



Delegated Planning Decision Report

Development Management, Place Directorate

Application	PA/22/00143/NC
Site	4th & 5th Floor, 34 Westferry Circus, London, E14 8RR
Proposal	Proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant. Alterations to the facade 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 facade on the 4th floor in order to provide bi-folding doors.
Recommendation	Refuse
Case Officer	Kitty Eyre
Agreed By	Sally Fraser

Application Type	Full Planning Permission	Site Visit Date	
Statutory Class	Other minor development	Consultation Expiry Date	
		Report Date	19/07/2022
		Decision Target Date	30/03/2022

1. Site and Surroundings

- 1.1 The application site is a five storey building located on Westferry Road, adjacent to Westferry Circus, the building also fronts the River Thames. The building is of a commercial use with the 3rd and 4th floors in use as a restaurant. The fourth floor benefits from full height glazing.
- 1.2 The site was last in use as a restaurant approximately 4 years ago and has since been vacant.
- 1.2 The site sits within a Strategically Important Skyline, Flood Zone 3A, Canary Wharf Major Centre, the Canary Wharf Tall Building Zone. The site is very well connected with a PTAL score of 6a (with 0 being the least accessible and 6b the most).

1.3 The site does not sit within a conservation area, nor is it locally or statutorily listed.

2. Proposal

2.1 The proposal is for an extension to the roof to provide a terrace space, alterations to the glass façade on the 4th floor to provide bi-folding doors and addition of bio-folding doors to the 3rd floor to provide a terrace space.

3. Relevant Planning History

Application site

3.1 PA/16/03395 – Change of use of third and fourth floor from A3 (restaurant) into two residential dwellings – permit (23/02/2017)

The information submitted shows that the above-mentioned consent has not been implemented.

3.2 PA/21/00168 – Alterations to the facade 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 facade on the 4th floor in order to provide bi-folding doors – permit (06/04/2021)

4. Publicity

4.1 Nearby owners/occupiers were notified by post on 15/03/2022. A second round of consultation took place on receipt of initial documents, for this nearby owners/occupier were notified by post on 27/05/2022

4.2 92 letters were received in objection to the scheme. The reasons for objection are summarised below:

- Loss of privacy – overlooking from the restaurant and terrace into neighbouring homes. There would be no blinds or curtains to the roof terrace. The glass balustrade would provide an uninterrupted view into residents properties.
- Noise disturbance – increased noise from patrons, staff clearing up and music. The noise would be particularly disruptive at night. The courtyard design acts to amplify noise. There would also be noise associated with the plant.
- Anti-social behaviour issues – there are already ASB issues in the area and there would be additional ASB associated with inebriated patrons.
- Increased light pollution generated by the restaurant.
- Increased smells and air pollution
- Security – concerns about patrons of the restaurant having access to the communal garden.
- Littering – objects may be blown off the terrace causing an increase in litter, this could include smashed glass. There could also be litter from cigarettes etc.
- Reference to town centre – the application refers to the site as being in a ‘town centre’, there were concerns over this terminology given that there are residents living close to the site.
- Residents were not sufficiently notified of the 2020 planning application for this site.
- The scope of consultation was insufficient – the council should have consulted all the surrounding housing blocks.

- Fire risk / cladding – wind may blow lit cigarette butts into apartments from the roof restaurant, increasing the fire risk in a development that has still to carry out remedial cladding work.
- The additional floor created may result in a loss of light to neighbouring occupiers
- The opening hours of the premises are unknown.
- There are already ample outdoor restaurant facilities in the area.
- The design and appearance of buildings is inappropriate.
- Pollution and noise disturbance during the construction phase.
- Insufficient consultation on the application

An addition two letters were submitted in support of these scheme on the grounds that the proposal would bring increased activity to the riverside.

5. Consultees

- 5.1 Design – no objections. Concerns were expressed about potential noise impacts associated with the roof terrace.
- 5.2 Environmental health (air quality) – no objections. Dust monitoring condition should be levied.
- 5.3 Environmental health (noise) – objection. The anticipated noise from the development would have an unacceptably detrimental impact (above LOAEL) on neighbouring occupier's amenity, therefore, EP Noise Team would recommend refusal in relation to Noise.

6. Planning Policies and Documents

- 6.1 The Development Plan comprises: The London Plan (2021) (LP) and the Tower Hamlets Local Plan 2031 (2020) (TP).

The key planning policies relevant to the proposal are:

- Design: TP - Policy S.DH1
- Neighbouring residential amenity: TP – Policy D.DH8, D.ES9

- 6.2 Other relevant documents and guidance include the National Planning Policy Framework (2021), and the Planning Practice Guidance (2019).

7. Assessment

- 7.1 The decisive issues are:

- i. Design
- ii. Neighbouring residential amenity

Issue ii – design

- 7.2 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.

- 7.3 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.
- 7.4 The introduction of additional glazing at third floor level would not detract from the existing architectural quality of the building and would reflect it's modern appearance. The alterations to the fenestration pattern have a limited impact on the overall building.
- 7.5 The proposed roof terrace would be set back from the edges of the roof, reducing its dominance. The only additional height created by the roof terrace would be in the form of the bar feature and plant. There would be no additional storeys create. For this reason, it is not considered that the massing and bulk of the building has significantly changed and there would be minimal impacts on the townscape. The roof terrace makes use of modern, minimalist materials which is in keeping with the architectural style of the wider area.
- 7.6 In conclusion, officers have no concerns with the proposal from a design perspective. The proposal meets the design policy requirements set out under S.DH1 of the Local Plan (2020)

Issue ii – neighbouring residential amenity

- 7.7 Policy D.DH8 of the Tower Hamlets Local Plan requires development to protect and improve the residential amenity of existing and future residents by protecting against loss of privacy, overlooking, loss of outlook, daylight, sunlight, noise, etc. Policy D.ES9 requires the submission of a noise report for potentially noise generating uses. Developments must mitigate and minimise impacts
- 7.8 The site forms part of a wider site containing hotel accommodation and leisure facilities. The increase in the expanse of glazing at third floor level is to the elevation fronting the River Thames, as such would not result in increased overlooking or loss of privacy. The proposals would allow for the doors to be opened to in effect create a covered terrace for diners. Again, given the frontage to the Thames, this does not raise concerns in terms of noise and disturbance to surrounding occupiers.
- 7.9 To the north east and south west elevations, existing windows are to be enlarged. The north east elevation is sufficient distance from the adjoining building to prevent a material increase in overlooking. To the south east, the adjoining building is a low rise building accommodating a gym. Again, there would be no material increase in overlooking to the neighbouring building. 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.
- 7.10 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, reducing the opportunities for overlooking.

- 7.11 However, given that the terrace would be open to the elements, there are risks of increased noise nuisance from the restaurant to neighbouring buildings. The applicant has submitted a Noise Impact Assessment, produced by M Safe Technologies Ltd. This has been reviewed by our Environmental Health Officers, who have raised objections on the grounds that the anticipated noise from the development would have an unacceptably detrimental impact (above LOAEL) on neighbouring occupier's amenity. Assuming a noise level of LAeq 85 dB for an open-air bar/restaurant, this will result in LAeq 55 dB outside the nearest noise sensitive properties, such as residential units. This noise level is considered to have an adverse amenity impact, and is only acceptable if there are other merits of the development. Given that there are no clear public benefits associated with this development, this noise level is not considered to be acceptable.
- 7.12 The Noise Impact Assessment submitted by the applicant suggested that mitigation measures in the form of acoustic screening (recommended height of 1.8m) would act to reduce the noise to acceptable levels (<50 dB). However, our environmental health officers have confirmed that such a measure would only reduce the noise for residential units at the same storey or lower than the terrace. Given, that a number of the resident units are located at higher storeys than the terrace, this mitigation method would not be effective.
- 7.13 Concerns have also been expressed around security and public access to the site. The entrance to the site would be from the Thames Path. However, those residing in the hotel or residents of the surrounding blocks could enter through the private garden. Only those with access rights would be able to traverse the private garden and this would not change as a result of this proposal.
- 7.14 Given the above, officers are of the opinion that the proposal would result in unacceptable adverse impacts, principally in the form of noise nuisance, for neighbouring occupiers. Therefore, the application is not in accordance with relevant amenity policy.

Conclusion

- 7.15 The application will result in unacceptable noise levels which will have a detrimental impact upon neighbouring occupiers. This is contrary to the development plan policies on amenity. Given that there are no public benefits associated with the scheme to balance against the negative amenity impacts, officers recommend that this application is refused.

8. Recommendation

- 8.1 Refuse planning permission
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