

Licensing Sub Committee

**Tuesday, 23 April 2024 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel**

Supplemental Agenda

- 3 .1 Application for a New Premise Licence for Code Floors 3-4, 34 Westferry Circus
London E14 8RR (Pages 3 - 38)**

Contact for further enquiries:

Simmi Yesmin, Democratic Services Officer,
simmi.yesmin@towerhamlets.gov.uk

020 7364 4120

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



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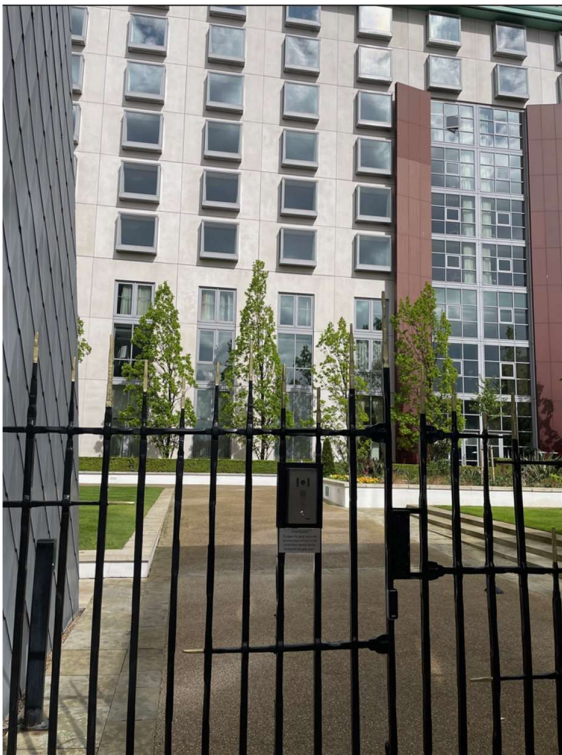
Agenda Item 3.1

Photos – CODE, 34 Westferry Circus

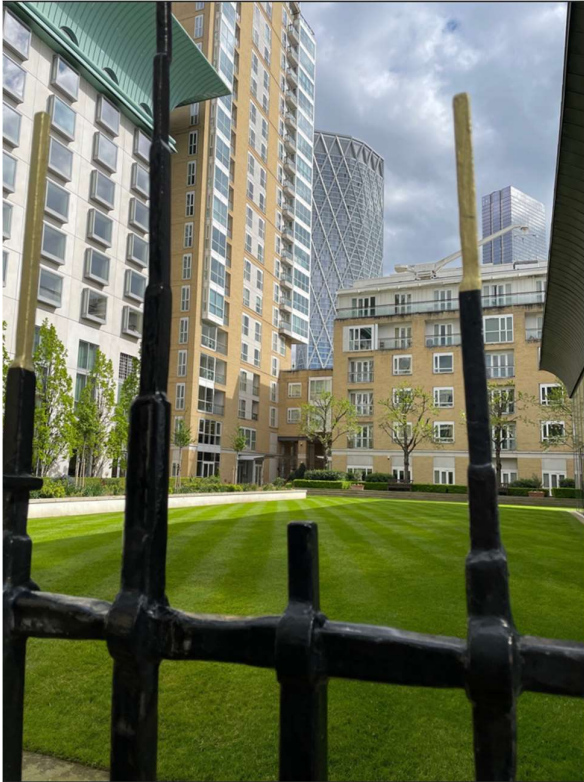
Front door to premises



Resident gate next to front door



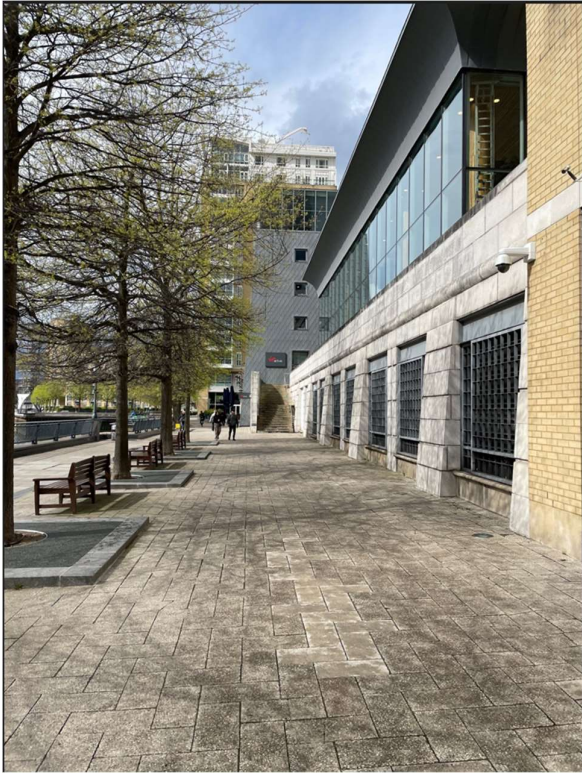
Resident Flats and hotel from gates next to front door



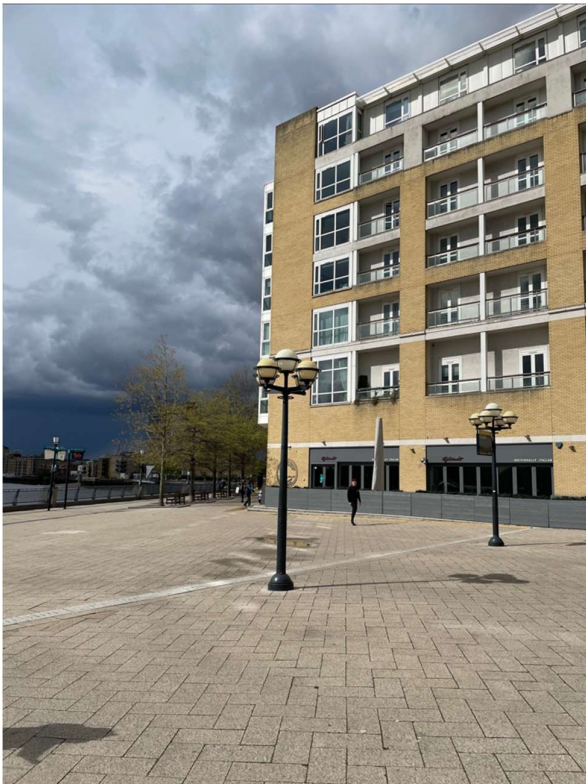
Rear of Premises



Steps up to front door of premises on river side



River side Piazza – walking patrons will come from this direction



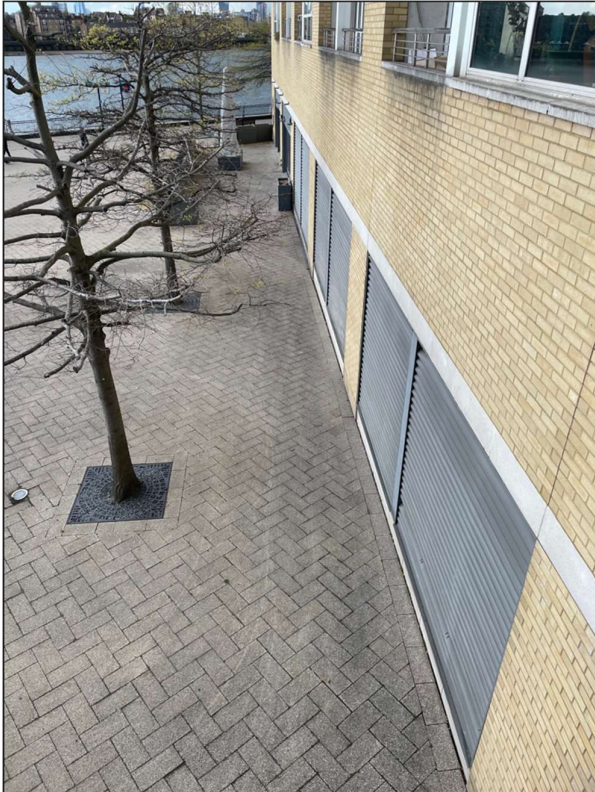
Steps down to Piazza – pedestrian route



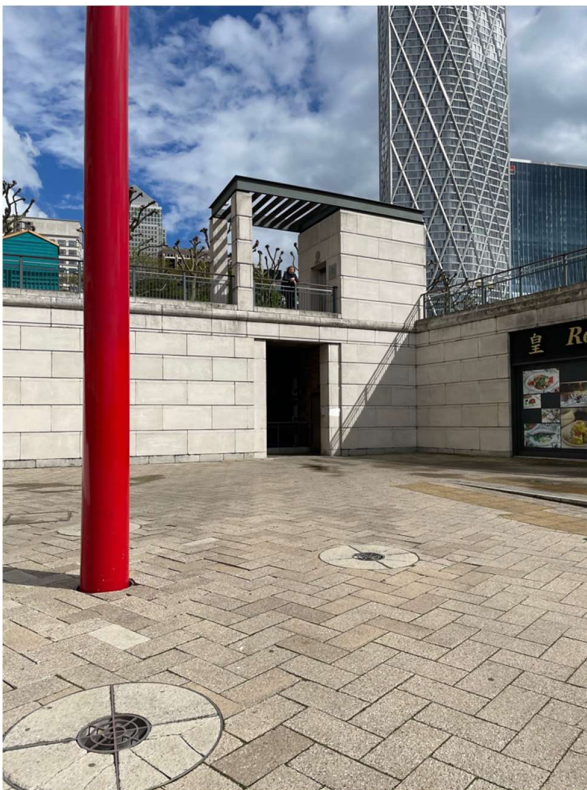
Top of piazza steps



Side of building with vents



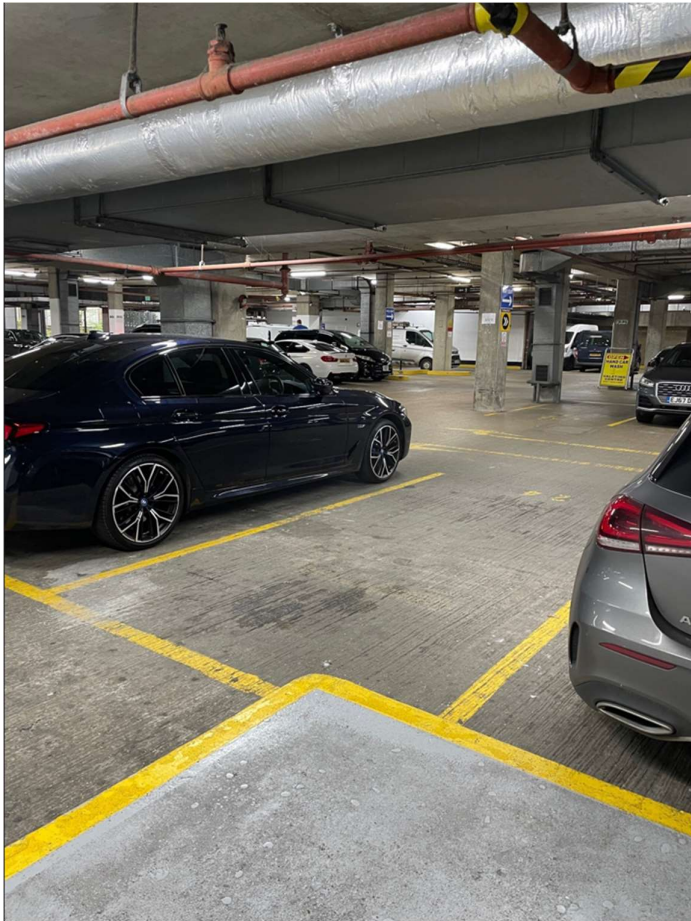
Entrance to underground roundabout/car park from piazza



Entrance to underground car park



Entrance/Exit /to smoking area – through car park



Lift entrance/exit from car park



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Lavine Miller-Johnson

From: Frank Fender [REDACTED]
Sent: 08 January 2024 17:15
To: Nicola Cadzow
Cc: [REDACTED]
Subject: Re: 165179 Objection Code Floor 3/4, 34 Westferry Circus

Good evening Nicola

Thank you for your email and the proposed additional conditions for Code.

I have discussed the conditions with my client. Your conditions numbered 1-6 are agreed. We would like some more information regarding condition number 7 (noise limiter).

Can I ask you to explain the reasons why a noise limiter is requested. The reason I ask, is that noise limiting conditions are usually requested when an existing premises has noise issues, rather than for an operator to have a considerable expense prior to a venue being given the opportunity to operate first.

The noise management plan is being prepared and will be forwarded once completed.

I look forward to hearing from you.

Kind regards

Frank

Frank Fender
FJF Licensing Consultants
[REDACTED]

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FJF Licensing Consultants

On 2024-01-08 10:58, Nicola Cadzow wrote:

Good morning All,

Following on from Mark's email, I am waiting a detailed copy of your noise management plan (NMP), to show how the venue is going to mitigate noise nuisance, and hence promote the licensing objective for the prevention of public nuisance.

Along with the NMP, please see list of noise conditions that I wish to be considered for the licence application for Code 3/4/ 34 Westferry Circus as follows:

1. No Music or Amplified Sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents
2. Loudspeakers shall not be located in the entrance lobby, or outside the premise building nor on ceilings. And anti-vibration mounts used is speakers attached to the walls
3. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
5. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
7. Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local resident
or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to
any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device."

Look forward to receipt of Noise management plan, and response to noise conditions 1-7, as above.

Kind regards

Nicola Cadzow

Environmental Protection Officer

Communities Directorate

From: [REDACTED]
Sent: Monday, January 8, 2024 10:26 AM
To: [REDACTED]
Cc: Nicola Cadzow [REDACTED]
<Licensing@towerhamlets.gov.uk>
Subject: RE: Objection Code Floor 3/4, 34 Westferry Circus

Hi,

Please have a look at the below conditions and feel free to contact me, to discuss or ask any questions. With regards to the policies I am happy to look / discuss them prior to the hearing, as I am sure the Council are.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. It must be completed within 24 hours of any incident and will record the following:
 - a. All crimes reported to the venue;
 - b. All ejections of patrons;
 - c. Any complaints received concerning crime and disorder
 - d. Any incidents of disorder;
 - e. All seizures of drugs or offensive weapons;
 - f. Any faults in the CCTV system, searching equipment or scanning equipment;
 - g. Any visit by a relevant authority or emergency service.

2. In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a. The police (and, where appropriate, the London Ambulance Service) are called without delay;

 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

 - c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

4. A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

5. No open containers of alcohol to be taken outside the premises.

6. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the

reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.

7. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.

8. We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy of all people entering the venue and the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.

9. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy.

10. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.

11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.

12. The premises shall have a written egress policy that shows how the venues customers will leave the venue without causing noise nuisance to local residents, and shall enable customers to leave the area safely. This policy will show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers as they leave.

13. The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.

14. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, this policy will include the use of Welfare Officers at peak times. Dedicated, clearly identifiable welfare officers will in place during peak times and when required by the event risk assessment. The policy will be made available to Police upon request.

15. The premises shall agree to the Central East Police Licensing Drugs Policy (Attached)

Kind Regards

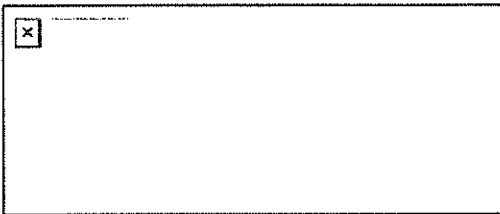
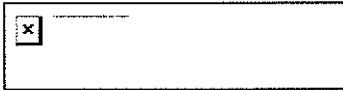
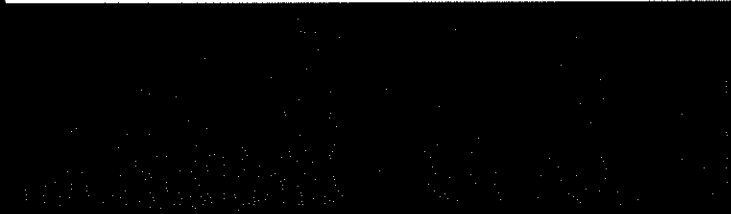
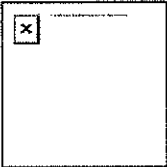
Mark



PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)



From: Perry Mark J - CE-CU

Sent: 24 December 2023 19:47

To: [Redacted] Lekan Moweta <[Redacted]> [Redacted] Licensing

Subject: Objection Code Floor 3/4, 34 Westferry Circus

Dear all,

Central East Police Licensing formally objects to the application of a premises license for Code, floors 3 and 4 of Westferry Circus E14 8RR, on the grounds of preventing Crime, Public Safety and Disorder and Public Nuisance.

The applicant wishes to be able to sell alcohol and regulated entertainment, including recorded and live music until 2am every day in an area with hundreds of residential premises in close proximity and little in the way of background noise.

There is little in the way of public transport to get the people away from the premises at that time of the morning, and the applicant has not said how they will leave the premises without causing noise nuisance as the applicant has not submitted a dispersal plan. The applicant has not submitted a detailed entrance plan either so we do not know the those visiting the venue will safely enter the premises without causing noise nuisance to local residents.

With hours the applicant has requested with drinking and entertainment until 2am every night the venue could be used as a late night club, yet the applicant has failed to put in place any security plan, welfare plan, drugs policy or risk assessments, as requested by the councils own licensing Policy. Without these policies in place we do not know how the venue will deal with any disorder at the venue, or protect those who become vulnerable through drink or drugs.

The risk of crime and disorder or vulnerability increases the later a venue is open and selling alcohol. Without these policies or plans it simply too big a risk to allow this venue to operate till such late hours, and we therefore ask that this application is rejected.

Should the applicant provide sufficiently detailed and acceptable policies plans and risk assessments then we will consider removing our objection. However at this time with no such plans we maintain our objection to this application and ask that it is rejected.

Kind Regards

Mark Perry

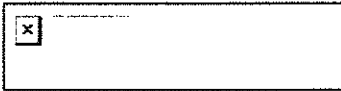
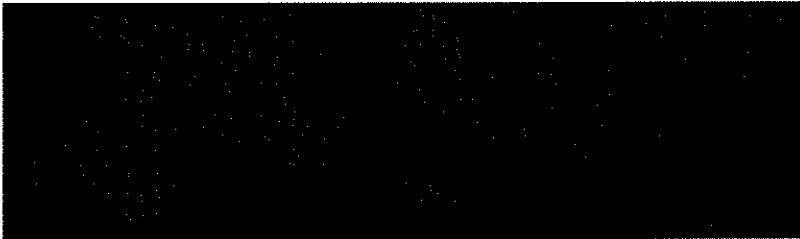


PC Mark Perry

Central East Licensing Unit



Metropolitan Police Service (MPS)



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E14 - DISPERSAL POLICY **(END OF EVENING)**

The intention of this policy is to provide guidance for employees and state the terms for dispersal of patrons from the premises.

The overarching purpose of this policy is to set out the reasonable steps the premises will undertake to prevent unnecessary and avoidable disturbances to those that might live within close proximity to the venue. To this end all relevant staff will be fully versed with this policy, in order to facilitate orderly and safe dispersal from the premises. It is the responsibility of the Designated Premises Supervisor (DPS), to ensure that this policy is adhered to at the premises, and to update the policy annually or as is required.

1. Staff at the premises will operate procedures and systems, as is required, to ensure that the premises are operating in a responsible manner with regards to the dispersal of patrons, particularly later in the evening and at the end of the evening during the closure of the premises.
2. Clear and legible notices will be displayed at all exits requesting that customers respect the needs of local residents, by leaving the premises in an orderly manner.
3. Supervision of the main entrance will become more vigilant just before 22:00hrs, to ensure that the 22:30hrs 'no entry' via the main entrance, licencing requirement is adhered to.
4. At least 30 minutes before the closure of the premises, the lights will be turned up to full brightness and the music volume decreased gradually. The aforementioned will be carried out to assist with the gradual dispersal from the premises.
5. Appropriate announcements will be made towards the end of the evening, encouraging patrons to disperse gradually.
6. Staff will: -
 - a. Encourage patrons to consume their drinks and progress, to the exit via the lift/stairs leading to the car park. Security will be stationed at the lift doors at the venue level, and at the lift doors in the car park, and on the stairs leading to the car park.
 - b. Draw attention to the attention of exiting customers, the various notices and asking them to be considerate to the neighbours.

- c. Ensure that customers do not leave the premises with bottles or glasses.
 - d. Increase security personnel in the car park area.
 - e. Direct customers to local transport links, where necessary.
 - f. Assist customers to access cabs via the venue's taxi rank, located at the immediate right as you exit the car park or ensure safe passage to an online cab service.
7. The car park will be patrolled by security whilst the venue is open. To be clear, there will be a several security persons, permanently stationed in the carpark area from 7pm until shortly after the premises has closed.
8. Any guests who are deemed too intoxicated to drive will be strongly encouraged to take advantage of the taxi service.
9. Last entry into the club will be at 12:00am. The bar will stop serving alcohol at 01:00am. At 01:40am, all guests will be asked to start making their way towards the exit.

By implementing these measures, we aim to ensure that all our patrons have a safe and enjoyable experience at our venue and arrive home safely at the end of the night. Thank you for your cooperation.

E14 – EMERGENCY EXIT POLICY

In the event of an emergency at the venue, it is important to have a clear and exit plan to ensure the safety of all patrons and staff. Below are some key points to help facilitate safe exit from the venue in an emergency.

1. Emergency exits will be clearly marked with illuminated exit signs and be kept free of obstructions at all times.
2. Staff members (including security) should be 'briefed' on the location of emergency exits and evacuation procedures.
3. In the event of an emergency, such as a fire or other active threat, customers and staff should remain calm and move quickly to the nearest emergency exit.
4. If a main exit is blocked, alternative routes should be identified and communicated to customers by staff.
5. Staff should assist customers, especially those who may need help or have difficulties, in safely evacuating the premises.
6. The 'muster'/assembly point is the grassed court yard behind the black gates of the hotel, adjacent to the venue. The assembly point will be accessed by the main entrance, or by the stairs near the lift (**the lift is not to be used in the event of a fire**). Staff will be dispersed along the route in either direction, to try and ensure safe passage to the assembly point.
7. By following these guidelines and having a clear emergency exit policy in place, the venue can help ensure the safety and well-being of everyone on the premises, in the event of an emergency.

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E14 – Smoking and Vaping Policy

Aims of this Policy

1. To be compliant with Section 2(2) of the Health and Safety at Work Act 1974 which places a duty on employers to 'provide and maintain a safe working environment which is, so far as reasonably practicable, safe, without risks to health and adequate as regards for their welfare at work.'
2. To provide an environment free of the vapours and chemical emissions of tobacco-based products, e-cigarettes and other electronic nicotine delivery products (ENDS).

Location of the Smoking Area

1. The designated smoking area is located one floor below the venue, immediately on the right as you exit the car park.
2. The smoking area is accessed via a lift from E14 venue going directly to the car park.

Access from E14 to the Smoking Area

1. There will be 'controlled' access to and from the smoking area.
2. Security will be stationed, at the lift entry doors at E14 (street/venue level), security will also be stationed at the lift entry doors in the car park (basement level).
3. Customers will be escorted from the lift in the car park (basement level) to the smoking area, located immediately on the right, as you exit the car park. Conversely, customers will be escorted from the smoking area to the lift in the car park. Security at the lift doors (street/venue level), will direct customers back to the venue.
4. If there are customers who prefer to use the stairs to and from the smoking area, security will ensure the customer(s) are personally escorted, via the stairs to and from the smoking area.

Customer Guidance

1. Smoking or the taking of any illicit substances on the premises or in the smoking area is strictly forbidden, and rigorous steps will be taken to address this matter i.e. immediate ejection and/or immediate contact with the Police.

2. No liquids or food will be allowed to leave the club or to be taken to the smoking area.
3. The smoking area will be well-lit and equipped with fire extinguishers and ashtrays to create a safe environment for patrons.
4. The smoking area will be regularly cleaned and maintained to prevent any fire hazards or safety risks.
5. The smoking area will not be accessible once the bar is closed, sufficient notice will be given prior to closure of the area.
6. Security in the car park area will ensure customers cannot access the smoking area after the agreed closing time. Security at the venue level lift access, will clarify with customers if they are leaving the venue or wanting to use the smoking area, the information given will then be conveyed to the security in the car park area.
7. In the event of an emergency, patrons must follow the instructions of venue staff and security personnel to evacuate the smoking area safely.
8. This policy is applicable to **ALL** persons entering the premises.

Security Locations (In relation to the Smoking Area)

1. X1 person stationed outside the lift at venue level (**Location 4**).
2. X1 person stationed outside the lift at the car park level (**Location 3**).
3. X1 person floating at car park level, patrolling the car park and escorting customers from the lift in the car park, to the smoking area and vice versa (**Location 2**). X1 person stationed near the smoking area (**Location 1**), will control the number of customers occupying the smoking area. If the smoking area is at or near capacity, the information will be conveyed to the person at **Location 4** who will control customer access to the lift at venue level (**Location 4**).
4. The person in location 4 (supported by the person floating), will address all matters relating noise nuisance/rowdiness, anti-social/aggressive behaviour. Actions taken may result in customers refused re-entry to the venue, in this instance (where practically possible), the person stationed near the smoking area (**Location 1**), will take the lead in coordinating transport (with support from the Duty Manager) for the person/persons refused re-entry to the venue.
5. It is envisaged that customers will endeavour to cooperate with security and E14 staff, to ensure the smooth running and enjoyment of the venue for all parties.

NB:

Customers using the car park (drivers and passengers), will use the same route, as those using the smoking area, that is accessing the lift/stairs. Car park users (drivers/passengers) will also receive the same escort service, as that given to those using the smoking area. The security person floating in the car park area, will assess if additional personnel are required in the car park area, and ensure that adequate control measures are in place, to address matters 'as is necessary'.

Date Created: 11th March 2024

Date for Review: 17th February 2025

Date reviewed:

Name of Reviewer (print):

Signature of Reviewer:

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Miss Sophie Hardy
Hybrid Planning & Development
The Old Vyner Street Gallery
23 Vyner Street
E2 9DG

Development Management
Planning and Building Control
Housing and Regeneration Directorate
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

www.towerhamlets.gov.uk

Enquiries to: Oliver.Cassidy-Butler

Tel: 0207 364 5009

Application Number: PA/23/00513

18/12/2023

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)

CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Housing and Regeneration Directorate, Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ (020 7364 5009) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

You must ensure you have obtained the written consent of the land owner, building owner or any other third party (including the Council) who has an interest in the property or land, prior to commencing work on the development specified in this notice.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official geographical and postal addresses and to get any newly created streets and access-ways officially named. **In order to avoid delays at completion stage of the work the application should be made on commencement of the work or shortly thereafter.** Details of the development, including site, block and internal plans annotated with unique plot numbers and additional development information such as tenure, number of bedrooms etc. with completed application forms (available from the Street Naming and Numbering webpage on the Councils website) should be sent to Planning and Building Control, Street Naming and Numbering, Housing and Regeneration Directorate, Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal from the date of your decision notice then you must do so within **SIX months** (unless your proposal relates to householder appeal or minor commercial appeal as defined in Article 37 of the DMPO 2015 in which case you must do so within **TWELVE weeks** of the date of this notice), or 28 days, if the development in your application is the same or substantially the same as development that is currently or subsequently the subject of an enforcement notice. Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

2) Purchase Notice

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

3) Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours sincerely,



David Williams, Acting Director Planning and Building Control

SCHEDULE

Full Planning Permission

Location: 5th Floor, 34 Westferry Circus, London, E14 8RR

Proposal: Alterations to the façade to include the addition of new bi-folding glass doors to the 3rd floor to provide an internal terrace area, minor alterations to the glass façade including the addition of bi-folding doors to the 4th floor and proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant. - (Amended Description of Development)

Date: 18/12/2023

Reference: PA/23/00513

Application Received on: 13 March, 2023

Application Registered on: 13 March, 2023

Documents and Drawings (Drawings):

Site Location Plan (1047-AP-SP-01-D)
Existing Ground Floor Plan (1027-010 P1);
Existing Third Floor Plan (1027B-013-P1)
Existing Fourth Floor Plan (1470-A-GA-PL-06 REV B);
Existing Roof Plan (1027B-015 REV WIP 01);
Existing Elevation Elevations 1 (1027-020 P2);
Existing Elevations 2 (1027-021 P2);
Proposed Lower Basement 1027-100 P1)
Proposed Third Floor Plan (1027B-103 P1)
Proposed Fourth Floor Plan (1027-104 P1)
Proposed Elevations 1 (1027-110 P4);
Proposed Elevations 2 (1027-111 P4);
Proposed Roof Plan (1027-105 P2);

(Other supporting documents):

Cover letter from Hybrid Planning & Development, dated 10 March 2023 (PP – 12002933)
Sharps Redmore Noise Impact Assessment, dated 30th November 2022 (Project No 2221519)
Sharps Redmore Advice Note, dated 11th June 2023 (Project No 2221519)
Sharps Redmore Advice Note, dated 17th August 2023 (Project No 2221519)
Sharps Redmore Advice Note 3, dated 17th October 2023 (Project No 2221519)
Sharps Redmore Acoustic Recordings Results
Email from Hybrid Planning & Development, dated July 2023, regarding waste management facilities

Statement of positive and proactive engagement

The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available a formal pre-application process, including free duty officer advice. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.

Conditions and Reasons:

1 - The development shall begin no later than three years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 - The development shall be carried out in accordance with the approved drawings listed in the Schedule to this decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3 - Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles):

a) Shall be carried out in accordance with the Tower Hamlets Code of Construction Practice.

b) Shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No works shall take place on Sundays and Public Holidays.

c) Noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(LAeqT*) at any point 1m from the façade of residential and noise sensitive commercial properties Monday to Friday, reduced to 65dB(LAeqT) on Saturdays and 65dB(LAeqT) at schools and hospitals and other noise sensitive premises.

*(LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).

Reason: To safeguard the amenity of local residents and the area generally in accordance with policies and D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

- a. 4** - Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level does not exceed the limits specified in Sections 2.7 and 2.8 of Advice Note 3 of Sharps Redmore Acoustic Consultants, dated 27th October 2023 (Project No. 2221519) with the plant in operation as measured one metre from the nearest affected residential property. The rating level of the plant noise level shall be determined using the methods from the version BS 4142 current at the time of the granting of permission. Vibration from the plant hereby approved (when assessed as per advice of the version of BS 6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings';
- b. No mechanical plant of equipment shall be operated within the site until a post installation verification report, including acoustic test results, has first been submitted to and approved in writing by the Local Planning Authority confirming that the above maximum noise standard has been achieved and that the mitigation measures are robust.

Reason: To ensure that the development does not result in noise disturbance to

neighbouring residents in accordance with policies D.14 of the London Plan (2021) and the Tower Hamlets Local Plan 2031 (2020).

- a) **5** - Use of the roof terrace must only take place between 08:00 – 21:00. Patrons are prohibited from accessing the roof terrace between 20:00 – 08:00 hours.
- b) No more than 100 patrons may access the roof terrace at any given time.
- c) Patron noise including music and/r other amplified sound (LA,eq 5 mins) shall not exceed 44dB(A) when assessed 1 metre outside a window to a habitable room in the nearest affect residential property.
- d) Any amplified music is prohibited from being played from the rooftop terrace between the hours of 20:00 – 08:00 hours.
- e) The LAeq, 5 min level in 63Hz and 125Hz octave bands assessed 1 metre outside a window to a habitable room, shall show no increase (i.e., 10dB below) when compared with the representative LAeq, 5min level in the 63Hz and 125Hz octave bands measured from the same position under the same conditions and during a comparable period.

Reason: To ensure that the development does not result in the noise disturbance to neighbouring residents in accordance with policies D.14 of the London Plan (2021), D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020).

6 - The rooftop terrace hereby approved shall only be used for purposes within Class E (b), and only in direct connection with the use of third and fourth floors of the application site and for no other purpose unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that use of the rooftop terrace is consistent with the application hereby approved, and to also mitigate opportunities for noise disturbances to occur, in accordance with policies D.14 of the London Plan (2021), D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020).

7 - No works shall take place until samples and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority:

- a) Samples and details of external cladding;

Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding.

- b) Details of balustrades.

- c) Detail of any external rainwater goods, flues, grilles, louvres and vents.

The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development and that high quality materials and finishes are used, in accordance with policies S.DH1, D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020) and policies D3, D4 and D14 of the London Plan (2021).

8 - Prior to its installation, details of the acoustic screen must be submitted to and approved in writing by the Local Planning Authority. Details of acoustic screen must include, but is not limited to details of glazing panels, acoustic seals, and framing system. The glazing must also comprise of materials with a surface density of at least 100kg/m². The acoustic screening shall be built so that it includes no gaps and installed prior to the use hereby approved and for the lifetime of development.

Reason: To ensure that the development mitigates opportunities for noise disturbances to arise, in accordance with policies D.14 of the London Plan (2021), D.ES9 and D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

9 - Prior to its installation, details of plant, plant machinery, associated covers, handrails, and louvre systems shall be submitted to and approved in writing by the local planning authority.

Details shall include but not be limited to:

- a) Full details of plant, plant equipment, plant covers and/or louvre systems.
- b) Details of acoustic performance of proposed plant.
- c) Details of Air Quality Impacts associated with proposed plant and plant machinery.

The approved details shall be implemented prior to the commencement of the use and shall be so maintained for the lifetime of the development.

Reason: To ensure that the development does not cause harm to the experienced amenities of local residents, in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020).

10 - Prior to the commencement of the development, details of lighting, and a lighting strategy must be submitted to and approved in writing by the Local Planning Authority.

Details must include, but are not limited to:

- a) Lighting equipment
- b) Luminosity
- c) On / Off times of lighting equipment

The approved details shall be implemented prior to the use of the roof terrace, and thereafter shall be maintained for the lifetime of the development.

Reason: To ensure that the development is sensitive to the local setting, in both terms of its appearance and design quality, as well ensuring it does not harm the experienced residential amenity of local residents, in accordance with policy D3 of the London Plan (2021) and policies S.DH1 and D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

11 - The rooftop terrace shall not be occupied until the cycle parking spaces as shown on plan with reference 1027-100 P1 Proposed Lower Basement Plan, has been installed and are ready for use in accordance with the approved details. Such spaces shall be retained thereafter for this use only by occupiers and visitors to this part of the development and for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking facilities in accordance with the requirements of policies T5 of the London Plan (2021) and D.TR3 of the Tower Hamlets Local Plan 2031 (2020).

12 - The development shall not be occupied until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details to demonstrate compliance with the following guidelines:

- Bin stores are to be built in accordance with relevant standards;
- Measurement of bins are to be provided in cubic meters to demonstrate there is sufficient space in bin stores;
- Sufficient door sizes with catches or stays are to be provided;
- The facilities are appropriately ventilated.
- They have a suitably robust design including walls that are fitted with rubber buffers and that any pipes/services are fitted with steel cages.
- They feature gates/doors with galvanised metal frames/hinges and locks.
- They have sufficient capacity to service the relevant building/use.
- They have maintenance facilities, including a wash-down tap and floor drain.
- Bins are to be built in accordance with relevant standards;
- Bulky waste storage must be in its own separate storage unit away from other waste streams;
- Information of dropped kerbs is to be provided and within 10m of trolleying distance from bin stores;
- Managing agent shall present all waste streams including bulky waste where these are not within 10 metres trolleying distance for the waste collection operatives including all waste stored at all other levels except ground level, and;
- Details of how the waste collections vehicle will service this proposal including all loading and unloading areas must be provided.

The provisions for waste storage shown on the approved plans shall be maintained for the lifetime of the development. The waste storage and waste collection facilities shown on approved drawings shall be provided prior to the first occupation of the development and be maintained in an operational condition and made available to the occupiers of the building for the lifetime of the development.

Reason: To ensure adequate provision for the storage of refuse in accordance with policy D.MW3 of the Tower Hamlets Local Plan 2031 (2020); and to ensure adequate delivery and servicing arrangements and to minimise the development's impacts on the safety and capacity of the road network, and protect the amenity of the area, in accordance with policies T7 and SI7 of the London Plan (2021) and D.DH8, S.TR1, D.TR2 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).

13 - The rooftop terrace may not be used until a post installation verification report has been submitted to and approved by the local planning authority, which robustly demonstrates that:

- a. Patron noise including music and/or other amplified sound (LAeq,5mins) does not exceed 44.0 dB(A) when assessed 1 metre outside a window to a habitable in the nearest affected residential property.
- b. The LAeq,5min level in the 63Hz and 125Hz octave bands assessed 1 metre outside a window to a habitable room, shows no increase (i.e., 10 dB below) when compared with the representative LAeq,5min level in the 63Hz and 125Hz octave bands measured from the same position under the same conditions and during a comparable period.

Reason: To ensure that the development does not cause harm to the experienced amenities of local residents, in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020).

14 - Prior to the occupation of the rooftop terrace, a Management Plan must be submitted to

and approved in writing by the Local Planning Authority. Details of the Management Plan must include but are not restricted to:

a. detail as to how patron numbers will be managed, so as not to exceed 100 customers using the roof terrace at any one time.

b. detail as to how music will be managed to ensure that amplified music is not played after the agreed cut off point.

c. detail of acoustic cut off system, which will turn off any and all amplified music being played from the rooftop terrace, once levels of noise exceed volumes as to be agreed with by Environmental Health Noise and Vibration Officers.

d. details as to how patrons will be managed upon exit of the premises, to mitigate any issues arising from patron activities causing noise disturbances.

Reason: To ensure that the development does not cause harm to the experienced amenities of local residents, in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020).