



DEVELOPMENT COMMITTEE

30th November 2023

Report of the Corporate Director of
Housing and Regeneration

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/23/00513
Site	5 th floor, 34 Westferry Circus, London, E14 8RR
Ward	Canary Wharf
Proposal	Alterations to the façade to include the addition of new bi-folding glass doors to the 3 rd floor to provide an internal terrace, minor alterations to the glass façade including the addition of bi-folding doors to the 4 th floor and proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant.
Summary Recommendation	Grant planning permission with conditions
Applicant	Riverside Crem 3 Ltd
Architect/agent	Ackroyd Lowrie / Hybrid Planning & Development
Case Officer	Oliver Cassidy-Butler
Key dates	<ul style="list-style-type: none">- Application registered as valid on 13/03/2023.- Public consultation finished on 05/05/2023- Public reconsulted for 14 day period, starting 19/09/2023- An updated technical advice note relating to the Noise Impact Assessment was received on 12/07/2023.- An updated technical note relating to the Noise Impact Assessment was received 17/08/2023- An updated technical note relating to the Noise Impact Assessment, plus data relating to acoustic readings was received 06/08/2023

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. Further supplementary Advice Notes were provided on 11th June 2023, 17th August 2023, and 27th October 2023. Additional testing was completed by the applicant's Acoustic Consultants (Sharps Redmore) at the request of Environmental Health Noise and Vibration, in response to concerns relating to the validity of the noise impact assessment results, as raised by members of the public. Environmental Health have confirmed that they consider the acoustic recording results taken between the 14-16th October 2023 to be an accurate representation of baseline sound levels for the local area to which the application is set. They consider the methodology to be of good standard, and agree that the assumed impacts are reasonable. 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 as acceptable in terms of design, being in-keeping with the existing contemporary architectural style of the host building. It is proposed that 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.



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- 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

London Borough
of Tower
Hamlets

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

Scale : 50m grid squares

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 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 or 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 third and fourth floor. The roof terrace would provide space for approximately 100 customers.
- 2.2 The terrace would be set in 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, sitting 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 3rd floors in order to provide a terrace creating amenity space, and minor alterations to the glass façade on the 4th floor in order to provide bi-folding doors, which were approved under planning application ref: PA/21/00168 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 3rd floor in order to provide a terrace creating amenity space and minor alterations to the glass façade on the 4th 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 3rd floor in order to provide a terrace creating amenity space and minor alterations to the glass façade on the 4th 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 second site notice was displayed on 19/09/2023, following amendments to the description of development, so that it referred to changes proposed within the submitted drawings.
- 4.3 A total of 152 letters of representation were received in response to the proposals. 31 letters were received in support of the proposals, and 121 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.
- Concerns have been raised that the public have not been duly consulted by the Local Planning Authority, with respect to consultee comments made by Environmental Health Noise and Vibration.

4.6 Further to the above considerations, documents produced by Acoustic Consultants Ltd. have been provided by the objector, and stand in objection to the Noise Impact Assessment and subsequent supplementary Advice Notes. The documents produced by Acoustic Consultants Ltd. are listed below, and will be considered within the contents of the report:

- Acoustic Consultants Ltd report, dated 10th May 2022 (ref: 9630B/BL)
- Acoustic Consultants Ltd report, dated 18th April 2023 (ref: 9630/SR/BL)
- Acoustic Consultants Ltd report, dated 05th October 2023 (ref: 10228/BL)

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.

Environmental Health Officers consider that Advice Note 3, and the accompanying data set, provide an accurate and fair representation of background noise levels. The assumed source term output of the proposed development is considered reasonable and fair. The SoundPlan acoustic model indicates that the development would not result in unacceptable increased levels of noise and vibration.

- 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 Conservation and Design

- 5.7 No objections.

The proposals were previously refused because of concerns over noise issues. Further works have been carried out to consider potential noise impacts, and the glazed balustrades have been increased in height to address these concerns.

Place Shaping Officers are happy with the amendments and have no objections. A condition is suggested to be applied to ensure that it is not intrusive.

LBTH Waste Management

5.8 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
- o London Plan policies – T5

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

- o 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 provide a high proportion of comparison retail compared to convenience, along with leisure and civic uses. Policy S.TC1 goes onto 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 8 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.

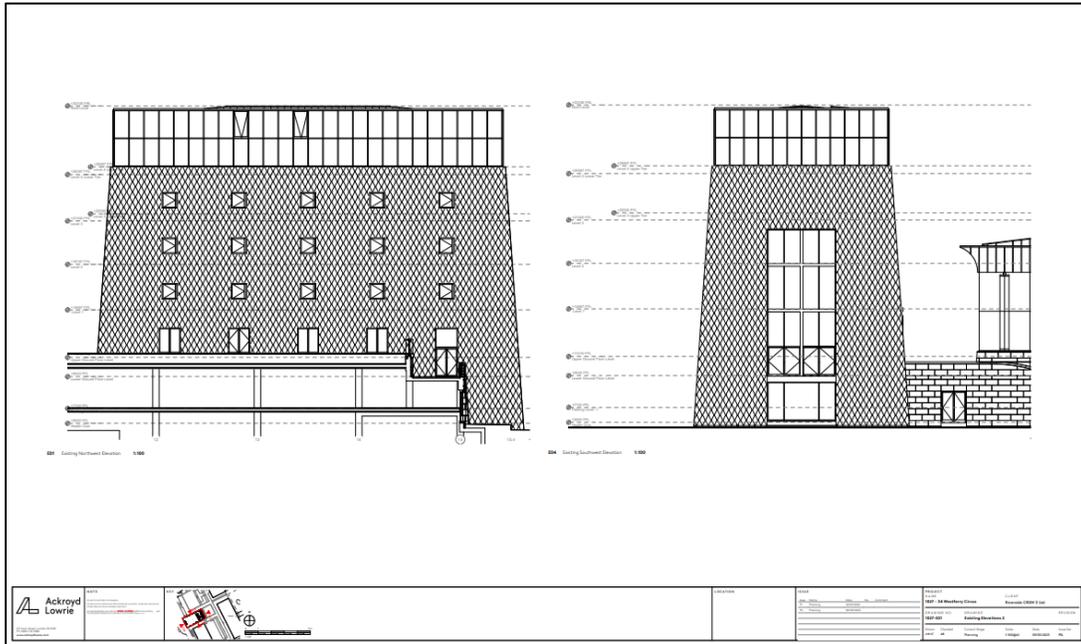
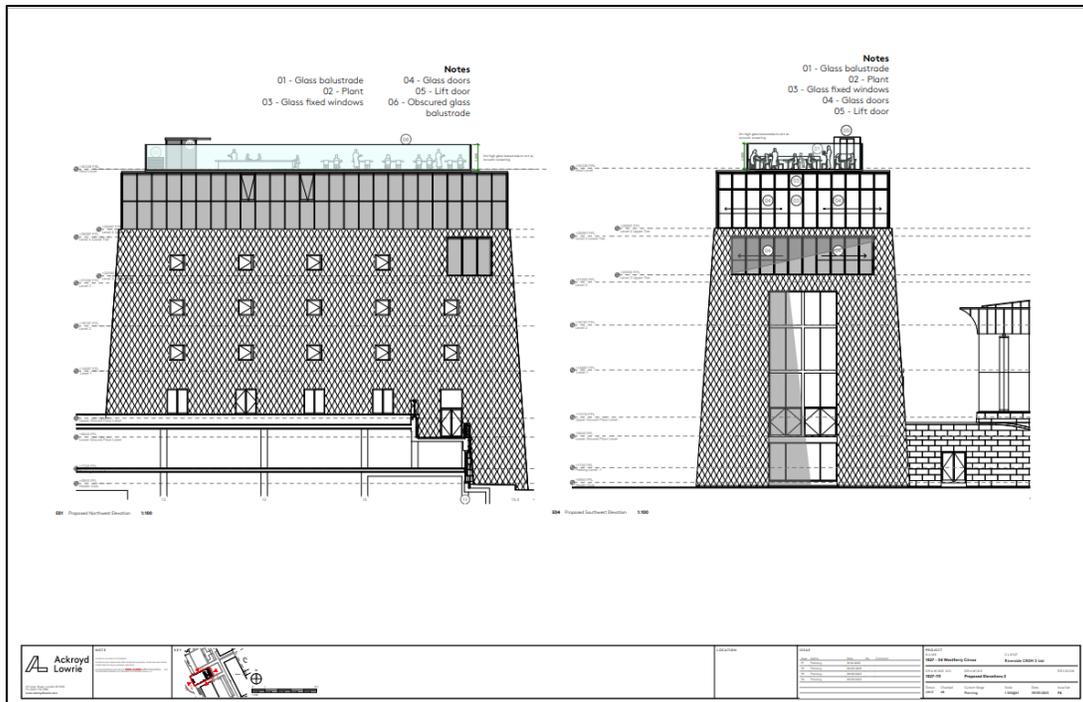


Figure 1.1: Existing Northwest and Southwest Elevations

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. The changes would serve to create an internalised terrace at third floor level, providing southwest facing views of the Thames. The for the doors would measure approximately 11m (width) x 3m (height). Officers note that the proposed alterations were granted full planning permission, under PA/21/00168, and are still regarded as being acceptable in terms of design and appearance.



Figure

1.2: Proposed Northwest and Southwest Elevations.

- 7.8 The application seeks permission for alterations to the fourth floor of the host building, which were previously consented under PA/21/00168. The changes consist of the installation of bi-folding door at fourth floor level, set within the building's southwest elevation. The bi-folding doors would measure approximately 13.2m (width) x 3m (height). Similar to the changes proposed at third floor level, the proposals would facilitate the creation of an internalised terrace dining experience. The internalised terrace would sit to a depth of approximately 1.2m, and include a glass balustrade to ensure the safety of patrons. Officers note that the proposed alterations were granted full planning permission, under PA/21/00168, and are still regarded as being acceptable in terms of design and appearance.
- 7.9 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/m², to ensure that the development is in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020).
- 7.10 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.

- 7.11 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

- 7.12 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.
- 7.13 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.

Overlooking and sense of privacy

- 7.14 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.
- 7.15 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.
- 7.16 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.

Noise and vibration

- 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 application was supported by a Noise Impact Assessment, produced by M Safe Technologies, which had assumed that the proposed roof top terrace use would produce a source term of LAeq 85 dB, which would result in LAeq 55dB outside the nearest noise sensitive properties, such as residential units.

In response to PA/22/00143, Environmental Health Noise and Vibration assessed the proposals and concluded that the effectiveness of the proposed noise mitigation measure (the acoustic barrier) would be ineffective for residential units positioned at levels higher than the proposed roof terrace. The application failed to robustly demonstrate that it would not result in noise disturbance to neighbouring residents and was refused in accordance with policy D.14 of the London Plan (2021) and policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020).

7.18 This application is supported by a Noise Assessment, which has been produced by Sharps Redmore. The Sharps Redmore noise impact assessment utilised survey data, taken between 11th-15th November 2022, in order to inform the existing ambient, maximum and background noise levels representative of the nearest residential properties.

7.19 The table below outlines summary of the survey noise levels:

Measurement Period	Measured Free-Field Noise Level, dB			
	L _{aeq,T} *	L _{Aeq,15m} (range)	L _{A90,15m} (typical)	L _{amax} (typical)
Daytime 0700-1800	55dB	48-66dB	50dB	77dB
Evening 1800-2300	55dB	50-65dB	50dB	76dB
Night 2300-0700	49dB	46-54dB	46dB	71dB

*=Logarithmic average

Table 1: Summary of Sharps Redmore background noise levels (11-15th November 2022)

7.20 The application assumed that proposed rooftop terrace would produce a source term (sound power level) of 66dB/m². As part of the Sharps Redmore Noise Assessment, the calculation used to estimate the source term was provided. This was assessed by Environmental Health Noise and Vibration Officers, who considered the calculation to be reasonable and agreed with the assumed source term levels.

7.21 The Noise Assessment utilised SoundPlan modelling software to calculate L_{aeq,T} levels at defined receptors in accordance with the relevant standards. This calculation is based on a number of input parameters including, source noise level data, receptor positions, barriers and screening, topography and intervening ground conditions. The location and dimensions of the physical elements of the model such as location and dimensions of buildings, have been taken directly from architectural drawings, and OS mapping. The topography has been derived from online GIS data.

7.22 Environmental Health Noise and Vibration Officers have confirmed that the assumptions presented within the data set, were considered reasonable and fair, given the calculations provided, and the Sharps Redmore's use of SoundPlan noise modelling software, which is recognised to provide high quality and accurate data,

7.23 The Sharps Redmore Noise Assessment did not provide assumed outsource levels relating to the introduction of plant machinery, as the exact spec is yet to be determined. Instead, the applicant

proposed that condition be applied to ensure that the development complied with policy D.ES9 of the Tower Hamlets Local Plan (2020).

- 7.24 Environmental Health Officers did not consider Para 4.7 of the Sharps Redmore Noise Assessment, which related to noise from plant and plant machinery, to be sufficient enough to demonstrate noise compliance. Environmental Health Officers outlined that conditions would need to be applied in order for the proposals to be considered acceptable. Officers subsequently raised said concerns with the applicant team and asked that further information be provided.
- 7.25 The applicant team provided an Advice Note, dated 11th June 2022, which further sought to justify the use of conditions, to ensure that the development could be brought forward in a manner that would not pose harm to the experienced residential amenities of neighbouring residents, in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020).
- 7.26 After assessing both the initial Noise Assessment, and supplementary Advice Note, Environmental Health Noise and Vibration confirmed that they considered the proposals to be acceptable, subject to condition. The use of SoundPlan noise modelling software and the explanatory calculation which had been provided to explain the assumed source output levels for the proposed rooftop terrace use, were regarded as providing officers with a greater level of information, which was more robust, than the information presented within the M Safe Technologies Ltd noise assessment (PA/22/00143).

The assumed source term of 66dB/m² was considered acceptable by Environmental Health Officers. Given the separation distance between the terrace and local residential properties, the SoundPlan modelling indicated 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.

Noise Impact Assessment provided by objector

- 7.27 An independent Noise Impact Assessment has been provided by an objector, representing the interests of local residents. The letter of representation and attached review of the Noise Impact Assessment (dated 18 April 2023), asserted that the current proposals present the same harm to the experienced amenities of local residents, as that of the prior-refused PA/22/00143. The review also queried the robustness of the methodology employed by Sharps Redmore.
- 7.28 A further submission from an objector was provided to officers on 05 October 2023. The submission sought to respond to the Advice Note provided by Sharps Redmore (dated 11 June 2023). The submission was inclusive of a Noise Impact Assessment Review, produced by Acoustic Consultants Ltd, dated 05/10/2023. The Noise Impact Assessment Review challenged the validity of the baseline noise levels provided within the Sharps Redmore Noise Assessment; and raised concern with respect to the proposed wording of conditions relating to plant machinery, as it referred to data provided within the M-Safe Technologies Ltd report (PA/22/00143).
- 7.29 The Noise Impact Review asserted that the background noise levels presented within the Sharps Redmore Noise Impact Assessment (current application) and the M-Safe Technologies Ltd. Assessment (PA/22/00143), were not representative of the local area. The measured background noise levels recorded by Acoustic Consultants Ltd are presented below.

Measurement Period	Measured Free-Field Noise Level, dB	
	L _{aeq,T*}	LA _{90,15m} (typical)
Daytime 0700-1800	56dB	47dB
Evening 1800-2300	53dB	46dB
Night 2300-0700	45dB	37dB

*logarithmic average

Table 2: Summary of Acoustic Consultants Ltd. background noise levels (17-18th August 2023)

- 7.30 The recordings provided by Acoustic Consultants Ltd were taken from equipment installed on a balcony on the 7th floor of Eaton House at 38 Westferry Circus, London E14 8RN which forms part of the Canary Riverside development. The equipment was installed on a tripod at a height of approximately 20m above the ground and approximately 1 metre from the façade of the building.
- 7.31 The Noise Impact Review produced by Acoustic Consultants Ltd suggested that the location selected by Sharps Redmore (and M-Safe Technologies Ltd) to record the background noise levels were inappropriate and likely contributed towards higher levels of noise being established.

Submission of Advice Note dated 17 August 2023

- 7.32 With consideration for the information provided in objection to the proposals, officers further consulted Environmental Health Noise and Vibration. Both parties agreed that it was necessary for the applicant team to respond to the concerns raised by members of the public, so as to enable the Local Planning Authority to properly consider whether the proposed development would present harm to the experienced amenities of local residents.
- 7.33 An Advice Note was submitted on 17 August 2023, which sought to rebut the assertions made within the review of the initial Sharps Redmore Noise Assessment undertaken by Acoustic Consultants Ltd, dated 19th April 2023.
- 7.34 The Local Planning Authority was subsequently informed that the objector wished to submit a formal response to the Advice Note, dated 11 June 2023. Officers informed the applicant team that they would assess any newly submitted information and further consult Environmental Health, in order to understand if/why there were any conflicting aspects to the information provided by both parties.

Further comments from Environmental Health

- 7.35 Environmental Health Noise and Vibration completed a comparative assessment of the Noise Impact Assessment and supplementary advice notes produced by Sharps Redmore, and the Noise Assessment Reviews which were produced by Acoustic Consultants Ltd.
- 7.36 Having regard for all of the information provided from both the applicant team and public consultation, Environmental Health Officers concluded that that there was a need for further

acoustic testing, to be carried out, in order robustly establish existing background noise levels from nearby noise sensitive receptors. Officers recognised that there were differences between the figures being reported by Sharps Redmore and Acoustic Consultants Ltd and needed to understand why. Environmental Health considered that the methodology employed by Acoustic Consultants Ltd, when carrying out acoustic recordings, was more robust, and thus there the onus was on the applicant team to carry out further assessment in the local area.

- 7.37 Environmental Health considered the assumed source term output of the proposed development, used by Sharps Redmore, to be a reasonable assumption. Furthermore, the volume assumed by the applicant team was similar to that which was presented by Acoustic Consultants Ltd.

Submission of Advice Note 3, plus noise recordings data

- 7.38 The applicant team submitted Advice Note 3 to the Local Planning Authority on 27 October 2023. It explained that further acoustic testing was carried out between 14-16th October 2023. The recordings were taken from a 5th floor flat balcony to the rear of the proposal and from a window on the 7th floor of the hotel to the rear of the site. The surveys were taken over a weekend and included recordings from Sunday night/Monday morning to provide robust assessment at noise sensitive receptors and establish typical and lowest background levels. The data collected has been provided and been assessed by Environmental Health. Below is a summary of the background noise levels recorded from 14th-16th October.

Site	Ambient LAEQ	Ambient LAEQ	LA90 Typical	LA90 Typical	LA90 Lowest	LA90 Lowest
	Day	Night	Day	Night	Day	Night
7 th floor hotel	55dB	49dB	49dB	45dB	44dB	42dB
5 th floor hotel	56dB	51dB	50dB	45dB	46dB	43dB

Table 2: Summary of Sharps Redmore background noise levels (14-16th October 2023)

- 7.39 Environmental Health consider the background noise levels recorded by Sharps Redmore between 14-16th October to be representative of the local area. The measurement results are considered to show no substantial difference when compared with the results provided by Acoustic Consultants Ltd.

Environmental Health have therefore affirmed their opinion that the data provided within the most recent Sharps Redmore Advice Note is sound and reasonable. They have assessed the figures provided against the data provided in objection to the proposals and are satisfied that the figures are indeed representative of the application site.

- 7.40 Environmental Health are satisfied that the assumed source term of 66dB/m2, is accurate and reasonable. The source data is provided within SoundPlan software for the use of a 300 person beer garden. The proposed rooftop terrace is not considered likely to elicit the same behaviours as a beer garden, and thus is unlikely to generate the same level of sound. Furthermore, it should be noted that officers propose to apply condition to limit the number of patrons accessing the roof

terrace at any one time, which would further minimise the volume of sound generated from use of the terrace.

- 7.41 Sharps Redmore have utilised SoundPlan to model predicted noise levels associated with the proposals. SoundPlan is a commonly used three dimensional (3D) environmental noise modelling software in industry. Its prediction methodology follows recognised standards such as ISO 9613-2 and British Standard 5228-1. It can take into account the effect of sound propagation by inputting parameters such as source terms, locations and dimensions of building structures near the concerned area, topography, and other physical elements (amongst other things also).
- 7.42 SoundPlan modelling has been used to assess the effectiveness of the proposed noise barrier. The proposed acoustic screening is most effective in mitigating against noise and vibration under or near the shadow zone. Its effect diminishes when extending beyond the shadow zone. The acoustic screening is therefore less effective for residential units positioned higher than the proposed development.
- 7.43 The max predicted noise (Max Leq) experienced from 1m away from a noise sensitive receptor is 44.3db. This would be experienced by residential properties situated within the upper levels of nearby buildings. This figure is approximately 9.8dB, below the ambient noise level during the evening time (20:00-22:00hr); and is >4dB lower than the LA90 typical background noise level.
- 7.44 Overall, the proposals are not considered by Environmental Health Officers, to present significant harm to local residents, by way of increased levels of noise and vibration, or noise sensitive receptors. The proposals would likely increase the overall dBA noise level by 0.4dBA, which is regarded as being acceptable by officers.
- 7.45 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.
- 7.46 Furthermore, a condition to limit the number of patrons using the roof terrace at any one time to 100 people is proposed. Condition will be applied to limit noise including music and/or other amplified sound (LAeq, 5mins) so that it shall not exceed 44dB(a) when assessed 1 metre outside a window to a habitable room in the nearest affected residential property. Additionally, officers propose to apply conditions relating to noise from plant, as well as to secure detail of a management plan, prior to occupation of the terrace, to ensure that appropriate measures have are put in place to ensure that the development will comply with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020) and Policy D14 of the London Plan (2021).
- 7.47 A further condition will 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/m², and is without gaps, to prevent noise from being amplified into the local setting.

- 7.48 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).
- 7.49 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

- 7.50 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.
- 7.51 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.
- 7.52 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.
- 7.53 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).
- 7.54 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

- 7.55 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.
- 7.56 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

7.57 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.

7.58 The proposed development would not result in adverse impacts upon equality or social cohesion.

Conclusion

7.59 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.

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 the rating level of noise does not exceed 40 dB (LA90, 15min) with the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting planning. 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 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/m²

Pre-Occupation

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

Appendix Plans and Elevations

Figure 1 – Location Plan

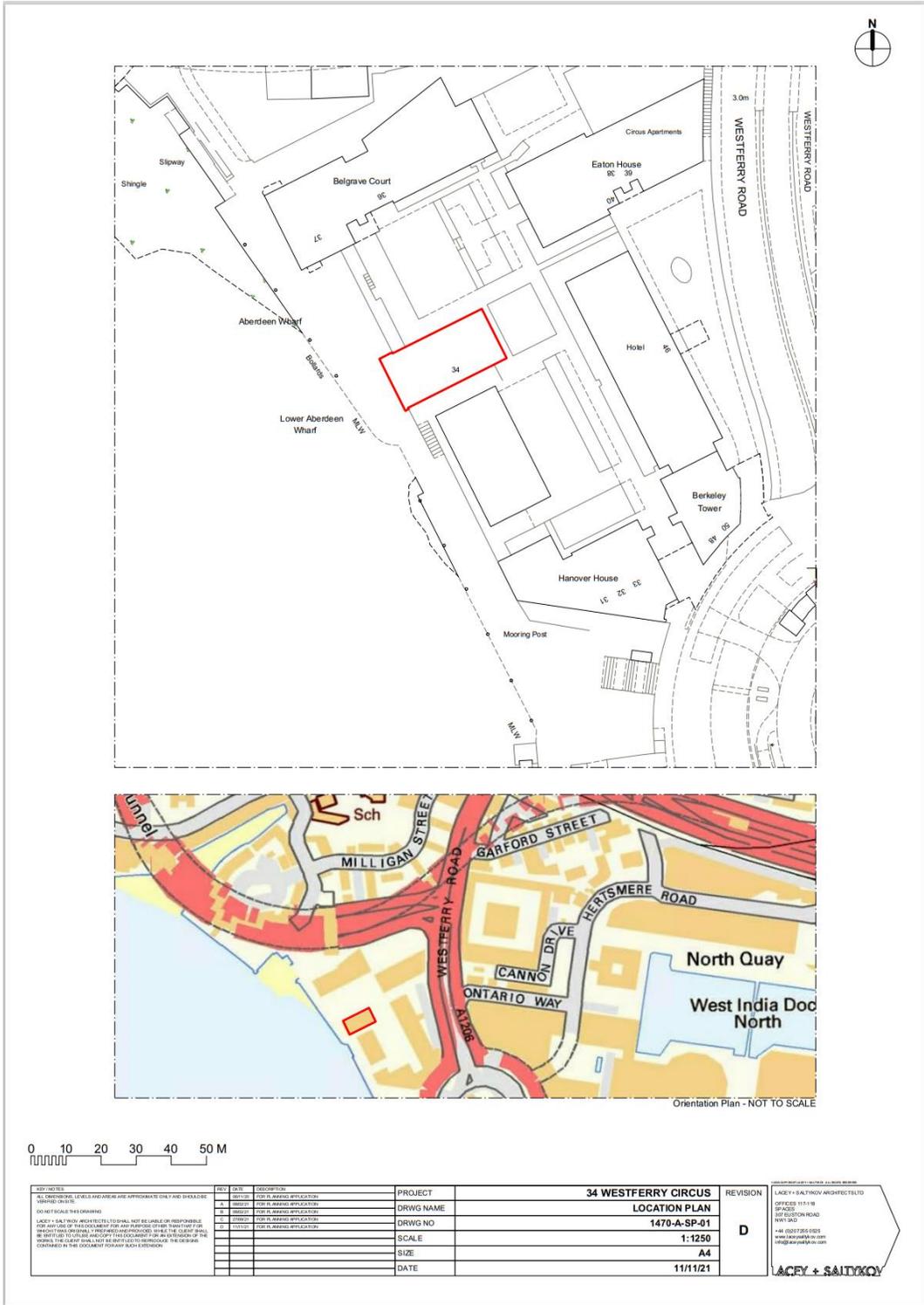
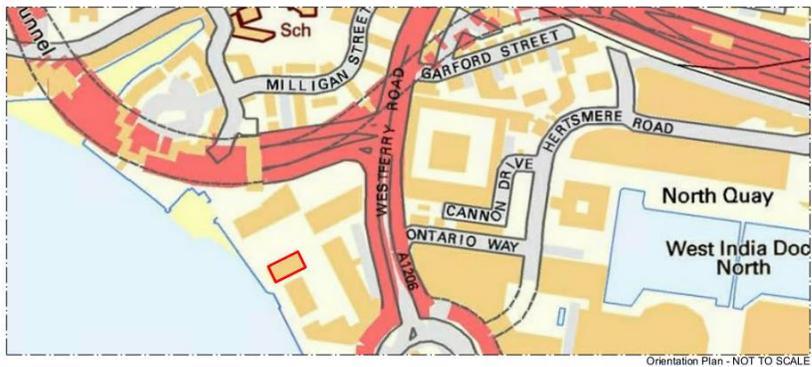
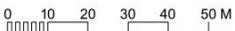


Figure 2 – Existing ground floor plan.

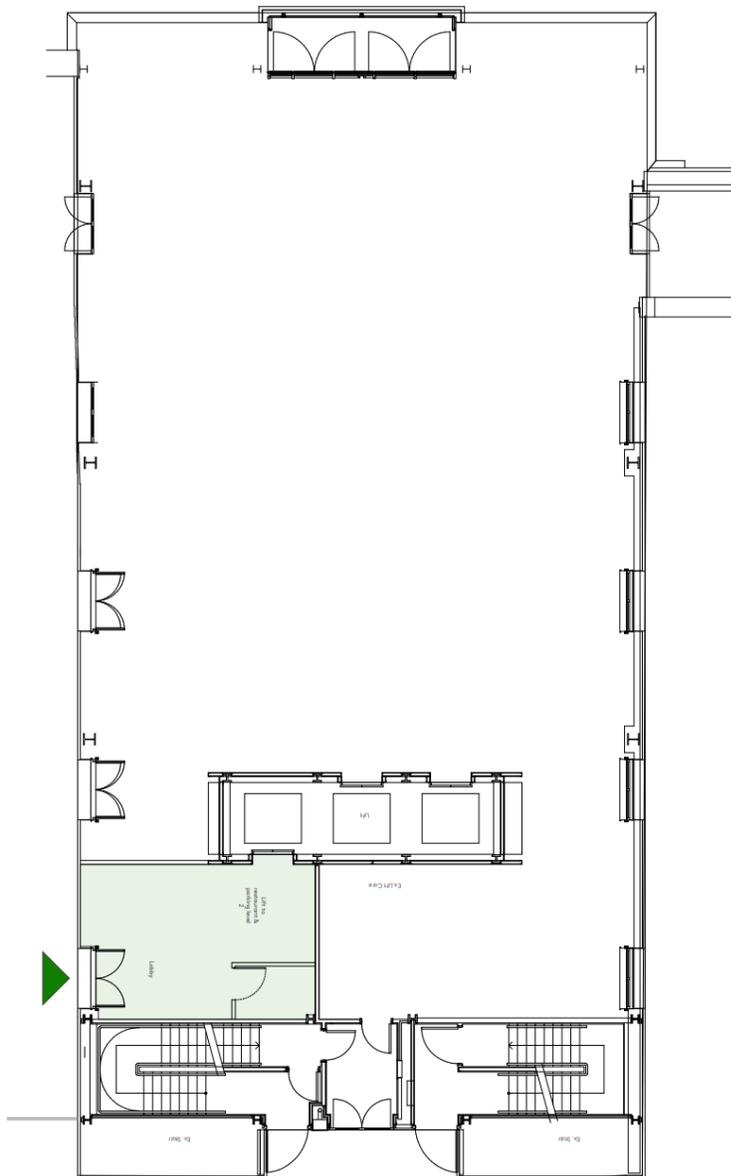


Orientation Plan - NOT TO SCALE



REV	DATE	DESCRIPTION	PROJECT	REVISION
A	11/11/21	FOR PLANNING APPLICATION	34 WESTFERRY CIRCUS	D
B		FOR PLANNING APPLICATION	LOCATION PLAN	
C		FOR PLANNING APPLICATION	1470-A-SP-01	
D		FOR PLANNING APPLICATION	SCALE	
			1:1250	
			SIZE	
			A4	
			DATE	
			11/11/21	

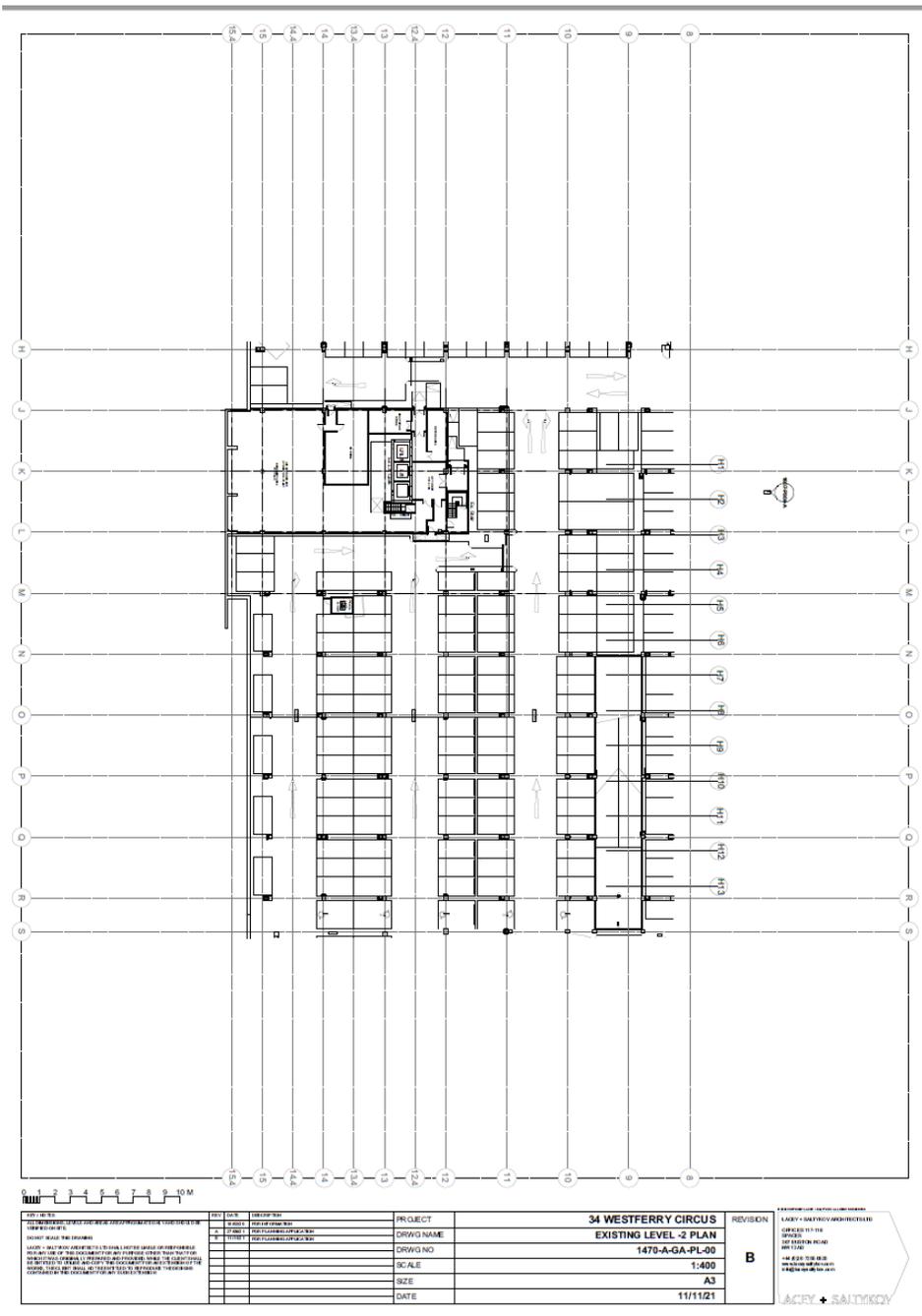
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Existing Ground Floor
1:30

 Ackroyd Lowrie <small>Architects</small>	<small>Scale</small> 	<small>Project No.</small> 1007 - 3rd Floor Renovation	<small>Client</small> 3rd Floor Renovation Ltd
	<small>Site</small> 		
<small>Author</small> 10/10/10	<small>Check</small> 10/10/10	<small>Project Manager</small> 10/10/10	<small>Project Engineer</small> 10/10/10
<small>Project Location</small> 10/10/10	<small>Project Status</small> 10/10/10	<small>Project Start</small> 10/10/10	<small>Project End</small> 10/10/10

Figure 3 – Existing lower basement plan



NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.

REV	DATE	DESCRIPTION
1		ISSUED FOR PERMIT
2		ISSUED FOR PERMIT
3		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	BY	CHKD
B			

ACIFY + S&TDCO

Figure 4 - existing basement plan highlighting bin store

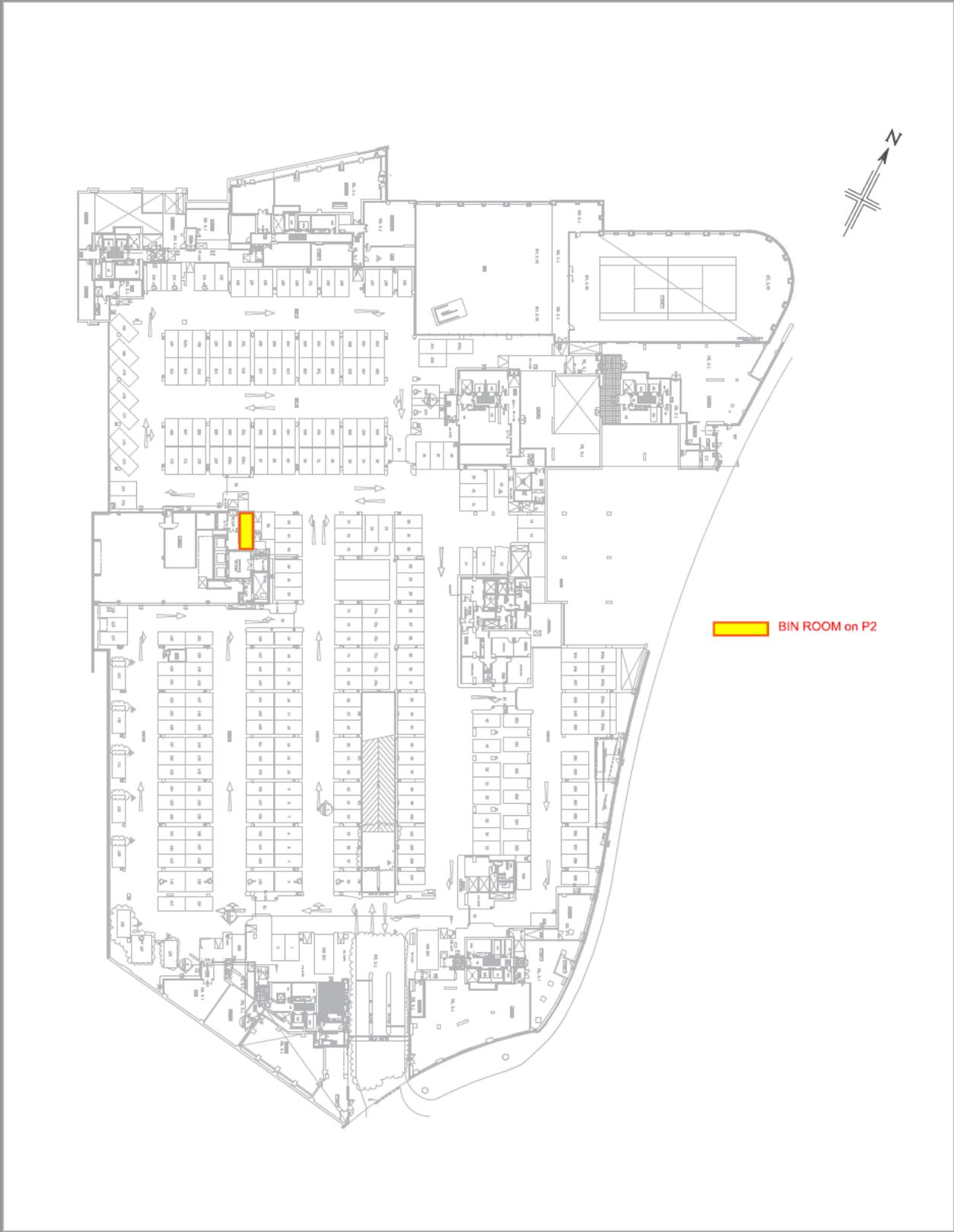


Figure 5 – Existing fourth floor plans

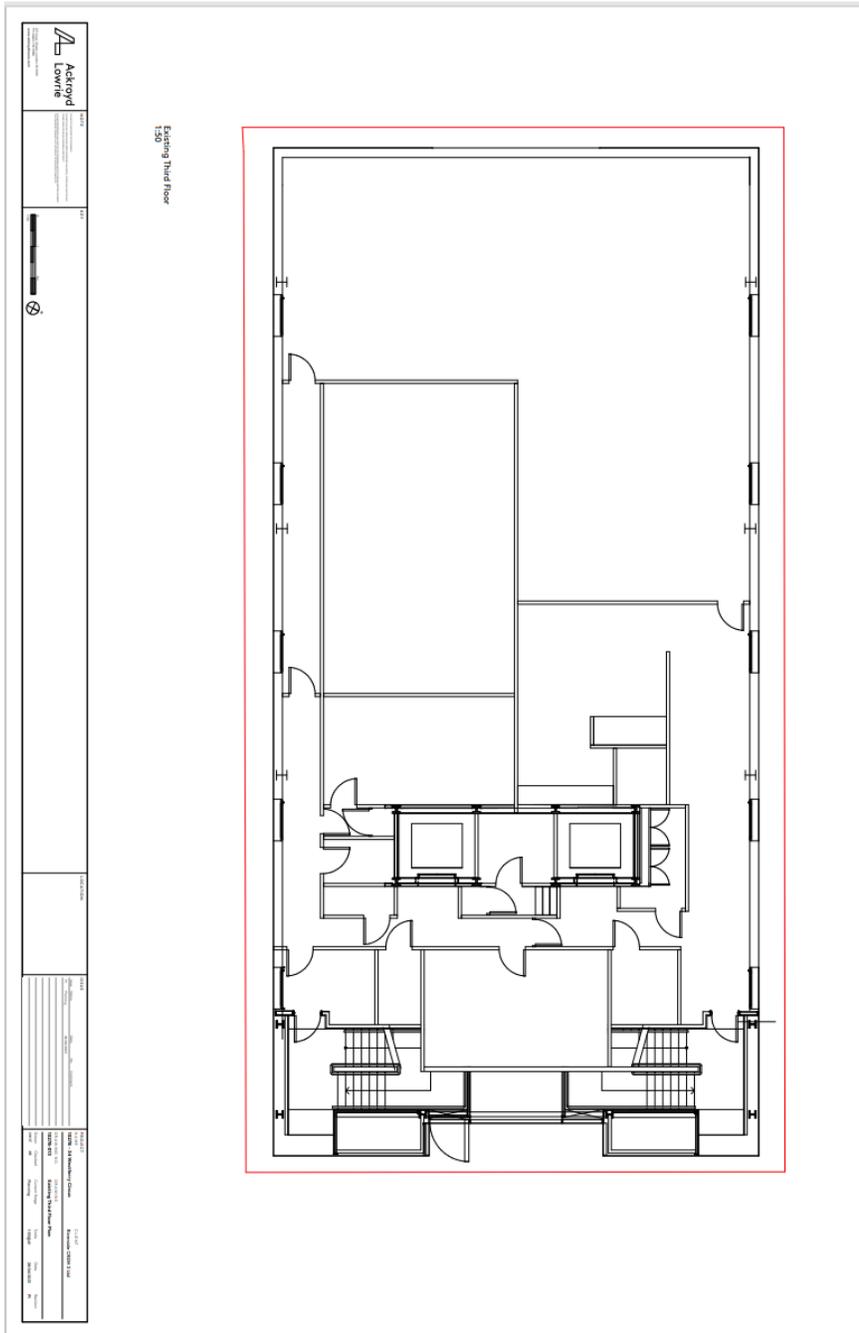


Figure 6 – Existing fourth floor plans

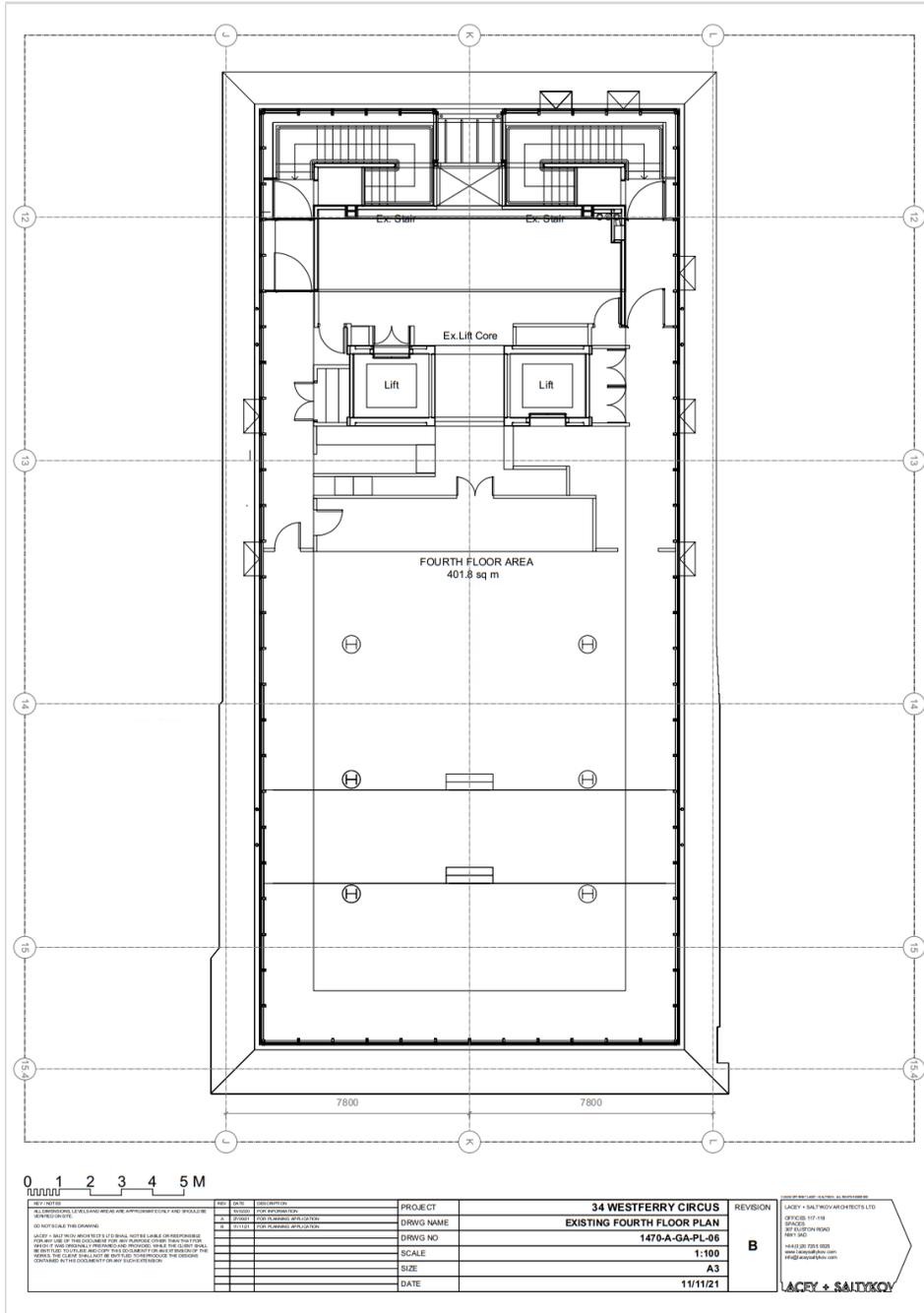


Figure 7 – Existing roof plans

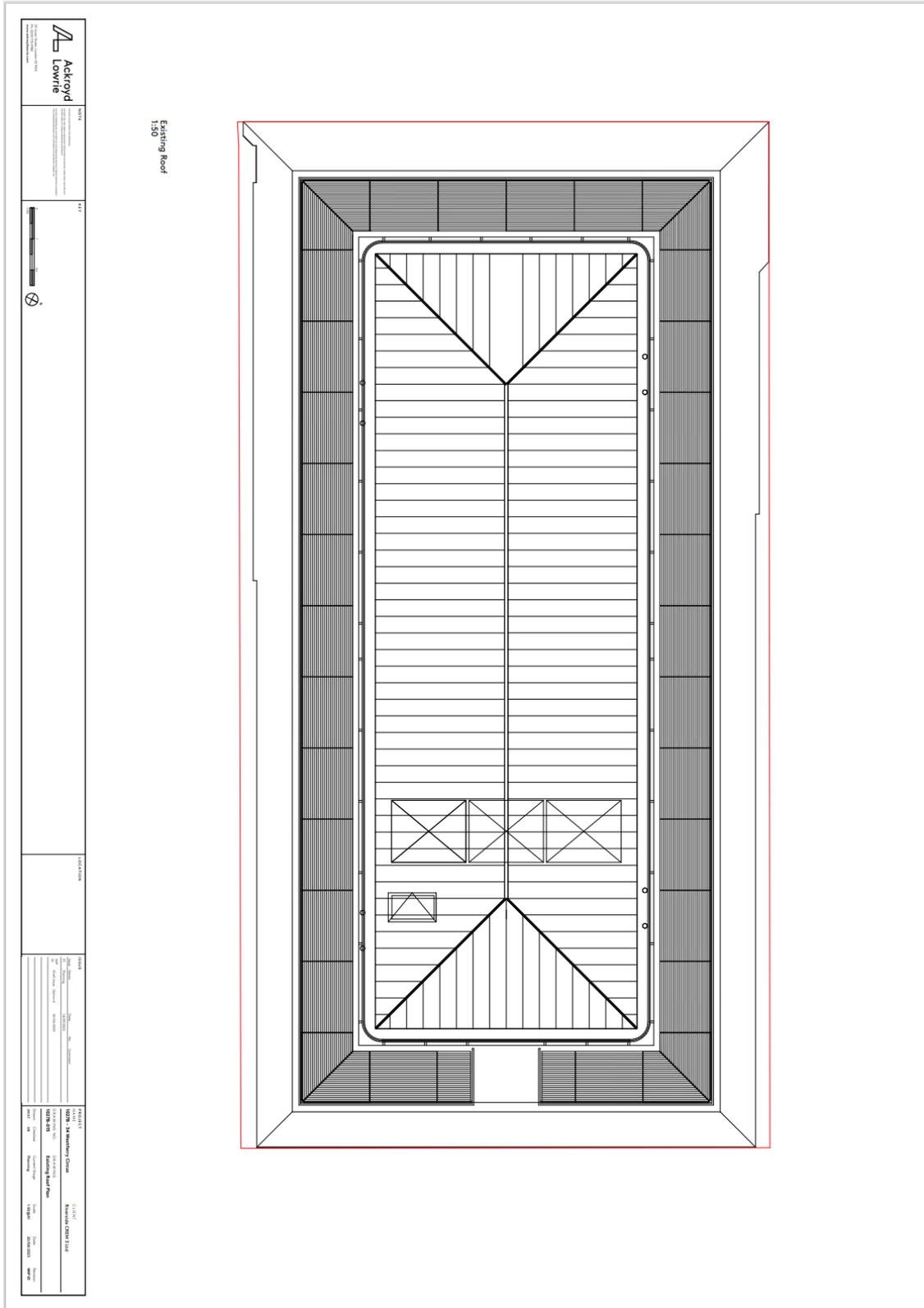


Figure 8 – Existing elevations 1

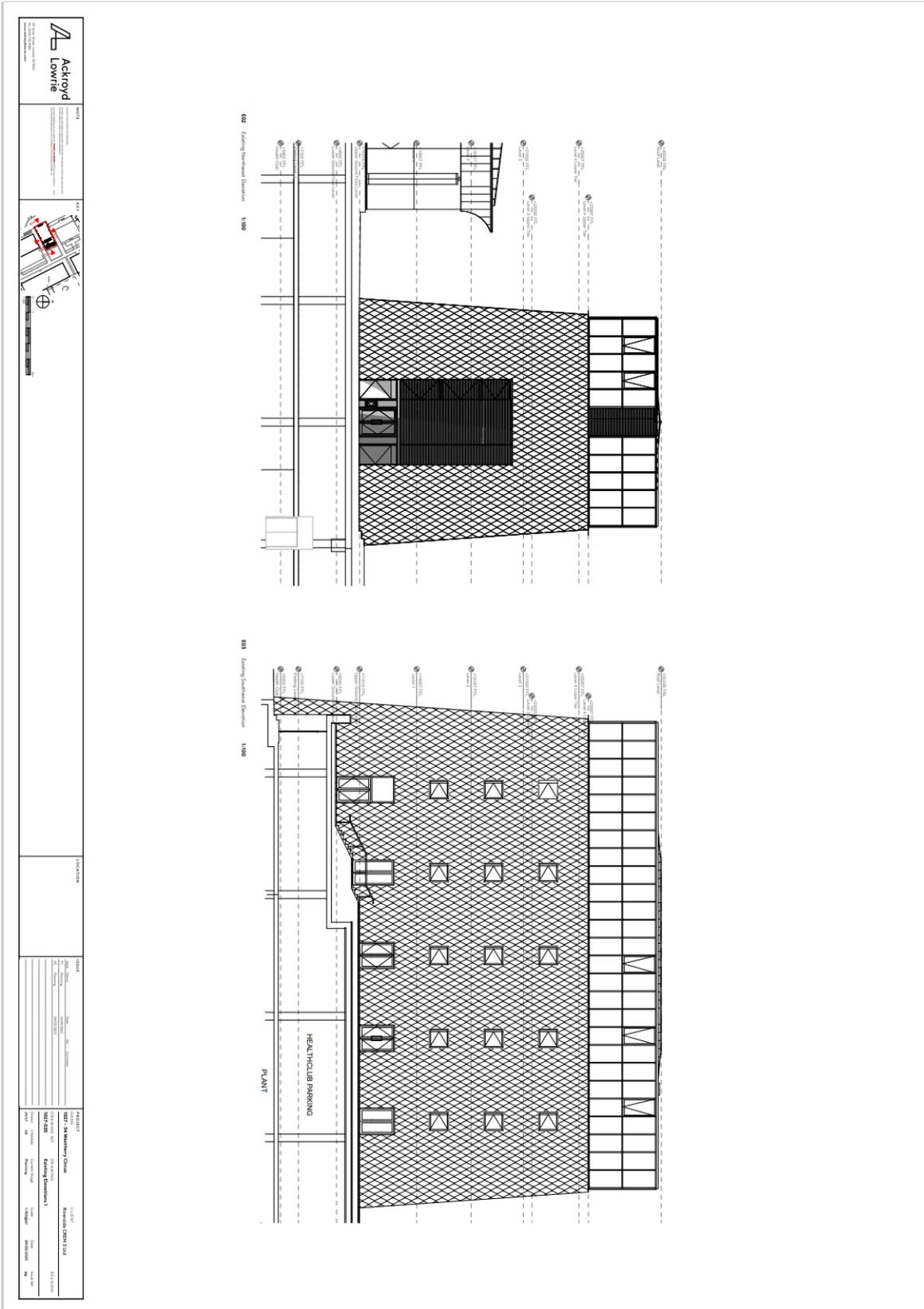


Figure 9 – Existing elevations 2

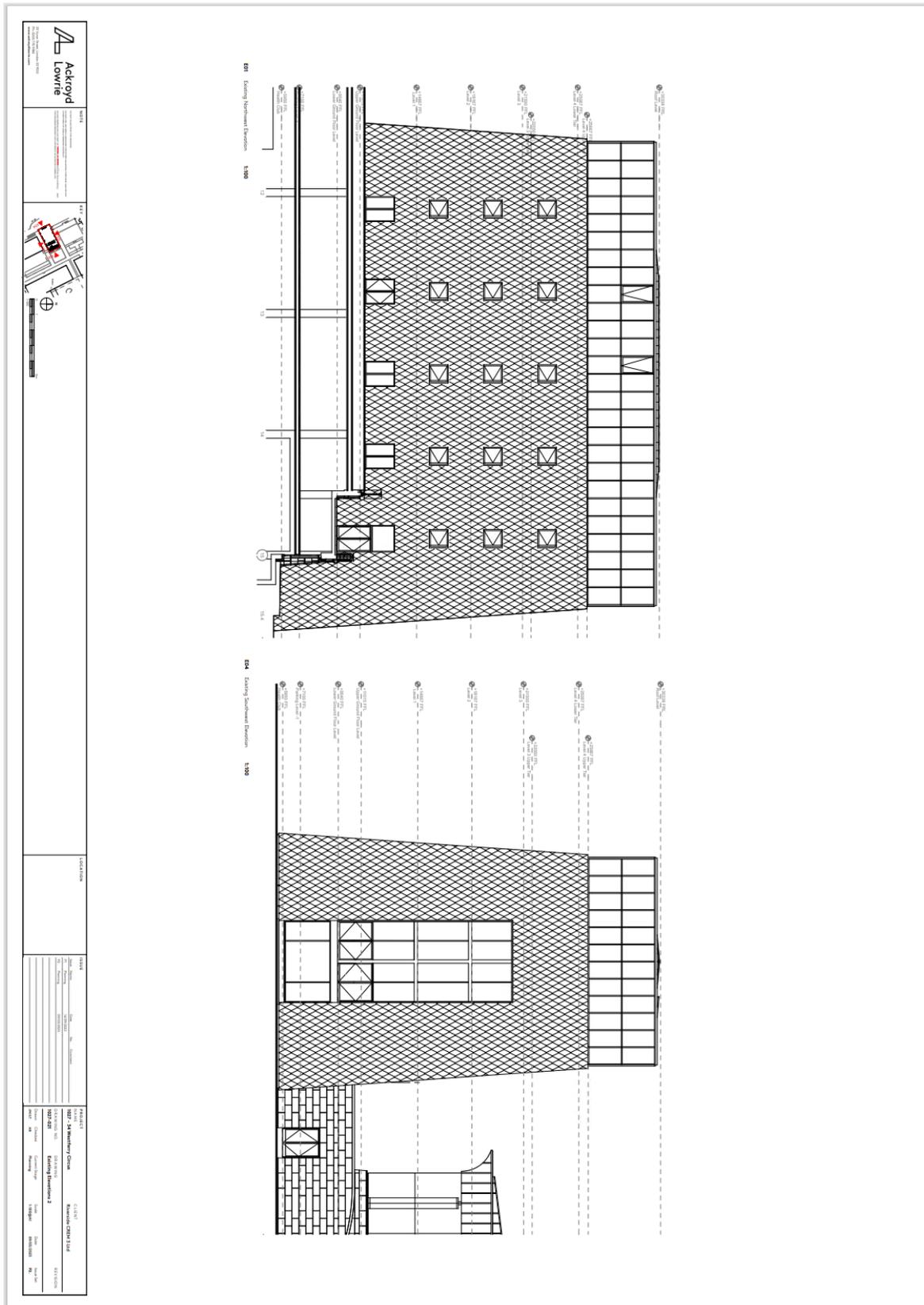


Figure 10 – Proposed lower basement level

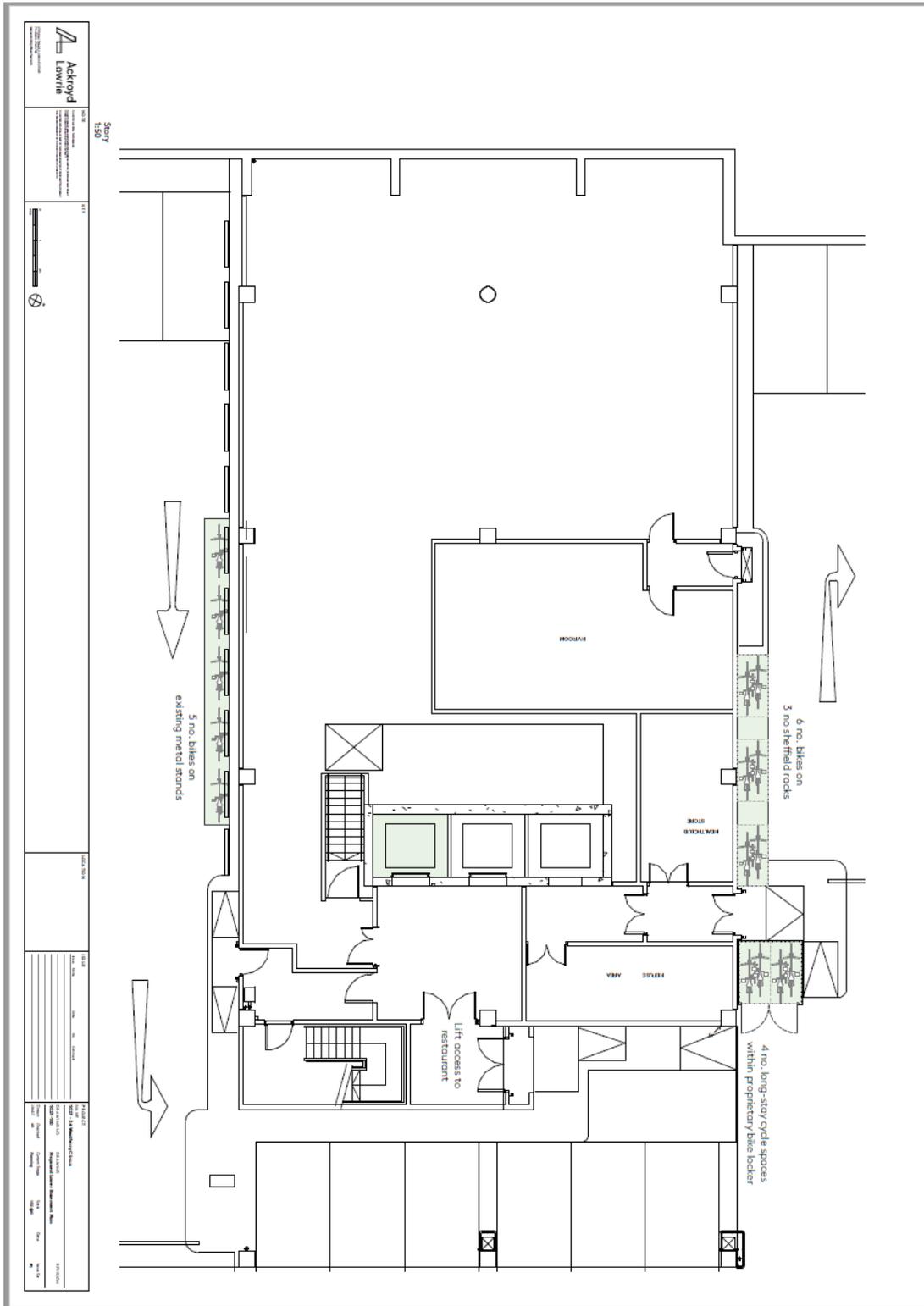


Figure 11 – Proposed third floor plans

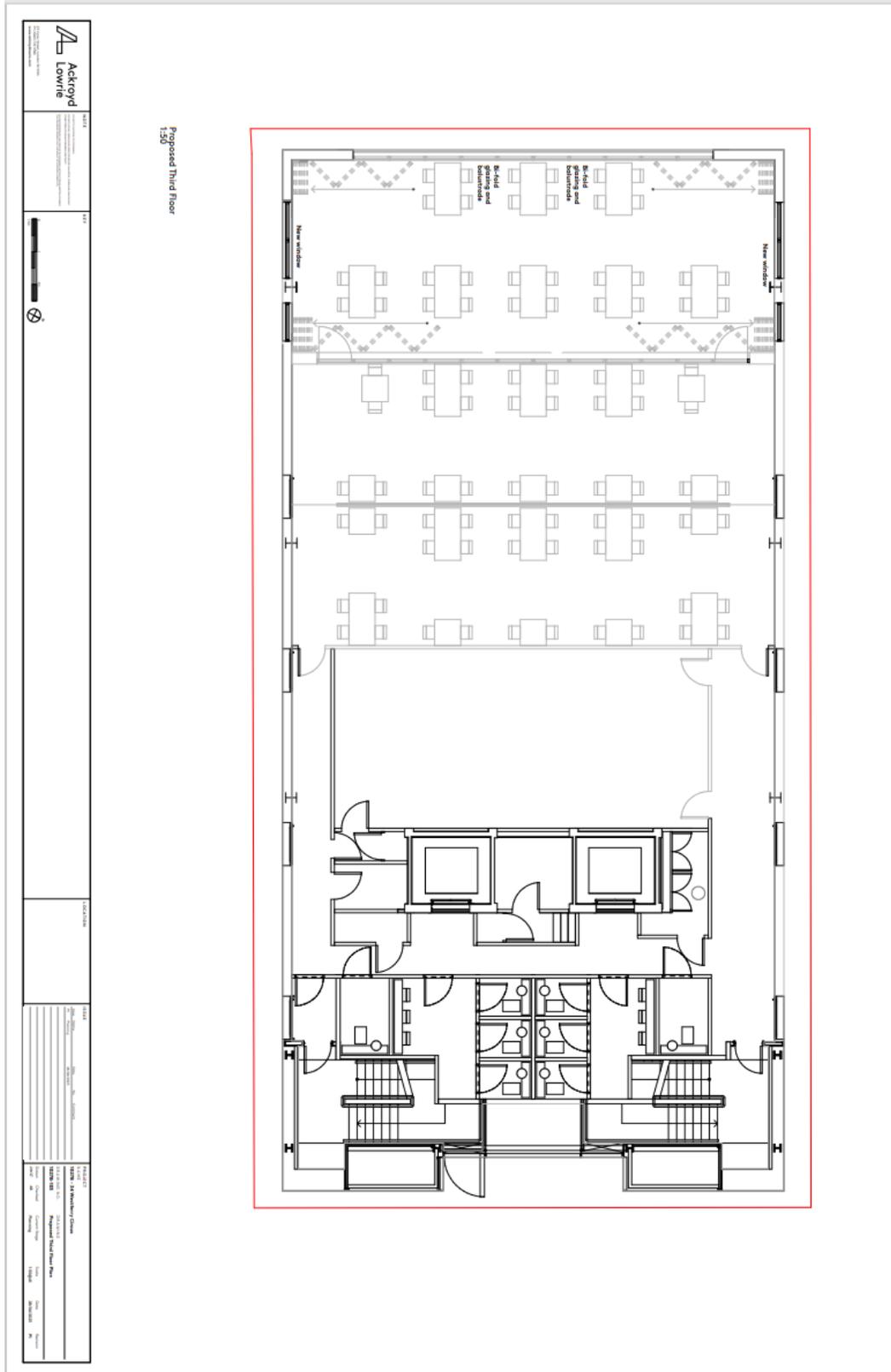


Figure 12 – Proposed fourth floor plans

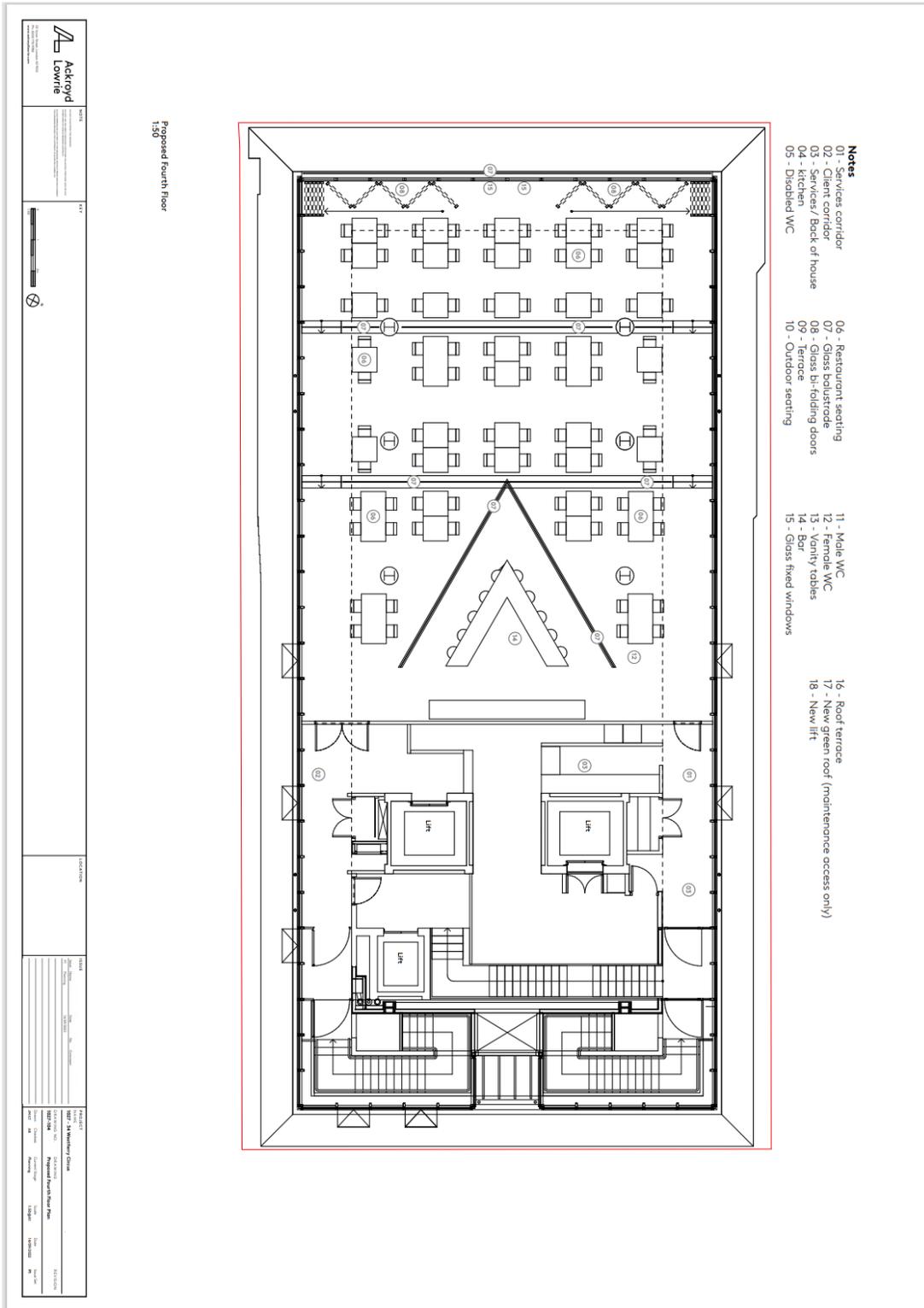
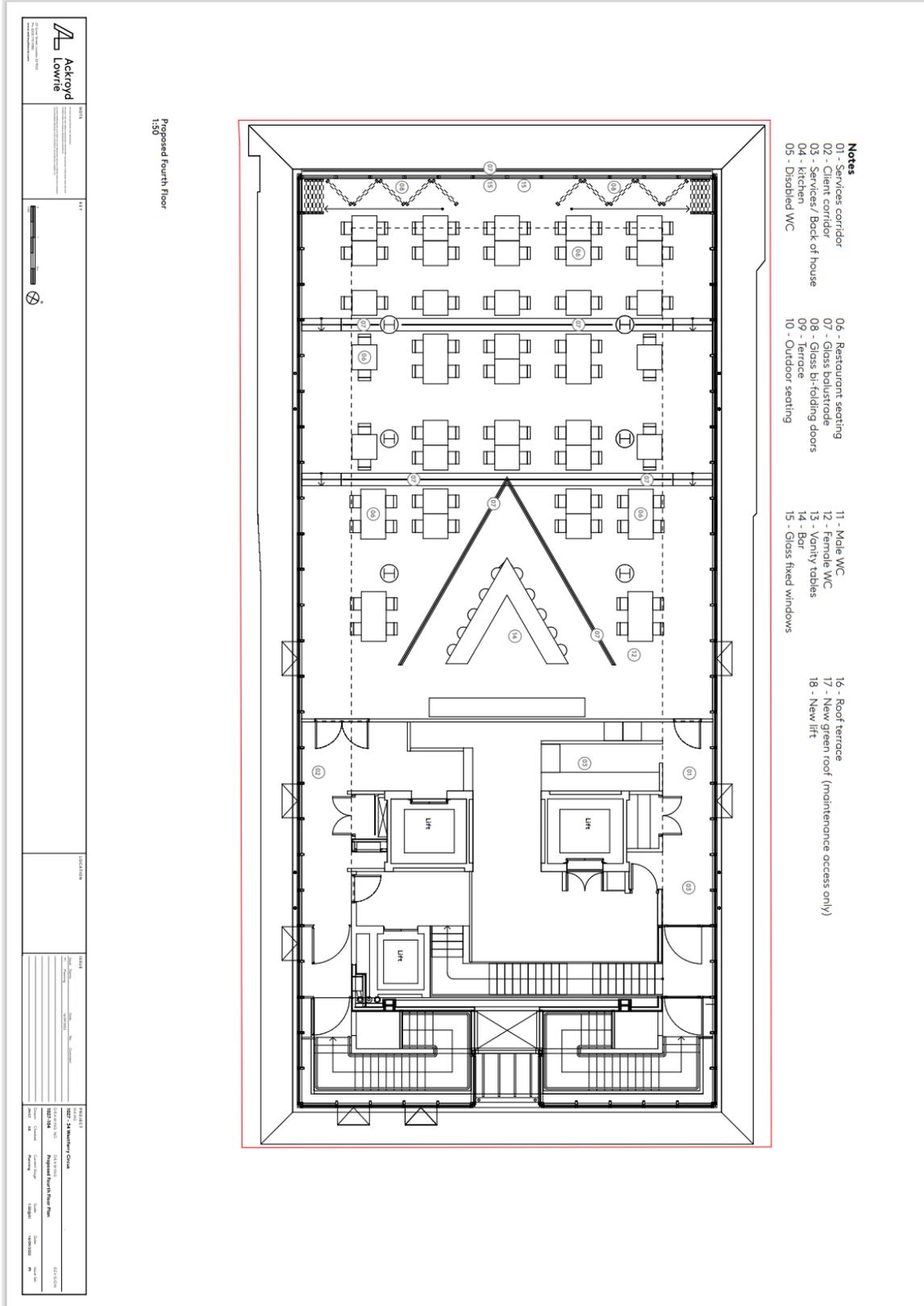


Figure 13 – Proposed roof terrace plan



Drawings):

1470-A-SP-01 (Revision D)
Basement plan highlighting bin room
LOADING BAY on P1
1027-010 P1
1027-020 P3
1027-021 P2
1027B-0113 P1
1470-A-GA-PL-06B
1027B-015 REV WIP 01
1027-100 P1
1027B-103 P1
1027-104 P1
1-27-105 P2
1027-110 P4
1047-111 P4

(Other supporting documents):

Cover Letter, dated 10 March 2023
Environmental noise Assessment of a Proposed Roof Terrace Bar and Restaurant (Project No 2221519), dated 30th November 2022, produced by Sharps Redmore
Advice Note (Project No 2221519), dated 11th June 2023, produced by Sharps Redmore
Advice Note (Project No 2221519), dated 17th August 2023, produced by Sharps Redmore
Advice Note 3 (Project No 2221519), dated 27th October 2023, produced by Sharps Redmore
Sharps Redmore Acoustic Receptor Results
Email correspondence from Hybrid Planning, regarding waste management, dated 20 July 2023.