



## DEVELOPMENT COMMITTEE

Report of the Corporate Director of  
Housing and Regeneration

4<sup>th</sup> September 2023

Classification: Unrestricted

---

### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/23/00513
<b>Site</b>	5 <sup>th</sup> floor, 34 Westferry Circus, London, E14 8RR
<b>Ward</b>	Canary Wharf
<b>Proposal</b>	Proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant.
<b>Summary Recommendation</b>	Grant planning permission with conditions
<b>Applicant</b>	Riverside Crem 3 Ltd
<b>Architect/agent</b>	Ackroyd Lowrie / Hybrid Planning & Development
<b>Case Officer</b>	Oliver Cassidy-Butler
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 13/03/2023.</li><li>- Public consultation finished on 05/05/2023</li><li>- An updated technical advice note relating to the Noise Impact Assessment was received on 12/07/2023.</li></ul>

---

### EXECUTIVE SUMMARY

The application seeks full planning permission for the creation of a roof top, open aired terrace space, to provide ancillary accommodation for an existing restaurant/bar use, atop 34 Westferry Circus. The proposed development comprises alterations to the basement, third, fourth and fifth (roof) levels of the host building, to facilitate the changes.

The application seeks permission to create a 237sqm rooftop terrace which will provide an outdoor dining experience / rooftop bar. The proposed land use is considered acceptable, being an extension of the existing restaurant use of the site's third and fourth floors.

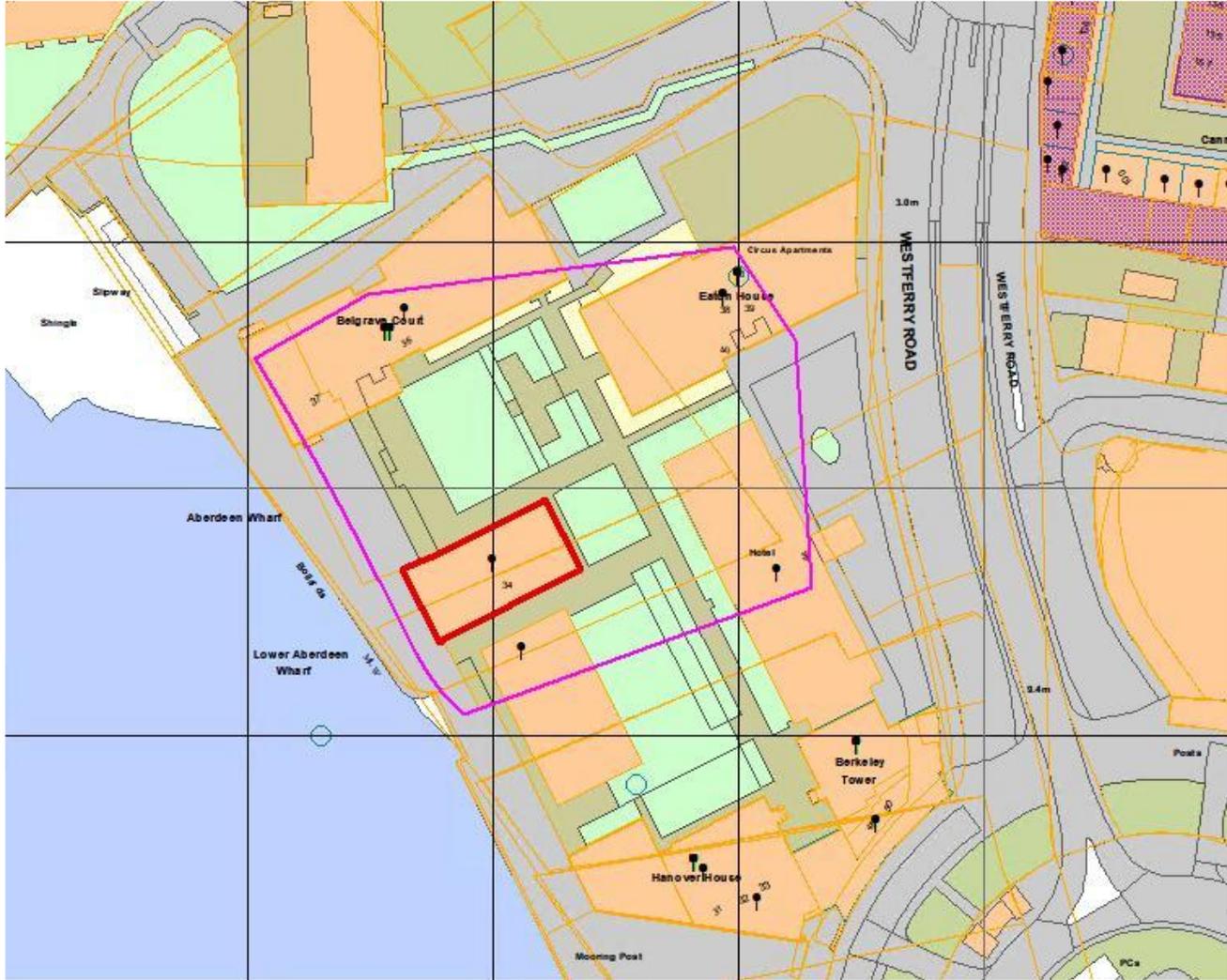
A Noise Impact Assessment has been submitted as part of the application. A further supplementary Advice Note was provided in June 2023, which was considered to robustly demonstrate that the proposals would not pose undue harm to the experienced amenities of locals residents as a result of noise

disturbances. Conditions are however proposed to limit the hours of operation from the terrace, by prohibiting any use between 22:00 - 08:00 hours.

The proposals are regarded acceptable in terms of design, being in keeping with the existing contemporary architectural style of the host building. It is proposed that a condition be applied to secure detail of a lighting strategy, in order to prevent the development being visually obtrusive.

The development proposes to provide an additional 6 short stay cycle parking spaces (3 Sheffield stands) and 4 long stay spaces (located within a secure locker). Officers have consulted the borough's highways officers and agree with their assessment that the proposed uplift is appropriate is compliant with policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020), and policy T5 of the London Plan (2021), which outlines the minimum provisions of cycle parking required to support development within London. It is proposed that a Construction Management Plan be secured by way of condition, to ensure that the development does not unduly affect the safety or function of the local highway network.

Officers are recommending this application for approval as it is considered to comply with the policies of the Development Plan.



Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288

- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

## Planning Applications Site Map PA/23/00513

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process

London Borough  
of Tower  
Hamlets

Scale : 50m grid squares

Date: 4<sup>th</sup> September 2023

## **1. SITE AND SURROUNDINGS**

- 1.1 The application site is a five-storey building located within the mixed-use development known as Canary Riverside which comprises a hotel, offices, restaurants, and residential buildings. The application site is located adjacent to the River Thames, which is to the west of the site. The building is accessible by a public walkway which runs parallel to the river.
- 1.2 The lower floors of the building are currently occupied by Virgin Active Gym. The Third and fourth floors have previously been used as a restaurant but have remained vacant for approximately 4 years. The roof (fifth floor) remains vacant and undeveloped. The third and fourth floors are accessible from within the building via a stairway or two separate lifts.
- 1.3 The application site is neither locally nor statutory listed. Nor does it lie within a Conservation Area,
- 1.4 The site is situated within the Canary Wharf Major Centre and the Canary Wharf Strategically Important Skyline Area.
- 1.5 The site is within the designation of: CIL Zone 1 and Flood Zone 3.
- 1.6 The site has a PTAL (Public Transport Accessibility Level) of 5 which is 'good' on a scale of 0-6b where 6b is the most accessible.

## **2. PROPOSAL**

- 2.1 The application seeks full planning permission for a roof extension with the creation of an external terrace space (237sqm) with outdoor seating associated with the existing restaurant at the third and fourth floor. The roof terrace would provide space for approximately 100 customers.
- 2.2 The edges of the terrace would be set back from the roof edge, by approximately 2.15m, and bounded by a 2m tall, obscured glass balustrade acting as an acoustic barrier. The terrace space would include a 0.8m tall rooftop bar occupying approximately 31.2 sq.m, positioned centrally within the terrace's eastern end. Its bulk will be largely obscured from the public realm when viewed from ground level. Plant machinery is proposed to be located at the eastern end of the terrace, sat behind the stairway and lift overrun, which will provide access to the rest of the host building. The lift overrun will stand to a height of approximately 2.5m, being approximately 2.33m wide x 2.06m deep.
- 2.3 The application seeks to introduce plant machinery to the eastern end of the rooftop terrace. The plant will consist of x7 plant units, measuring approximately 1m (height) x 1.2m (depth) x 8.7m (width).
- 2.4 Other alterations to the façade include the addition of new bi-folding glass doors to the 3<sup>rd</sup> floors in order to provide a terrace creating amenity space, and minor alterations to the glass façade on the 4<sup>th</sup> floor in order to provide bi-folding doors, which were approved under planning application ref: PA/21/00168 and which have been included within this application. The bi-folding doors, when open, will form a full width, recessed balcony which provides diners with westward views of the Thames River and open aired dining experience.

### 3. RELEVANT PLANNING HISTORY

#### *Planning History relevant to the application site*

- 3.1 PA/22/00143: Proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant. Alterations to the façade to include addition of new bi-folding glass doors to the 3<sup>rd</sup> floor in order to provide a terrace creating amenity space and minor alterations to the glass façade on the 4<sup>th</sup> floor in order to provide bi-folding doors. Refused – 19 July 2022.
- 3.2 PA/21/00168: Alterations to the façade to include addition of new bi-folding glass doors to the 3<sup>rd</sup> floor in order to provide a terrace creating amenity space and minor alterations to the glass façade on the 4<sup>th</sup> floor in order to provide bi-folding doors. Permitted – 06 April 2021.
- 3.3 PA/16/03395: Change of use of third and fourth floor from A3 (restaurant) into two residential dwellings. Permitted – 23 February 2017.

*The above consent is understood to never have been implemented.*

### 4. PUBLICITY AND ENGAGEMENT

- 4.1 The Council notified 313 neighbouring owners/occupiers by post and the application was also publicised online.
- 4.2 A site notice was displayed on 14/04/2022 within the immediate vicinity of the site.
- 4.3 A total of 96 letters of representation were received in response to the proposals. 29 letters were received in support of the proposals, and 76 were received in objection.
- 4.4 Below is a summary of representations received in support of the proposals:
- The unit has been vacant for six years and it would be good to see it an active use once again.
  - The proposals would not result in overlooking, a loss privacy or noise disturbances.
  - The proposals are considered to benefit the Canary Riverside Estate and would provide an increased variety of cuisines available within the local setting.
- 4.5 Below is a summary of representations received in objection of the proposals:
- The proposals would harm the experienced amenities of local residents by way of increased noise disturbance. The site lays in close proximity to residential properties which are considered vulnerable to further noise disturbance, due to the proximity of conflicting uses, and due to the existing pattern of development which would amplify any noise created as a result of the restaurant's operation.
  - The application suggests that the local area experiences noise disturbances already. This is not accurate. The site is largely shielded from noise due to the pattern of development. The noise which emanates from neighbouring commercial units has been inaccurately represented.

- Concerns are raised in respect to the accuracy of the submitted noise impact assessment and the proposed noise mitigation measures.
- The proposals would if permitted pose a security risk, with restaurant clientele being provided access to the Canary Riverside development and associated gardens. Local residents already report problems with nuisance behaviours and are concerned that this would be exacerbated.
- The application would introduce opportunities for overlooking to occur, which would be harmful to experienced sense of privacy of local residents.
- The development would harm the experienced amenity of local residents as a result of increased light pollution. There are further concerns that the operation of the rooftop bar/restaurant area would result in air pollution and odour/smell pollution also.
- The proposed rooftop use is inappropriate given its setting within a primarily residential area. The volume of customers is far too much and the density of development is inappropriate.
- The proposals would result in excess waste and litter being left behind and within the local setting.
- The changes from the most recent application are negligible and the scheme is still considered generally unacceptable.

Concerns were raised with respect to a lack of public consultation in response to amendments to the noise impact assessment and the comments shared between the applicant team, the planning officer and environmental health officers also

- The proposed development would adversely impact upon the quiet enjoyment of local residents, and would if permitted result in adverse impacts to health and wellbeing.

## **5. CONSULTATION RESPONSES**

### **Internal Consultees**

#### **LBTH Environmental Health – Smell/Pollution Team**

- 5.1 No objections towards the proposed development.

#### **LBTH Environmental Health – Noise and Vibration**

- 5.2 No objections towards the proposals.

The applicant has provided an Advice Note, dated 11 June 2023 to support the Environmental Noise Assessment, dated 30 November 2022. The applicant has qualitatively reviewed noise emissions, and officers agree with that the noise limits proposed are achievable.

- 5.3 LBTH Environmental Health – Noise and Vibration Officers recommend that conditions be applied, in order to preserve the experienced amenities of local residents. The proposed conditions will prohibit use of the terrace between the hours of 22:00 - 08:00 and the volume of noise which may

be produced by its operation. Further standard conditions are recommended restricting noise emissions from plant machinery and the requirement to submit a verification report demonstrating compliance with predicted noise levels reported.

### **LBTH Transport and Highways**

- 5.4 No objections subject to the application of conditions to secure details of Construction Management Plan (CMP).

The applicant is required to provide a CMP as a pre-commencement condition to ensure that there is minimal impact to pedestrians, vehicles and to the public highway during the construction phase of development.

- 5.5 The proposed extension will increase the number of customers. LBTH Transport and Highways welcomes the proposed increase to the provision of cycle parking available to staff and customers.
- 5.6 The applicant is required to provide details of the existing car park and how this will be managed to ensure that there is not an increase in customers attending via car, and instead promote sustainable travel.

### **LBTH Waste Management**

- 5.7 No objections to the proposed development.

## **6. PLANNING POLICIES AND DOCUMENTS**

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

- 6.2 In this case the Development Plan comprises:

- The London Plan (2021)
- The Tower Hamlets Local Plan (2020)

- 6.3 The key development plan policies relevant to the proposals are:

Land Use - (*Concentration of existing use*)

- o Local Plan policies – S.TC1, D.TC5

Design - (*layout, townscape, massing, heights and appearance*)

- o Local Plan policies – S.DH1,
- o London Plan policies – D1, D3, D4

Amenity - (*privacy, noise, light pollution, odour construction impacts*)

- o Local Plan policies – D.DH8 and D.ES9
- o London Plan policies – D3

Transport- (*sustainable transport, highway safety, car and cycle parking, servicing*)

- o Local Plan policies – S.TR1, D.TR2, D.TR3, D.TR4, D.MW3

- London Plan policies – T5

Environment - (*air quality, odour, waste,*)

- Local Plan policies – S.ES1, D.ES2

6.4 Other policy and guidance documents relevant to the proposals are:

- National Planning Policy Framework (2021)
- National Planning Policy Guidance (updated 2021)

## 7. ASSESSMENT

7.1 The decisive issues are:

- i. Land Use
- ii. Design
- iii. Neighbouring Amenity
- iv. Transport and Waste Management
- v. Environment
- vi. Equalities and Human Rights

### Land Use

7.2 Policy S.TC1 of the Tower Hamlets Local Plan (2020) outlines that development is required to support the role and function of the borough's town centre hierarchy and the provision of town centre uses in line with the principles established for its relative setting. Development within the Canary Wharf Major Centre will be expected to provide a high proportion of comparison retail compared to convenience, along with leisure and civic uses. Policy S.TC1 goes on to state that new development must contribute positively to the function, vitality and viability of the Major Centre and that the scale of development should reflect the character, scale and role of the centre to which it is set.

7.3 Policy D.TC5 of the Tower Hamlets Local Plan (2020) states that cafes, restaurants and drinking establishments, will be supported within the Canary Wharf Major Centre, provided that it can be demonstrated that the overall vitality and viability of the town centre would be enhanced.

7.4 The lawful use of the third and fourth floors is Use Class E(b) (restaurant use), although it is noted that both floors have been left vacant for approximately 4 years. The proposals seek to extend the existing lawful use. Thus, the proposed land use is considered acceptable in principle, and its intensification would contribute positively toward the function, vitality and viability of the Canary Wharf Major Centre, and the immediate setting of the application site, in accordance with policy S.TC1.

### Design

7.5 Policy S.DH1 of the Local Plan (2020) seeks to ensure development meets the highest standards of design and layout. Development should positively respond to its context by demonstrating appropriate scale, height, mass, bulk and form. It should represent good urban design, and ensure

that architectural language, design of details and elements complements the immediate surroundings.

- 7.6 The proposals comprise the installation of bi-folding glazed doors at third floor level to the elevation that fronts the River Thames. Currently the façade comprises partial glazing up to second floor level with the remaining areas having a masonry finish, and the top level being fully glazed. The glazing to the top level would be amended to allow for the introduction of doors, however, would remain as existing in terms of materials. To the northeast and southwest elevations, existing single pane windows at third floor level are to be replaced with larger three panel windows.

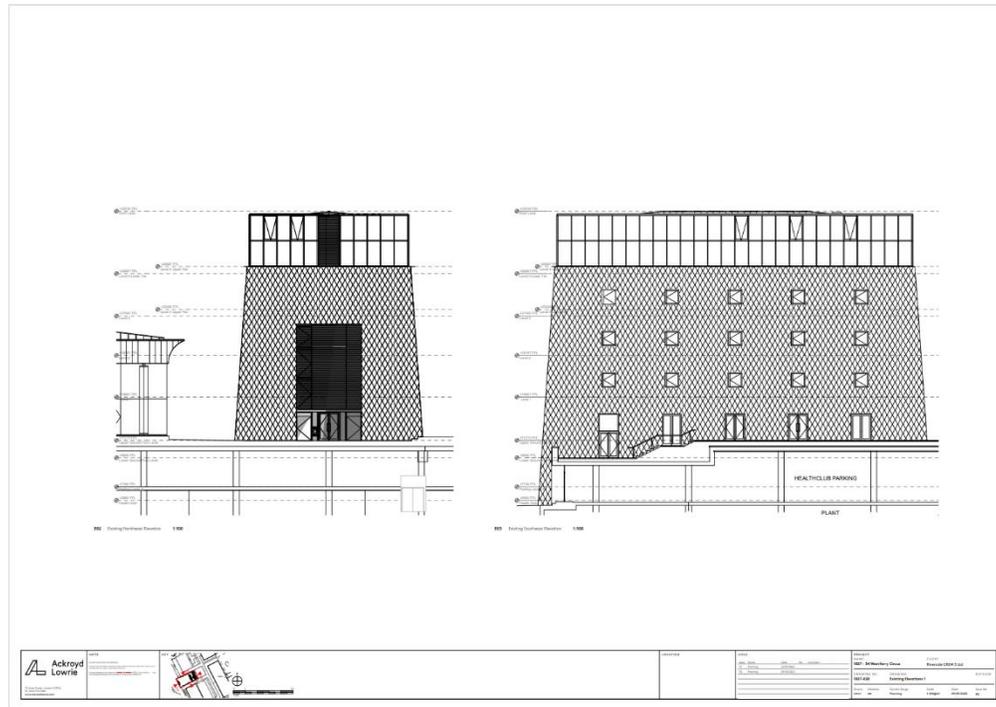


Figure 1.1: Existing West and Southern Elevations

- 7.7 The introduction of additional glazing at third floor level would not detract from the existing architectural quality of the building and would reflect its modern appearance. The alterations to the fenestration pattern have a limited impact on the overall building. Furthermore, Officers note that the proposed alterations were granted full planning permission, under PA/21/00168. The changes proposed to the third and fourth floors, are thus considered to be acceptable in terms of design and appearance.



Figure 1.2: Proposed West and South Elevations.

- 7.8 In terms of the most substantial aspect of the proposals, the proposed roof terrace would be bounded by a 2m tall, obscured glass balustrade, which would serve as an acoustic screening. The screening will comprise of individual sheets, set within a metal framing system (inclusive of appropriate sound insulating seals). The acoustic screening will be designed to ensure that there are no gaps, in order to optimise the acoustic insulation provided by the structure. Officers propose to apply condition to ensure that the screening is not inclusive of any gaps, and that the surfacing density of the screen is at least 10kg/m<sup>2</sup>, to ensure that the development is in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020).
- 7.9 The roof terrace will be set back approximately 2.15m from the building's roof edge to reduce its dominance. The terrace space would include a 0.8m tall rooftop bar occupying approximately 31.2 sq.m, positioned centrally within the terrace's eastern end. The materiality of the roof terrace and rooftop bar are considered to be in keeping with that of the host building. The scale of development is appropriate in design terms and would not introduce excessive bulk and mass to the roofscape. The lift overrun and plant machinery are located appropriately at the rear of the terrace (east end), to further minimise the developments visual prominence from the public realm via oblique angles.
- 7.10 Officers consider the proposals to be in accordance with policy S.DH1 of the Tower Hamlets Local Plan (2020). However, it is noted that details of a lighting strategy have not yet been provided. It is therefore proposed to impose a suitable condition to secure detail of lighting arrangements, to

prevent any disruption to local residents as a result of visually obtrusive lighting, in accordance with policies S.DH1 and D.DH8 of the Tower Hamlets Local Plan (2020).

### **Neighbouring Amenity**

- 7.11 Policy D.DH8 of the Tower Hamlets Local Plan (2020) stipulates that development is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as the amenity of the surrounding public realm. Policy D3 of the London Plan (2021) requires that site capacity is optimised through a design-led approach, which seeks to deliver appropriate outlook, privacy and experienced amenity for future occupants of the site.
- 7.12 Policy D.ES9 of the Tower Hamlets Local Plan requires development to be appropriately designed to mitigate the impacts of increased levels of noise and vibration and avoid causing undue disruption within the local setting. Where new noise-sensitive land uses are proposed in proximity to existing noise-generating uses, development is required to robustly demonstrate how conflict with existing uses will be avoided, through mitigation measures.
- 7.13 Belgrave Court lays approximately 33.1m to the north of the host building. To the northeast and east of the site lays, Eaton House and the Canary Riverside Plaza hotel, respectively. Both buildings are distanced greater than 24m away from the site. To the south and southeast of the site, lies Hanover House and Berkeley Tower, respectively. Both buildings are positioned at a distance greater than 50m away from the site. Immediately to the southeast of the site, the adjoining building is a low-rise development accommodating a gym.
- 7.14 To the northeast and southwest elevations, existing windows are to be enlarged. The separation distances detailed above exceed the 18m distance between windows and habitable rooms which reduces inter-visibility to a degree considered acceptable by most people. In addition, given the fourth floor currently benefits from full height glazing, there is an existing degree of mutual overlooking between the site and surrounding buildings. Officers do not therefore consider the proposed enlargement of windows to be harmful to the experienced amenities of local residents.
- 7.15 For the same reasons set out above (mutual overlooking and sufficient distances between buildings), the proposal for a new roof terrace would not result in an increase in overlooking or loss of privacy to neighbouring buildings. In addition, the roof terrace has been designed such that it would be set back from the roof edge on all sides, sat behind a 2m tall obscured glazed glass balustrade, which would further reduce opportunities for overlooking to occur.
- 7.16 The application has been accompanied by a Noise Assessment (prepared by Sharps Redmore) and a supplementary Advice Note was also subsequently submitted to Officers for review. The documents submitted have been assessed by LBTH Environmental Health Noise and Vibration Officers who have considered the impacts in terms of noise and vibrations, that the proposal would have upon the local setting and amenities of neighbouring occupiers.
- 7.17 In assessing the proposal, Officers note that planning application PA/22/00143 was refused on the basis that the development would have an unacceptably detrimental impact on neighbouring occupier's amenity by way of noise and disturbance. The previous planning application included a glass balustrade, acting as an acoustic barrier, standing to a height of 1.8m. The Environmental Health Officer assessing the noise impacts of the proposal considered the effectiveness of the proposed mitigation measure and concluded that the acoustic barrier would be ineffective for residential units positioned at levels higher than the proposals.

- 7.18 The current planning application is similar in nature to PA/22/00143, however an increase in the height of the glass balustrade from 1.8m to 2m is proposed, in addition to amendments to the location of the rooftop bar, and access arrangements via the lift and staircase also.
- 7.19 This application has been accompanied by a Noise Impact Assessment, prepared by Sharps Redmore. The Noise Impact Assessment has utilised a revised noise modelling SoundPlan, which differs to the one used by M Safe Technologies Ltd, which was submitted under PA/22/00143. The Sharps Redmore report, assumes a source term of 66dB/m<sup>2</sup> for the proposed use of the roof terrace. This is significantly lower than the LAeq 85 dB, which had been assumed for the same use, as detailed in the M Safe Technologies Assessment.
- 7.20 Environmental Health Noise and Vibration Officers have confirmed that the initial report produced by M Safe Technologies was based upon a very brief noise calculation which did not consider to adequately evaluate noise emissions from the proposed roof terrace.
- 7.21 The Sharps Redmore assessment, which supports this application utilises a more detailed noise modelling calculation, which robustly demonstrates that the predicted noise outputs from the terrace would be lower than that which had previously been assumed. The assumed source term of 66dB/m<sup>2</sup> is considered acceptable by Environmental Health Officers. Given the separation distance between the terrace and local residential properties, the SoundPlan modelling indicates that sound from the terrace will be experienced by local residents at a volume of 43-45dBa, which would be acceptable as it is at least 5dB below the measured background L90 50dBA.
- 7.22 Environmental Health Officers are now satisfied that the proposals do not present undue harm to local residents, as demonstrated in the Noise Impact Assessment and supplementary Advice Note (prepared by Sharps Redmore) accompanying this planning application. The two documents have been compiled using a different dataset/computer modelling software to that which was used by the previous consultants (M Safe Technologies' Acoustic Consultancy Report). The computer modelling system and methodology is regarded as being more detailed and accurate, and thus sufficiently demonstrates greater certainty to the likely impacts. Environmental Health Officers have concluded that the information submitted as part of this application has robustly demonstrated that the proposals would not cause undue harm and therefore, they do not raise objection.
- 7.23 To ensure that noise impacts are minimised and mitigated against, Officers propose to impose a number of suitable conditions. Officers will apply condition to limit the hours use for the roof terrace and prohibiting any use of the terrace between the hours of 22:00 pm– 08:00am. A condition will also be applied to ensure that the terrace is closed to customers from 21:00, to allow a 1 hour period for staff to clear the roof terrace after service. The proposed condition will also ensure that it will limit low frequency noise in the 63hz and 125hz octave bands assessed at 1 m outside a window to a habitable room, so that it shows no increase.
- 7.24 A condition will also be applied prohibiting use of the terrace until a post verification report (which will require the inclusion of acoustic tests results) and details and specification of the acoustic screening has been submitted to and approved by the Local Planning Authority. To produce the verification report, an array of speakers to simulate noise emission with appropriate source input can be used. This will ensure that the development is built out in compliance with the noise criteria established and also ensure that the glass balustrade, acting as an acoustic barrier has a surface density of at least 10kg/m<sup>2</sup>, and is without gaps, to prevent noise from being amplified into the local setting.

- 7.25 The conditions proposed by Environmental Health Noise and Vibration Officers have been accepted by the applicant and will mitigate against undue noise nuisance arising from the proposal, throughout the lifetime of the development (inclusive of the construction phase). The proposals are therefore considered by Officers to be compliant with policy D.ES9 and D.DH8 of the Tower Hamlets Local Plan (2020).
- 7.26 Concerns have also been expressed around security and public access to the site. Officers understand that whilst the restaurant used to be accessed via the gardens, this access was moved several years ago. The restaurant would now be accessed via the main entrance, which is accessible from the Thames Path. Furthermore, the gardens are understood by Officers to be gated and accessible via fob keys. The proposals would not alter this, and thus is not considered likely to pose a heightened security risk to local residents.

### **Transport and Waste Management**

- 7.27 The application site has a PTAL rating of 5, meaning that public transport accessibility of the site is moderate to good. The application site, as existing provides x5 cycle stands at lower basement level.
- 7.28 Given the intensification of the restaurant use, the development proposes to make the provision for an additional 6 short stay cycle parking spaces (3 Sheffield stands) and 4 long stay spaces (located within a secure locker). The proposed uplift is compliant with policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020), which seek to promote the uptake of green and active travel within the borough and reduce reliance upon carbon reliant travel patterns.
- 7.29 The Restaurant Use floors of levels 3 and 4 currently share waste arrangements with the gym which occupies the lower levels of the host building. It is proposed that waste management continues to operate as existing, whereby bins are brought from the refuse areas of the lower basement, to designated loading bays, which are emptied by a private refuse collector. The proposals do however seek to increase waste capacity from 2 x 1100L bins to 6 x 1100L bins, to accommodate the increase in the capacity in the restaurant. Additionally, it should be noted that refuse will be collected on a daily basis.
- 7.30 The Council's Waste Management Officer has confirmed that the proposed waste management strategy is appropriate and would not compromise local amenity as a result of excess waste. The proposals are thus considered to be compliant with policy D.MW3 of the Tower Hamlets Local Plan (2020).
- 7.31 Although officers consider the proposals to be acceptable in nature, a condition to secure detail of a thorough waste management strategy for the proposals should be secured. This is to ensure that the development is in accordance with policy D.MW3 of the Local Plan (2020)

### **Environment**

#### Air Quality

- 7.32 Policy D.ES2 of the Local Plan (2020) states that development s required to meet exceed the 'air quality neutral' standard, including promoting the use of low or zero emission transport and reducing the reliance on private motor vehicles.
- 7.33 The application seeks to introduce plant work to the rooftop of the host building. Officers have consulted LBTH Environmental Health Air Quality Officers in respect to the plans, who have raised

no objections to the proposals. The proposal is therefore considered to be compliant with policy D.ES2 of the Tower hamlets Local Plan (2020).

### **Human Rights and Equalities**

- 7.34 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and Officers consider it to be acceptable.
- 7.35 The proposed development would not result in adverse impacts upon equality or social cohesion.

### **Conclusion**

- 7.36 The application is considered by Officers to be compliant with the policies of the development plan. The information submitted in support of the proposals is considered to have robustly demonstrated the proposed development would not unduly impact upon the experienced amenities of local residents as a result of noise disturbances or overlooking and loss of privacy. Furthermore, the design and general management strategy is considered to be acceptable. Officers therefore recommend the application for approval.

## **8. RECOMMENDATION**

- 8.1 That planning permission is GRANTED subject to the application of the following planning conditions. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters

### 8.2 Planning Conditions

#### Compliance

1. 3 Years Deadline for Commencement of Development.
2. Development in Accordance with Approved Plans.
3. Restrictions on Demolition and Construction Activities:
  - a. All works in accordance with Tower Hamlets Code of Construction Practice
  - b. Standard hours of construction and demolition
  - c. Air quality standards for construction machinery
  - d. Ground-borne vibration limits
  - e. Noise pollution limits.
4. Noise from Plant
  - a. Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that it does not exceed the limits hereby agreed by Environmental Health Noise and Vibration and outlined within Section 2.3 of the Sharps Redmore Advice Note.
  - b. No mechanical plant or equipment shall be operated within the site until a post installation verification report, including acoustic tests has been submitted to and approved in writing by the local planning authority.
5. Hours of Operation of roof terrace
  - a. No operation between 22:00 – 08:00 hours
  - b. Closed to customers after 21:00 hours
  - c. Limitations to noise that can be produced during hours of operation.

6. Acoustic Glazed Screen shall have no gaps or opening, and the surfacing density must be at least 10kg/m<sup>2</sup>
7. The rooftop terrace capacity shall not exceed 100 customers at any one time, in compliance with the submitted roof plans, in order to limit the volume of noise created by patrons of the rooftop dining area.

#### Pre-Occupation

8. Approval of materials (Including full details of acoustic performance of glazed screen)
9. Approval of a lighting strategy (lighting equipment, luminosity, and on/off times)
10. Cycle Parking (full details of cycle parking and lifetime upkeep of parking arrangements)
11. Refuse storage (full details of refuse storage areas)
12. Post verification report (details to be submitted including acoustic tests)

# Appendix Plans and Elevations

## Figure 1 – Location Plan



Figure 2 – Existing ground floor plan.

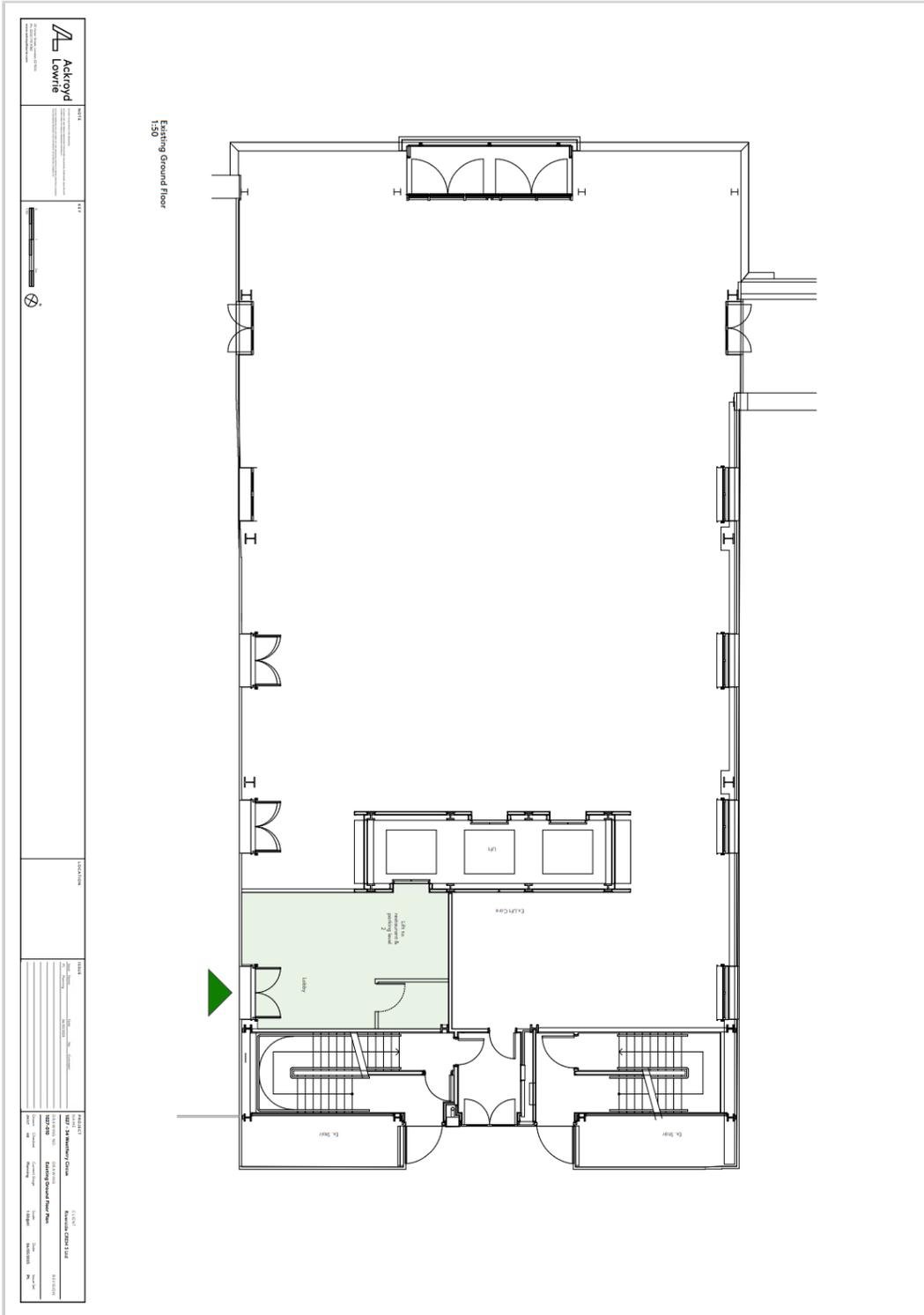
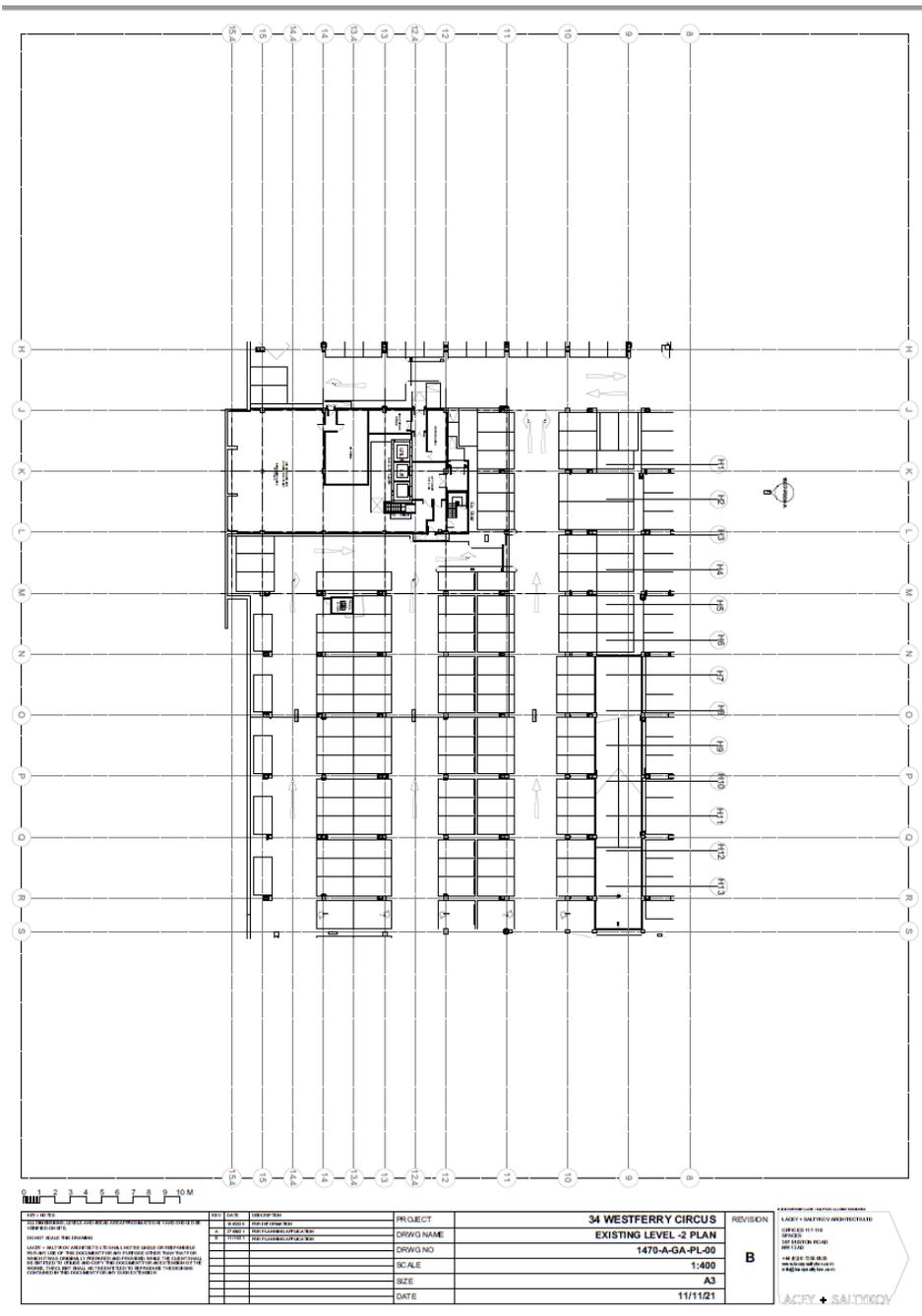


Figure 3 – Existing lower basement plan



NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 2. ALL WALLS ARE 200mm THICK UNLESS OTHERWISE SPECIFIED.  
 3. ALL FLOORS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.  
 4. ALL CEILING ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.  
 5. ALL ROOF ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.  
 6. ALL STAIRS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.  
 7. ALL ELEVATIONS ARE TO FINISH LEVEL UNLESS OTHERWISE SPECIFIED.  
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

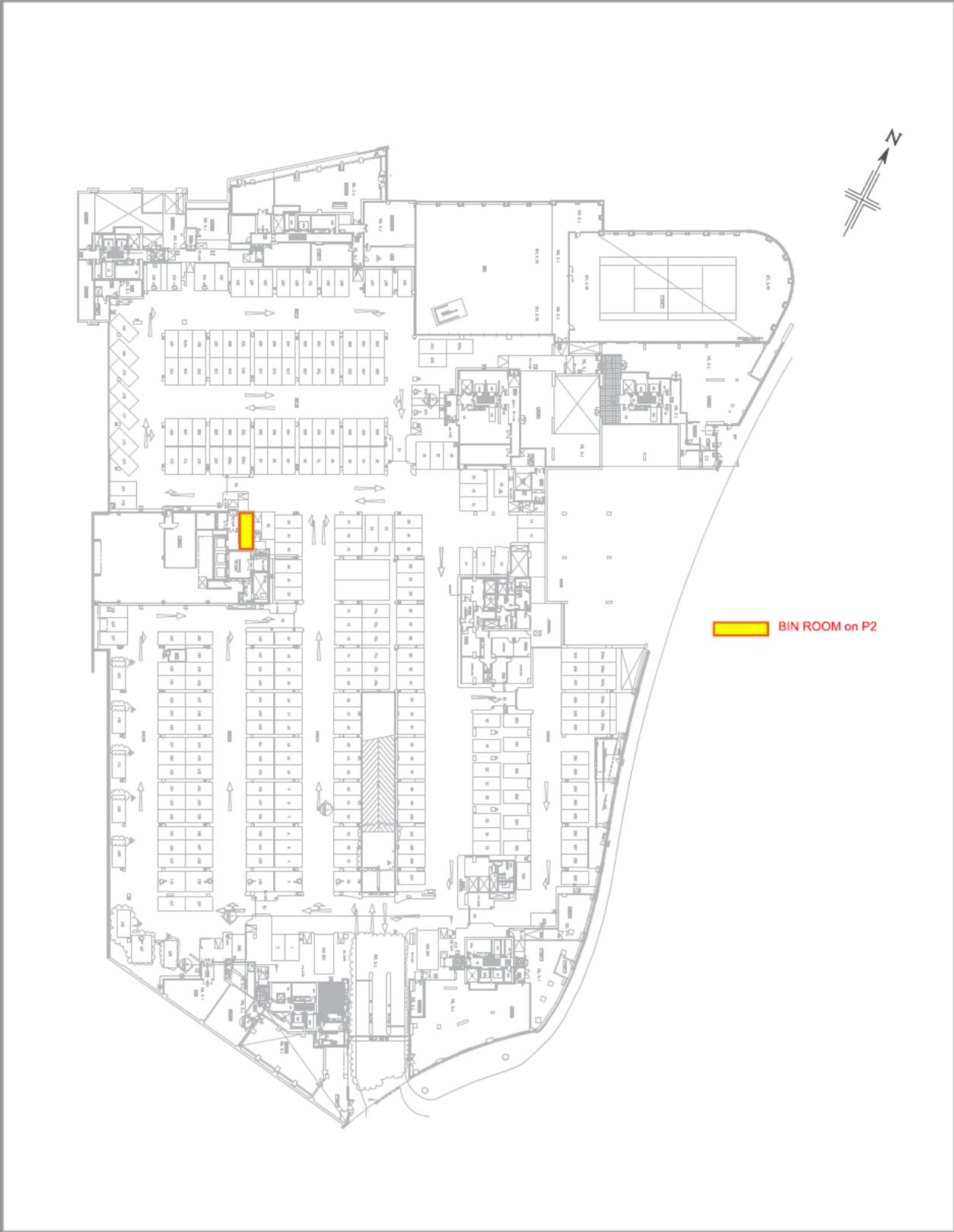
REV	DATE	DESCRIPTION
1		ISSUED FOR PERMIT
2		ISSUED FOR PERMIT
3		ISSUED FOR PERMIT
4		ISSUED FOR PERMIT
5		ISSUED FOR PERMIT
6		ISSUED FOR PERMIT
7		ISSUED FOR PERMIT
8		ISSUED FOR PERMIT
9		ISSUED FOR PERMIT
10		ISSUED FOR PERMIT

PROJECT	34 WESTFERRY CIRCUS
DRWG NAME	EXISTING LEVEL 2 PLAN
DRWG NO	1470-A-GA-PL-00
SCALE	1:400
SIZE	A3
DATE	11/11/21

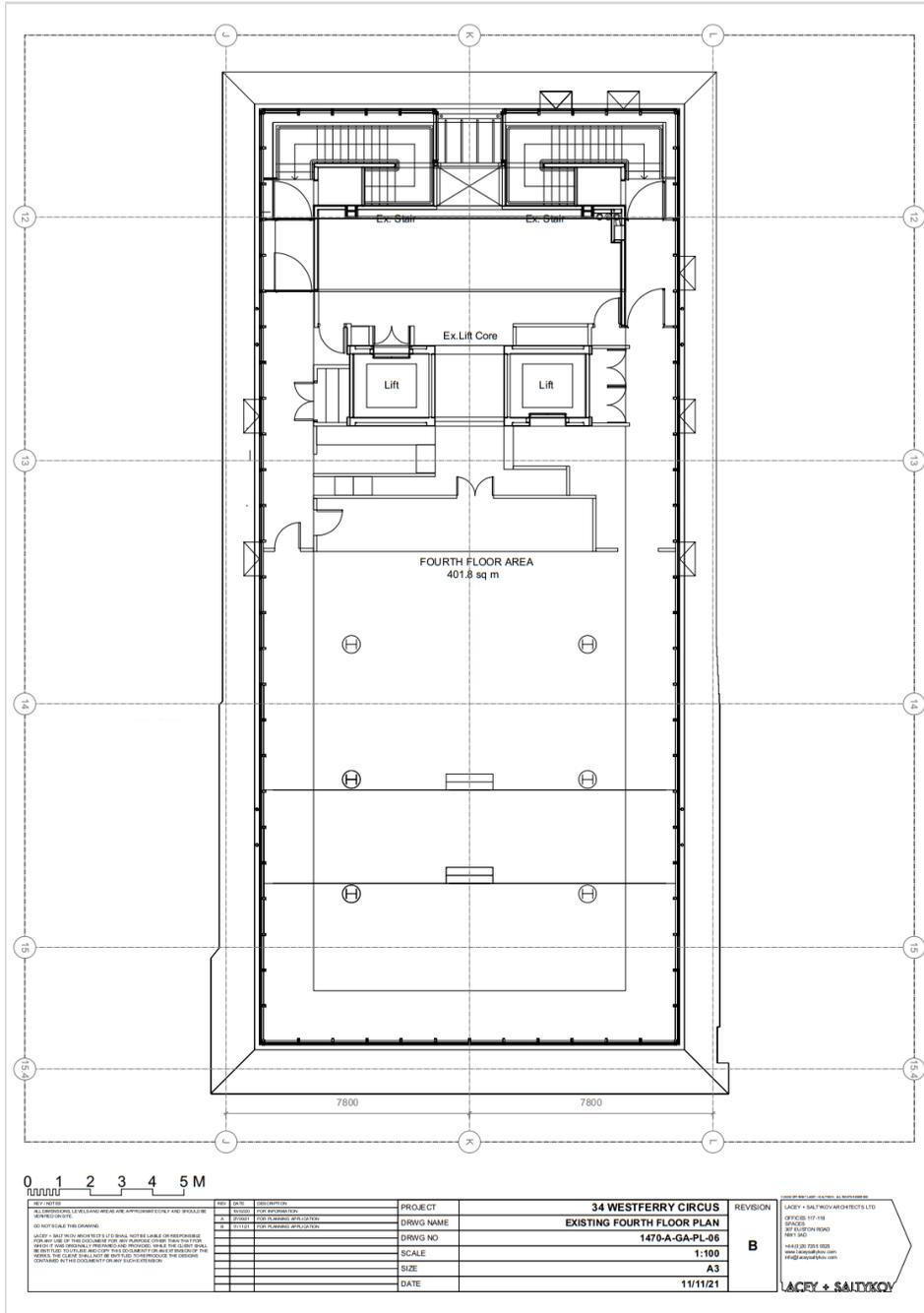
REVISION	DATE	DESCRIPTION
B		ISSUED FOR PERMIT

ACFY + SANDOZ

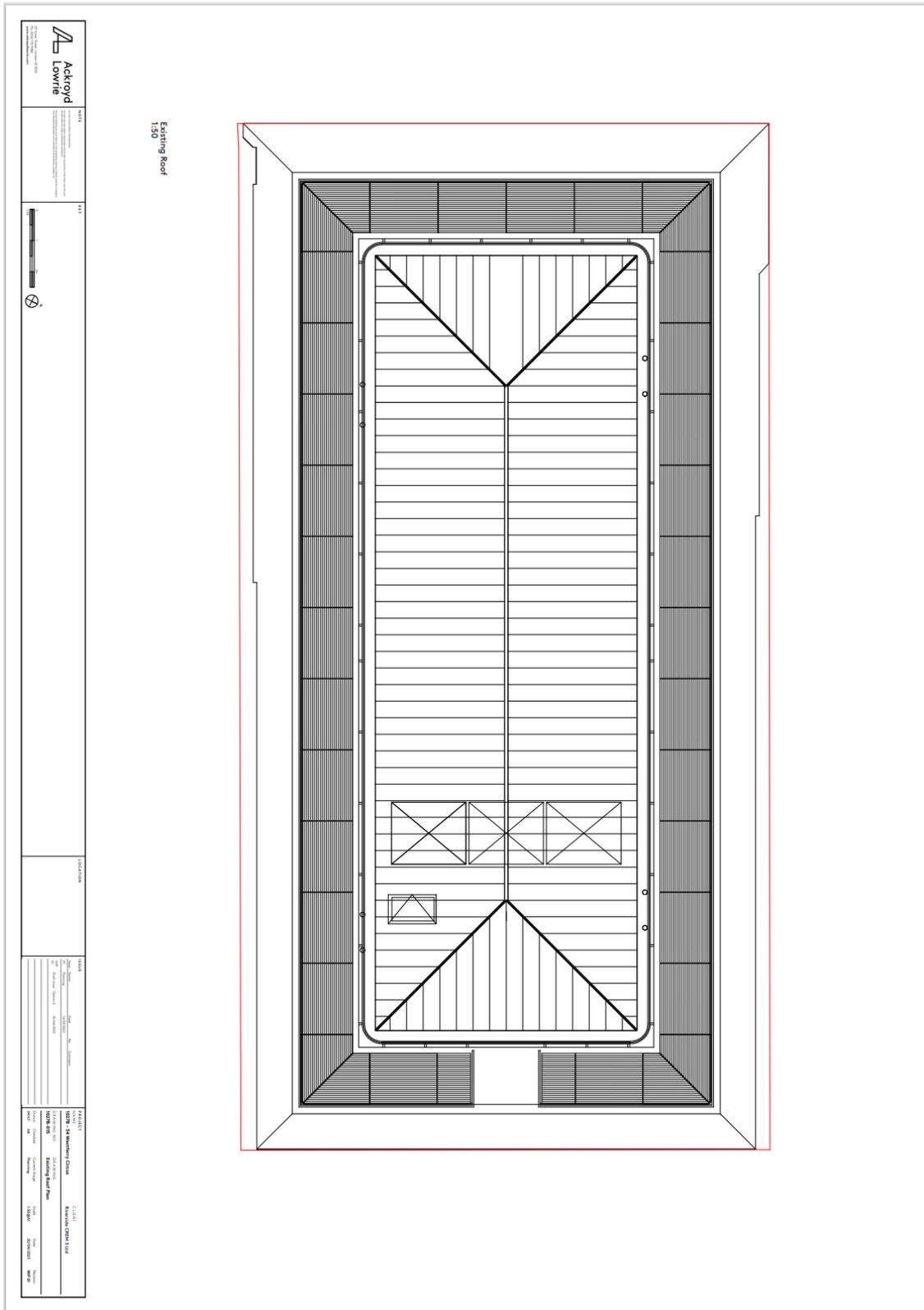
Figure 4 - existing basement plan highlighting bin store



**Figure 5 – Existing fourth floor plans**



**Figure 6 – Existing roof plans**







**Figure 9 – Proposed lower basement level**

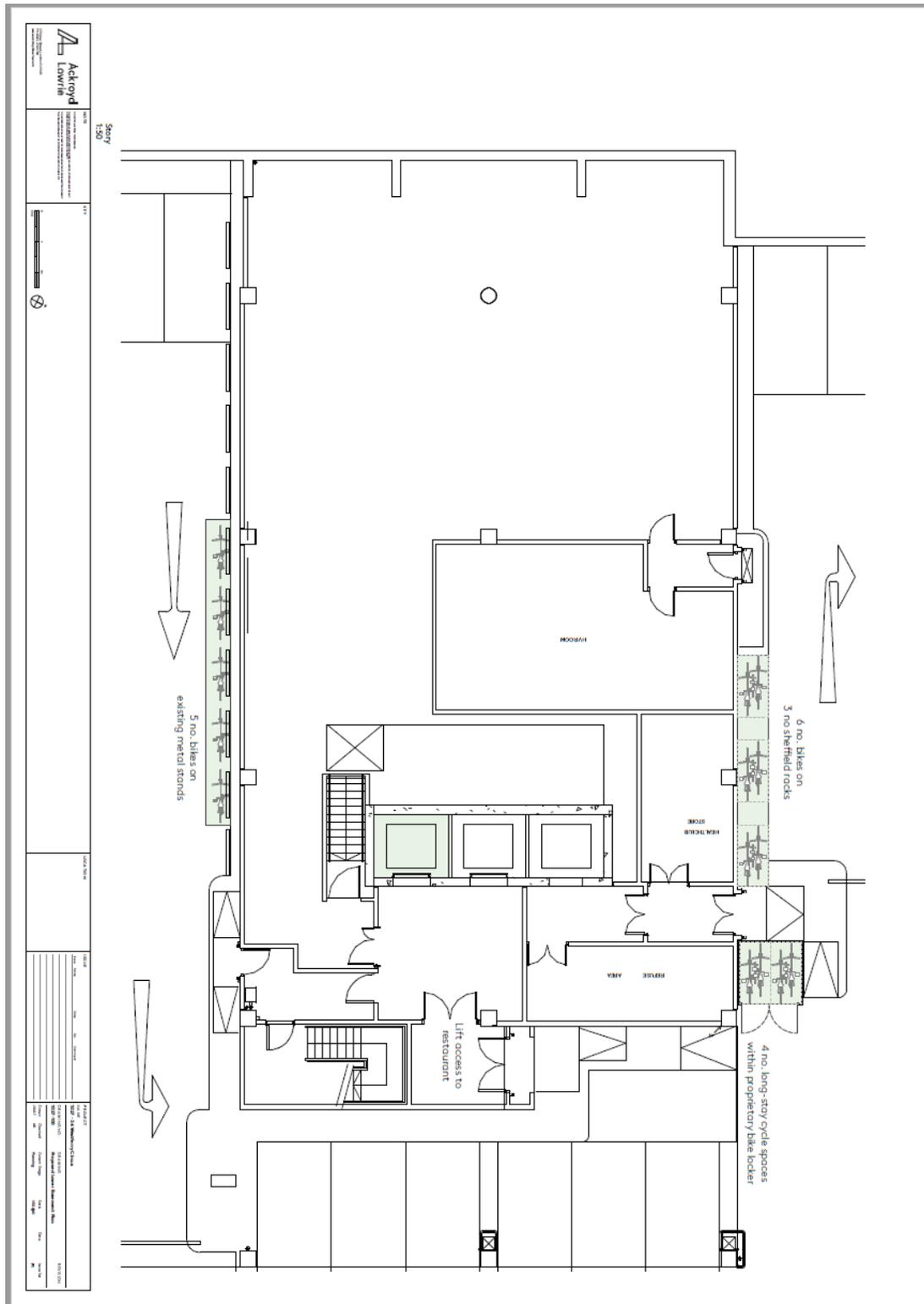
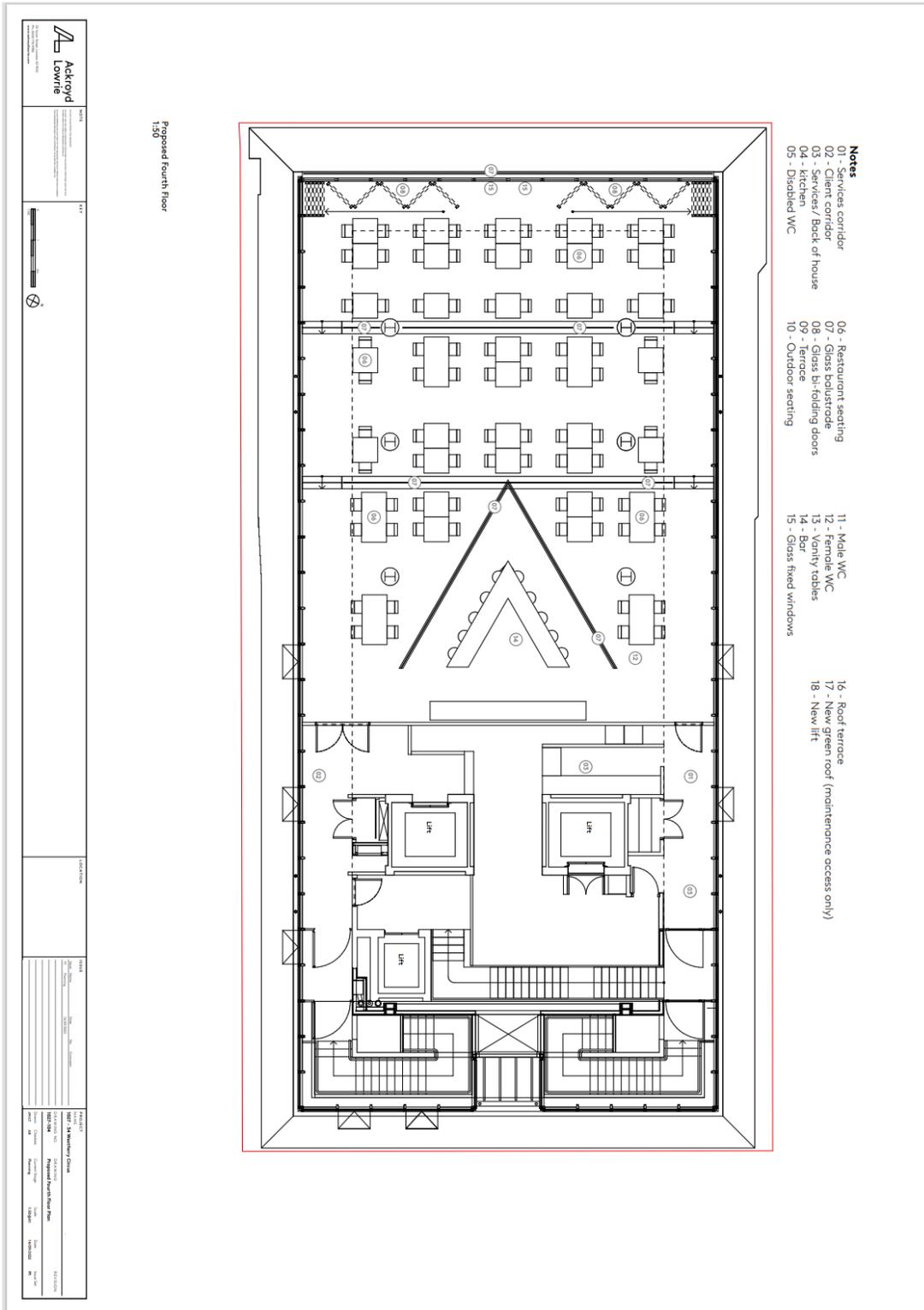


Figure 10 – Proposed fourth floor plans



**Figure 11 – Proposed roof terrace plan**

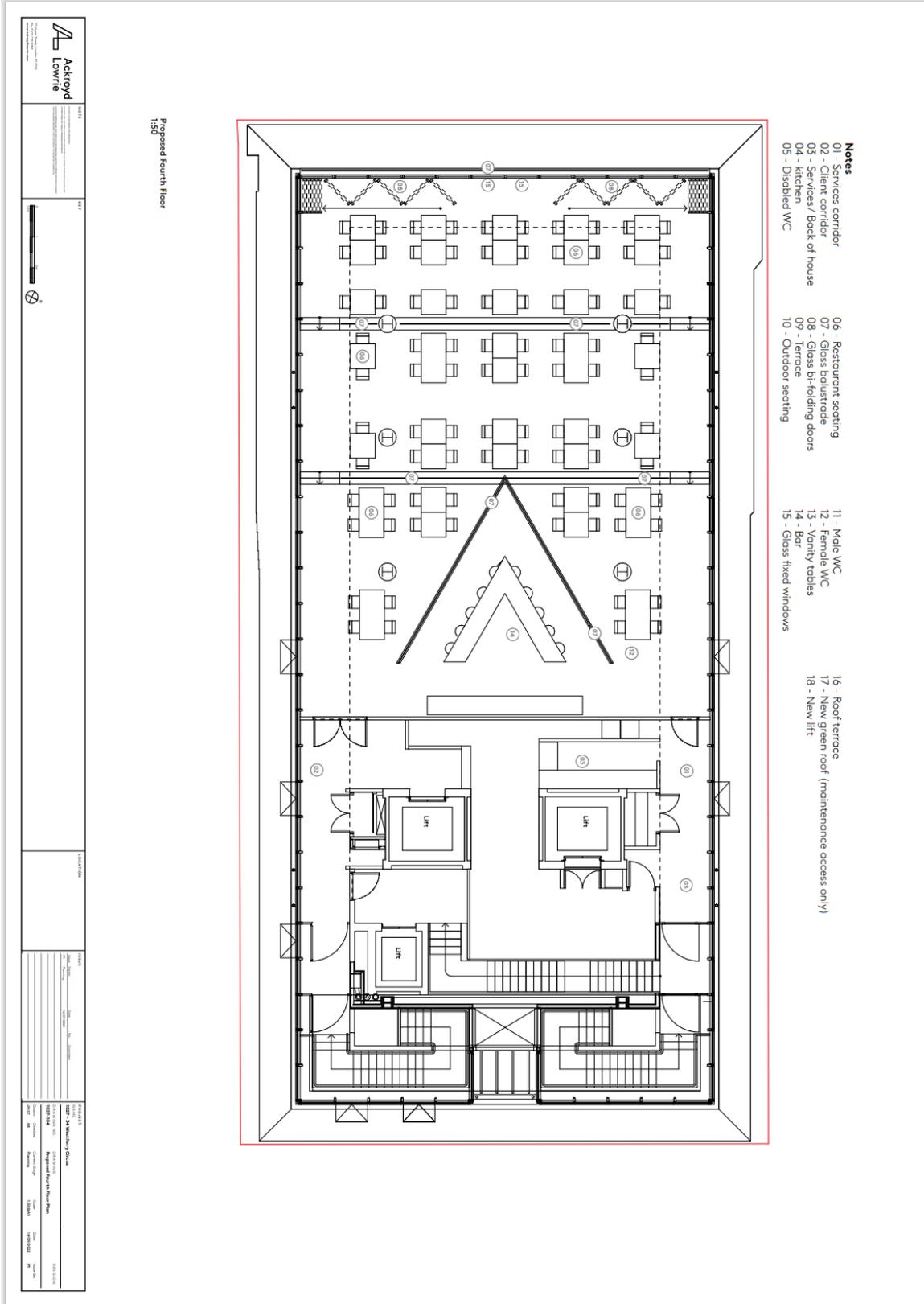
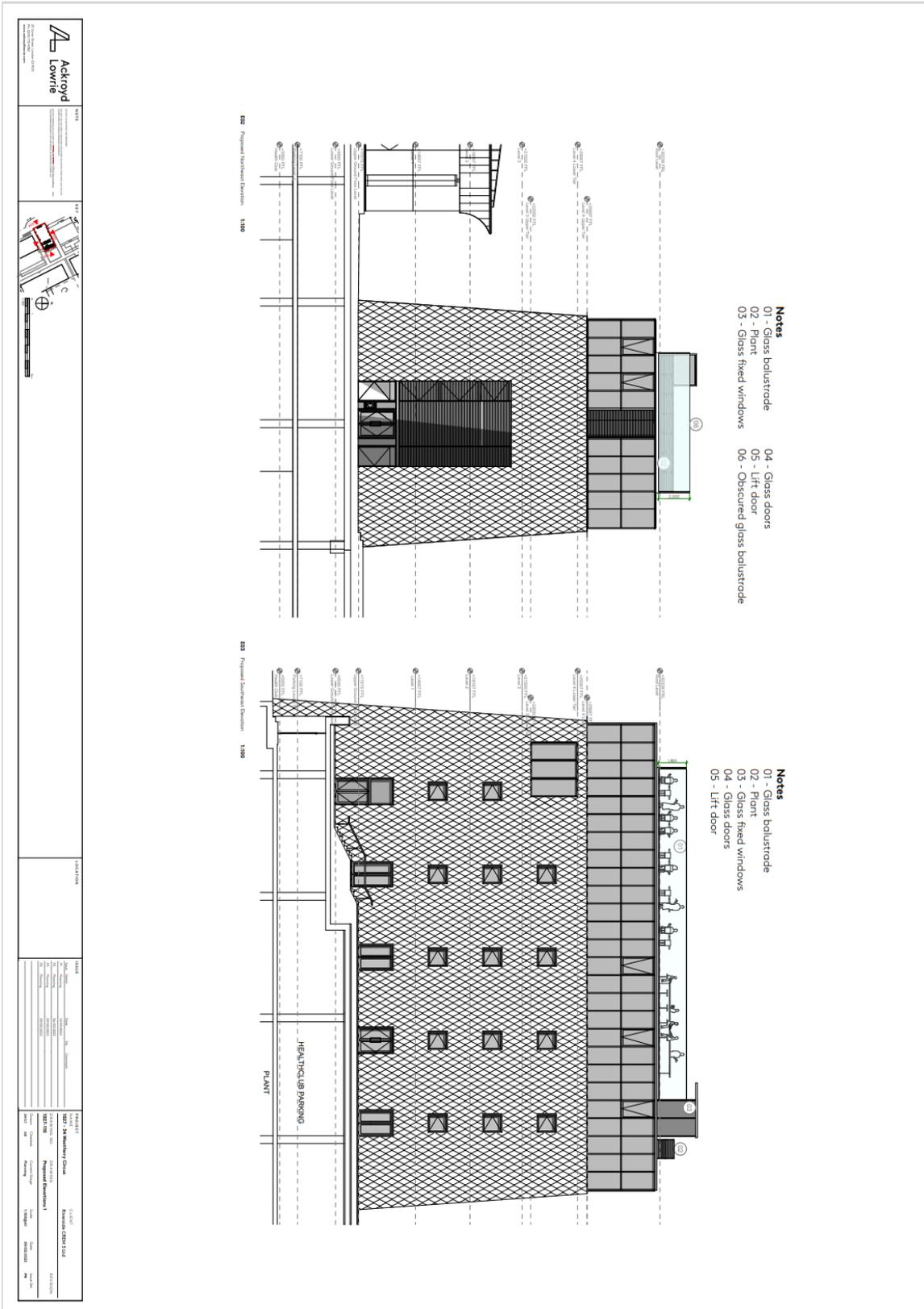


Figure 12 – Proposed elevations 1





Drawings):

1470-A-SP-01 (Revision D)

1470-A-GA-PL-00 (Revision B)

Basement plan highlighting bin room

1027-010

1027-020 P3

1027-021 P2

1027B-015 REV WIP 01

1470-A-GA-PL-06 (Revision B)

1027-100

(Other supporting documents):

Cover Letter, dated 10 March 2023

Environmental noise Assessment of a Proposed Roof Terrace Bar and Restaurant (Project No 2221519), dated 30<sup>th</sup> November 2022, produced by Sharps Redmore

Advice Note (Project No 2221519), dated 11<sup>th</sup> June 2023, produced by Sharps Redmore

Email correspondence from Hybrid Planning, regarding waste management, dated 20 July 2023.