ***DM3.5 Night-time entertainment***

1) Proposals for new night-time entertainment and related uses and the extension of existing premises will only be permitted where it can be demonstrated that, either individually or cumulatively, there is no unacceptable impact on:

- a) the amenity of residents and other noise-sensitive uses;
- b) environmental amenity, taking account of the potential for noise, disturbance and odours arising from the operation of the premises, customers arriving at and leaving the premises and the servicing of the premises.

2) Applicants will be required to submit Management Statements detailing how these issues will be addressed during the operation of the premises.

#### ***CS21 Protect and provide housing***

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown in Figure X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

#### ***CS9 Meet challenges of Thames/Riverside***

To ensure that the City capitalises on its unique riverside location, sustaining the river's functional uses in transport, navigation and recreation, whilst minimising risks to the City's communities from flooding.

#### ***CS15 Creation of sustainable development***



To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

### ***CS16 Improving transport and travel***

To build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City.

### ***DM3.3 Crowded places***

On all major developments, applicants will be required to satisfy principles and standards that address the issues of crowded places and counter-terrorism, by:

- a) conducting a full risk assessment;
- b) keeping access points to the development to a minimum;
- c) ensuring that public realm and pedestrian permeability associated with a building or site is not adversely impacted, and that design considers the application of Hostile Vehicle Mitigation measures at an early stage;
- d) ensuring early consultation with the City of London Police on risk mitigation measures;
- e) providing necessary measures that relate to the appropriate level of crowding in a site, place or wider area.

### ***DM10.8 Access and inclusive design***

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for of all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

### ***DM21.3 Residential environment***

1. The amenity of existing residents within identified residential areas will be protected by:

- a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;
- b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.

2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.

3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.

4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.

5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

## **SCHEDULE**

**APPLICATION: 20/00631/FULMAJ**

**Custom House 20 Lower Thames Street & River Wall, Stairs And Crane,  
Custom House Quay London**

**Change of use from office to hotel with ground floor internal north/south public route (sui generis), ground floor museum (Class F1 (c )), flexible ground floor and roof level retail/restaurant/bar floorspace and public viewing terrace (Classes E & Sui Generis (Drinking Establishment)), lower ground floor leisure facilities (Class E) and new riverfront public realm including Water Lane, Old Billingsgate Walk and Lower Thames Street (Sui Generis / C1 Hotel); works of demolition, alteration, extension and refurbishment: i.) removal of railings around riverside car park, (ii) demolition and re-building behind the retained facade of the 1960s East Block (iii) demolition of 1960s East Block roof and alteration of West Block roof to erect 2 x two storey extensions to provide hotel rooms, plant and roof level retail; iv) demolition of Centre Block ground floor external stairs and replacement with new river terraces, stairs and step free ramped access (south elevation); v) alterations to and raising of the flood defence wall; vi.) facade alterations and associated works to create a first floor terrace at on the Centre Block (south elevation) and reinstated door and new ramped entrance access to West Block (west elevation); vii.) removal of railings on Lower Thames Street and alterations to Centre Block entrance on Lower Thames Street providing step free access; viii.) works to the river wall ix) other external alterations including elevational alterations; hard and soft landscaping; alterations to service ramp; provision of on site cycle parking and servicing; creation of a vehicular drop off on Lower Thames Street. The Proposed Development does not accord with the provisions of the Development Plan in force in the area in which the land to which the application relates is situated.**

## **REASONS FOR REFUSAL**

- 1 The proposed development would not ensure the continued beneficial use for a historic building. It has not been demonstrated that the proposal would conserve the amenity of existing neighbouring occupiers due to noise and overlooking or provide satisfactory or safe arrangements for servicing vehicles. The proposed development for the change of use of the existing building to a hotel (Use Class C1) would therefore not accord with, Local Plan Policy, CS10, CS11, DM3.5, DM11.3, DM15.7, DM21.3 and draft City Plan Policies HL3, HS3, CV3, DE5, S23, S24, and SB1, and London Plan Policies D3, D6, D13, D14.

- 2 The proposed development would fail to preserve the special architectural and historic interest and setting of the London Custom House (Grade I) and the River Wall, Stairs and Cranes (Grade II\*), causing less than substantial harm to their heritage significance the result of direct and in-direct impacts on setting, resulting from external and internal alterations, extensions, loss and de-contextualisation of historic fabric, plan form and character. The harm would not be outweighed by public benefits. The proposal is not in accordance with policies: London Plan Policy HC1; Local Plan Policies CS 12, DM 12.1, DM 12.3; HE1; Draft City Plan Policies S11 and HE1 and the NPPF.
- 3 The proposed development would fail to preserve the settings of Old Billingsgate (grade II), St Dunstan in the East Ruin (Grade I) and by association its Walls, Gates and Railings to the Churchyard (Grade II), the Monument to the Great Fire (Grade I and Scheduled Ancient Monument), All Hallows by the Tower (Grade I), Tower Bridge (Grade I), the Eastcheap Conservation Area, the Tower Bridge Conservation Area and the Tooley Street Conservation Area, causing harm to their heritage significance and an appreciation of it by way of contribution made by elements of setting. The harm would not be outweighed by public benefits. The development would not be in accordance with Local Plan Policies: CS 12, DM 12.1, DM 12.3; London Plan Policy HC1; City Plan Policies S11 and HE1; and policies and guidance contained in the National Planning Policy Framework (NPPF) and Planning Practice Guidance.
- 4 The proposed development would not comprise a high standard of design as a result of its architecture, in particular the roof extensions, which by virtue of their siting, height, massing, appearance and detailed design, by day and night, would fail to be visually integrated into the overall design of the building when seen from street and higher level view, which would not be sympathetic and contextual to character or history, adversely affecting the character and appearance of the host building, contrary to Local Plan Policies CS 10, DM 10.1, Emerging City Plan Policies and the NPPF and National Design Guide.
- 5 The proposed development would comprise an intrusive form of development causing harm to the characteristics of London View Management Framework (LVMF) designated River Prospects from London Bridge (11B.1-2) and Tower Bridge (10A.1) including impact on the setting of the Monument as a landmark element and the Townscape View from the Queen's Walk at City Hall (25A.1-3). The development is not in accordance with Local Plan Policies: Local Plan CS 13(1); London Plan HC4; City Plan S13 and guidance contained in the LVMF SPG.
- 6 By virtue of the height, bulk, massing and appearance of the roof extensions, associated terraces and alterations to roof level, the proposal would fail to protect and enhance significant local views of and from the Monument, and would fail to protect and enhance views

of identified historic city landmarks and skyline features, namely Tower Bridge, St Dunstan in the East and All Hallows by the Tower. The development is not in accordance with Local Plan Policies: Local Plan CS 13(2); City Plan Policy S13 and guidance in the Protected Views SPD.

- 7 The proposed development would not result inclusive access by closure wholly and partly for events on the Quayside and limited internal public permeability which would limit the interpretation and enjoyment of a seminal heritage asset. The management, pedestrian movement, curation, detailed design and look-and-feel of the internal and external public realm, including the interface created between these would result in a non-inclusive form of public realm. The vibrancy or animation of the riverside for public use with limited active frontages and restricted publicly accessible open space would fail to deliver a fairer, more equitable and inclusive place which is welcoming to all communities whilst conflicting with the spatial aspirations of the emerging Pool of London Key Area of change. The proposal would not be in accordance with Local Plan Policies CS9, CS10, CS19, DM10.4 the overarching good growth objectives in the London Plan, London Plan policies D5, D8, S4, S14 and S16, Draft City Plan S17, S19, DE3, S14, OS1, CV2, HL1, the aspirations of the Riverside Walkway Enhancement Strategy SPD 2015, Mayor's Public Charter.
- 8 It has not been demonstrated that the proposed development would provide highest standard of accessible design including disabled access provisions or facilities both within the hotel development and externally within the Quayside area or adjacent areas of Public Highway. The development would not meet the highest standard of accessibility and inclusive design and would not be in accordance with Local Plan policies CS10, DM10.1, DM10.5 and DM10.8, policies D5 and E10 of the London Plan or policies S1 and S8 of the draft City Plan.
- 9 The lay-by would result in the width of the pavement being reduced on Lower Thames Street therefore not promoting active travel by walking and diminish pedestrian comfort levels (PCL). The development would therefore not accord with Local Plan Policy DM16.1, DM16.2, emerging City Plan Policies AT1 and AT2, London Plan Policies T1 and T2, The Mayor's Transport Strategy and the City of London Transport Strategy.
- 10 In the absence of a scheme for offsite consolidation it has not been demonstrated that the development would facilitate safe, and efficient deliveries and servicing of the site, including adequate safety and servicing of the Quayside for events. The proposed would therefore not accord with Local Plan Policies DM16.1 and DM16.5, London Plan Policy T7 or emerging City Plan Policy VT2.
- 11 It has not been demonstrated that the proposed development would not have a detrimental impact on Pedestrian Comfort Levels as a result of

the change of use of the site and the potential for increased capacity. The applicant has failed to demonstrate that the closure of the quayside would not create unacceptable Pedestrian Comfort Levels and would therefore not be in accordance with London Plan Policy T4 or TfL Pedestrian Comfort Guidance for London 2019.

- 12 The applicant has failed to enter into an appropriate legal agreement to secure the provision of appropriate site specific mitigation including; Highway Reparation and other Highways Obligations; Local Procurement Strategy; Local Training, Skills and Job Brokerage Strategy (Demolition; Construction and End Use); Delivery and Servicing Management Plan (including Consolidation); Travel Plan (including Cycling Promotion Plan); Section 278 Agreement (CoL); Section 278 Agreement (TfL); Declaration of City Walkway; Visitor Management Plan; Cultural Strategy and associated Cultural Plan (including Cultural officer, Cultural Committee and Heritage Partner); Public Access Management Plan; and Quayside Events Management Plan and Planning Obligations in relation to Affordable Housing; Local Training, Skills and Job Brokerage; Carbon Reduction Shortfall; Section 278 Design and Evaluation; and S106 Monitoring Charge. The development therefore conflicts with Policy CS4 and the City's Planning Obligations SPD.