

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](http://www.towerhamlets.gov.uk)

**Application Number:** PA/23/00513

**Enquiries to:** Oliver.Cassidy-Butler

**Tel:** 0207 364 5009

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 30<sup>th</sup> November 2022 (Project No 2221519)  
Sharps Redmore Advice Note, dated 11<sup>th</sup> June 2023 (Project No 2221519)  
Sharps Redmore Advice Note, dated 17<sup>th</sup> August 2023 (Project No 221519)  
Sharps Redmore Advice Note 3, dated 17<sup>th</sup> 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<sub>eq</sub> 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 LA<sub>eq</sub>, 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 LA<sub>eq</sub>, 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/m<sup>2</sup>. 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).