

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 4 November 2014	Classification For General Release	
Report of Operational Director Development Planning		Wards involved West End	
Subject of Report	21-22 Poland Street, London, W1F 8QQ		
Proposal	Alterations including the erection of an extension at rear second floor level and the installation of replacement windows on all elevations at first floor to fifth floor level; erection of a new rear metal access stair to roof level and installation of solar panels to main roof. Use of the first to fifth floors as seven residential flats (including ground floor entrance) (Class C3).		
Agent	Leith Planning Limited		
On behalf of	English Rose Estates (Poland St) Ltd		
Registered Number	14/01505/FULL	TP / PP No	TP 6376
Date of Application	18.02.2014	Date amended/ completed	04.08.2014
Category of Application	Other		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Opening hours of the ground floor and basement premises: Monday-Thursday 10.00-23.00 Friday and Saturday 10.00-00.00 Sunday 12.00-23.00		

1. RECOMMENDATION

Had an appeal not been lodged, permission would have been refused on the grounds that inadequate information has been provided to show that the proposed residential units would provide a satisfactory living environment for future occupiers, particularly in relation to noise disturbance.





21-22 POLAND STREET, W1

2. SUMMARY

The application property is an unlisted building of merit located within the Soho Conservation Area and the West End Stress Area. The building is occupied as a restaurant/bar (Class A3) on basement and ground floors. The first to fifth floors, now vacant, were previously in use as offices (Class B1).

Permission is sought for the conversion of the upper floors to provide seven flats. Proposed works include the erection of an extension at rear second floor level, the installation of new windows at first floor level and above, the provision of a metal access stair at the rear of the site linking fourth floor and roof levels, and the installation of solar panels on the main roof.

The key issues for consideration are:

- Whether the scheme would provide an acceptable standard of accommodation for future residents with regard to internal noise levels.
- The impact of the proposal on on-street parking pressures in the vicinity.

Subject to appropriate conditions, the scheme is considered acceptable on land use grounds. Given the site's proximity to good transport links and subject to parking mitigation measures, it is not considered that the scheme could justifiably be refused on parking grounds. However, insufficient information has been provided to demonstrate that the proposed flats would provide an acceptable standard of living accommodation for future residents, from the effects of noise disturbance from the operation of the ground floor restaurant/bar.

The application is the subject of an appeal for non-determination. Had an appeal not been lodged, the application would have been recommended for refusal for the reason outlined above.

3. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

CROSSRAIL

Do not wish to comment.

HIGHWAYS PLANNING MANAGER

Objection - lack of off-street parking facilities.

CLEANSING MANAGER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

Objection - insufficient information has been provided to show the proposed residential units will provide a satisfactory form of accommodation.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 48; Total No. of Replies: 1.

Objections on the following grounds:

- The introduction of residential accommodation into a commercial area with late night entertainment uses is inappropriate.
- The initial noise report does not adequately address the issue of late night disturbance and the methodology utilised is inaccurate; noise sensitive rooms should be located away

from the front of the building; offices should be retained on the first floor; alternative means of mechanical ventilation should be provided.

- The proposal results in the loss of employment floorspace, no attempt to market offices for continued use.
- Inadequate neighbour consultation by the applicant.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application property is an unlisted building of merit located on the eastern side of Poland Street, just north of its junction with Noel Street, within the Soho Conservation Area.

The building comprises a restaurant/bar at basement and ground floor levels with a separate ground floor entrance serving (Class B1) offices on first to fifth floors. There is a roof top stair enclosure providing access to the main roof.

The site is within the West End Stress Area and the Core CAZ, as defined by the adopted City Plan.

4.2 Relevant History

12 June 1997: Permission granted for the use of ground floor and basement for Class A3 (Food and Drink) purposes and installation of a full height duct to the rear.

Condition 2 of the permission restricted the premises opening hours to between 08.00 and midnight on Mondays to Saturday (excluding Bank Holidays) and from 10.00 to 23.00 on Sundays and Bank Holidays. Condition 4 limited the hours of associated plant operation to between 08.00 and midnight.

14 October 2014: Permission refused for the variation of Conditions 2 and 4 of permission dated 12 June 1997 i) to extend the premises opening hours to between 08.00 and midnight on Sunday to Tuesday and to between 08.00 and 02.00 the following morning on Wednesday to Saturday and ii) to extend plant operating hours to between 08.00 and 00.30 the following morning on Sunday to Tuesday and to between 08.00 and 02.30 the following morning on Wednesday to Saturday.

The application was refused on the grounds i) that the extended opening hours would result in a material loss of amenity to surrounding residential occupiers, by reason of increased late night noise and disturbance and ii) because the application did not contain sufficient information regarding the operation of the extraction system, and its potential noise impact, to enable an assessment of its effect upon the amenities of neighbouring residents.

5. THE PROPOSAL

Permission is sought for the change of use of part ground floor (entrance) and the first to fifth floor levels to provide seven flats. Proposed works include the replacement of the entrance door to the upper floors, the erection of a rear extension at second floor level and the replacement of windows to all elevations (including the bricking up or enlargement of some windows) at first floor level and above. In addition, at the rear of the building, an existing escape stair would be removed and a new metal access stair would be installed, linking fourth floor and roof levels. An emergency smoke extraction vent would be provided at the rear. This duct is external between fifth floor and roof levels. Solar panels would also be provided on the main roof.

The submitted drawings, both existing and proposed, indicate restaurant plant on a first floor rear roof, which is shown as being retained. The applicant contends that redundant office plant at third and fifth floor levels would be removed. However, the occupier of the basement/ground floor restaurant has advised that the restaurant plant is located on these upper floors.

It is noted that no planning consent has been previously sought for the installation of plant at the property. It would appear that the first floor plant has been installed within the past few years, but it is unclear whether it is now lawful and therefore immune from enforcement action. Permission for the installation/retention of restaurant plant has not been expressly applied for (as the application is not related to the restaurant use) and details of the restaurant plant operation have not been included within the submitted acoustic information.

The revised application does not include proposals for the installation of external plant to serve the flats.

The application has been amended to delete proposed terraces on rear roof areas. Officers had expressed concern regarding the impact of proposed terrace screens. In the absence of appropriate screening, it was considered that the use of the rear flat roof areas as terraces would result in direct overlooking of neighbouring residential properties.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Loss of offices

The first to fifth floors of the property are currently in (Class B1) office use. An objection has been received to the loss of the office/employment use and the impact this may have upon the variety of land uses within the CAZ. The objector has also commented on the lack of any marketing information submitted with the application to support the loss of the office accommodation. However, there are no policies within the UDP or City Plan which protect office uses and no policy basis upon which to require the submission of marketing information. In these circumstances, the loss of the offices is considered acceptable in principle and the objection could not be supported.

6.1.2 New residential floorspace

The increase in residential floorspace is considered acceptable in principle in land use terms and accords with Policies H3 of the UDP and S15 of the City Plan, which seek to maximise the amount of land or buildings in housing use.

6.1.3 Residential mix and affordable housing

The proposed scheme would provide seven flats including 2 x studios, 2 x 1 bed and 3 x 3 bed units. This would provide 43% family sized accommodation (3+ bedrooms) in accordance with the requirements of UDP Policy H5 which requires new residential developments to provide at least 33% family housing.

Given the increase in residential floorspace (773m²) and the number of units proposed, the scheme does not trigger the City Council's affordable housing policies.

Assessments of the impact of the proposals upon on-street parking demand, the amenities of neighbouring occupiers and on the standard of residential accommodation provided, are set out in Sections 6.3 and 6.4 below.

6.2 Townscape and Design

21-22 Poland Street is a 20th century stone clad structure with large multi-paned steel windows.

The proposed rear extension at second floor level is considered acceptable in design terms as it would be subject to limited views and would not have an adverse impact upon the conservation area. The installation of new multi-paned windows to the upper floors of the Poland Street facade is considered to enhance the appearance of the building and conservation area, being more in keeping with the style of the building. Other alterations to the fenestration including bricking up some windows and increasing the size of other window openings are considered non-contentious in design terms.

The proposed replacement of the front door with a new glazed door is contentious in design terms. The existing wooden door complements the door located on the other side of the façade and provides uniformity and symmetry to the ground floor frontage. If the application had otherwise been considered acceptable, a condition would have been recommended to require the retention of the existing door. Similarly, a condition would have been recommended requiring the external section of the proposed smoke extract duct on the rear elevation to be powder coated/painted black to be less conspicuous.

It is proposed to install a new metal access stair on the rear elevation rising from fourth floor to roof level. The application involves the removal of a number of existing external metal staircases at the rear of the property and, in this context, the installation of the proposed staircase is considered to have a neutral effect upon the character and appearance of the Soho Conservation Area.

Overall, the proposals are considered acceptable in design terms and are considered to accord with the relevant UDP and City Plan design policies. Had the application been recommended for approval appropriate conditions would have been imposed.

6.3 Amenity

6.3.1 Standard of new accommodation

Policy S29 of the City Plan requires that 'all new housing, and where possible refurbishment of existing housing, will provide a well designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.' Paragraph 5.23 states that 'particular care and innovative design solutions are required in the Westminster context of dense, mixed use environments, high density housing and areas with a poor external environment, including areas which suffer poor air quality or significant noise pollution.'

6.3.1.a Unit size and layout

A common issue when converting office buildings to residential use is that deep floorplates make it difficult to create dual aspect dwellings. In this case, the only way to provide a dual aspect for all units would be to create a small number of large flats running the full depth of the building (front to back). However, this would not optimise the number of flats created contrary to the requirements of Policy S14 which states that 'the number of residential units on development sites will be optimised'. The London Housing Design Guide seeks to avoid single aspect dwellings, for the reasons of light and natural ventilation, and particularly discourages the creation of single aspect north facing dwellings. Some effort has been made to create dual aspect flats, including all of the family-sized units. However, three of the seven flats would be single aspect, including both of the proposed studio flats, one of which is north facing. However, given the site constraints and the requirement to maximise the number of residential units, this aspect of the scheme is considered acceptable. All proposed residential units

comply with the minimum space standards set down in the London Plan (Table 3.3) ranging in size from 42m² to 139m².

6.3.1.b Noise levels within flats

There is an existing lawful restaurant/bar operating at basement and ground floor levels. Under the terms of the planning permission granted on the 12 June 1997, the restaurant is permitted to open between 08.00 and midnight on Mondays to Saturday (excluding Bank Holidays) and between 10.00 and 23.00 on Sundays and Bank Holidays. Planning permission was recently refused for the extension of restaurant opening hours and hours of plant operation with the latest proposed terminal hours of 02.00 and 02.30 respectively on some nights.

The restaurant is currently licensed for activities such as performance of dance, provision of facilities for dancing, performance of live music, playing of recorded music, late night refreshment and the sale of alcohol. It has to be assumed that the restaurant would continue to operate in the event of permission being granted for the change of use of the upper floors.

Policy S32 of the City Plan seeks to ensure that noise pollution and its impacts are reduced by 'ensuring development provides an acceptable noise and vibration climate for occupants and is designed to minimise exposure to vibration and external noise sources.' UDP Policy ENV6 is also relevant and states the City Council will 'require residential developments to provide adequate protection from existing background noise.'

UDP Policy ENV7 considers noise from plant, machinery and internal sources. Part A of the policy states:

'Where development is proposed, the City Council will require the applicant to demonstrate that this will be designed and operated so that any noise emitted by plant and machinery and from internal activities, including noise from amplified or unamplified music and human voices, will achieve the following standards in relation to the existing external noise level at the nearest noise sensitive properties, at the quietest time during which the plant operates or when there is internal activity at the development.'

Due to the nature of the restaurant operation, and its permitted hours of use, officers consider that there is significant potential for disturbance to occupants of the proposed flats, resulting from noise transference through the building structure. Additionally, given the site's location within the West End Stress Area, and its proximity to a number of entertainment uses, there is also concern about the potential for noise and disturbance from street level activity.

In order to address these concerns, the applicant has submitted a number of acoustic reports. The most recent, dated September 2014, refers to an internal noise survey undertaken at first floor level (para. 4.4) and states:

'...subjectively the dominant sources of noise were members of the public on Poland Street, outside of the pubs, and live music from the ground floor bar of 21-22 Poland Street. The main route of transmission appeared to be through the floor.'

6.3.1.b.i Noise transference through the building structure

The submitted acoustic report notes (para. 4.22) that loud speakers for the restaurant are suspended directly from the slab, through the suspended ceiling, and that there are holes in the ceiling through which noise can transfer to the upper floors of the building. The report further notes that, due to the operational nature of the restaurant 'noise transmission needs to be considered and appropriate mitigation used to ensure that appropriate internal noise levels are achieved.'

The report concludes that the restaurant operation has significant potential to affect future occupiers. It suggests a variety of mitigation measures which could be introduced, including sealing the current floor slab with an acoustic sealant; the installation of acoustic underlay and matting and the installation of a platform or floating floor system. However, none of these solutions are proposed as part of the application. In the absence of a detailed schedule of works setting out precisely what works would be undertaken to achieve the required acoustic mitigation, there can be no certainty that the proposed residential accommodation would provide a satisfactory standard of living accommodation or that the restaurant use could continue to operate, as it does currently without complaint, once the proposed flats are occupied. Indeed, it is noted that an earlier acoustic report (dated August 2014) prepared by the same acoustic consultant states (para. 4.27):

..‘in order for suitable noise levels through the floor within the proposed residential premises, the restaurant would need to limit the level of amplified music to the subjectively very low levels detailed above. An increase in these allowable limiting levels may be possible if works are undertaken to the restaurant space such as independent wall linings, mass barrier ceiling and red speaker mounts, although even these measures are unlikely to result in the current restaurant operation being deemed acceptable with residential above.’

There have been protracted discussions between the Environmental Health officer and the applicant’s consultants. However, the Environmental Health officer continues to object to the application on the grounds that there are a number of discrepancies in the submitted acoustic information and that insufficient information has been provided to show the noise output of the restaurant can be contained without causing an amenity nuisance to the occupants of the proposed flats. It is noted that some of the potential mitigation measures suggested by the applicant’s consultant would involve work being undertaken within the restaurant itself, which does not form part of the demise of the application site. These works are beyond the applicant’s control and there is no guarantee that alterations such as the introduction of sound limiters to the restaurant music system, and the possible relocation of the speakers, would be acceptable to the restaurant operator.

The applicant has requested that permission be granted subject to a condition requiring the submission of supplementary noise reports which demonstrate that the development will provide an acceptable living environment for future occupants. This approach has sometimes been adopted in cases where officers are confident that the required standards can be met. However, in this case, the applicant’s own acoustic reports conclude that the Council’s internal noise standards cannot be achieved. Although suggestions have been made regarding potential mitigation measures, none of these are supported by any technical information to demonstrate that they would be effective solutions. In these circumstances, it is not considered that it would be appropriate to deal with the issue in the manner requested.

The objector suggests that a commercial use be retained at first floor level to act as a buffer between the restaurant and proposed residential floors above. It is noted that a new application has been submitted, invalid at the time of writing, which proposes the ‘use of the second to fifth floors as four self-contained residential units comprising 1x1 bed unit and 3x3 bed units, erection of an extension at rear second floor level and alterations to the fenestration, installation of solar panels at main roof level.’

6.3.1.b.ii External noise sources/ventilation

The operator of the basement/ground floor restaurant has raised a number of concerns regarding the introduction of residential properties above the ground floor restaurant and in close proximity to other entertainment uses in the area, specifically in relation to the impact of external noise sources on noise levels within the proposed flats. With this in mind, they consider that all units should be provided with a means of mechanical ventilation. The objector is also concerned that the methodology within the submitted acoustic reports is incorrect with

regard to the measurements adopted in relation to potential noise disturbance (considering average noise levels rather than maximum noise levels generated by noise peaks e.g. people shouting and car doors slamming).

The submitted acoustic reports have been fully considered by Environmental Health officers who have advised that, whilst it would have been useful for further information to have been provided on the LAMax noise levels, (noise peaks), sufficient detail has been included within the reports to enable the proposal to be properly scrutinised. Graphs within the acoustic reports indicate a number of loud noise events late in the evenings but, given the acoustic specification of the replacement glazing, it is not considered that these occasional disturbances would have a significant impact upon the amenities of future occupiers and is likely to reflect the noise environment in other Central London locations where residential use has been approved.

It is noted that a number of noise sensitive rooms are located at the front of the property overlooking Poland Street. The proposal includes the replacement of all windows at first to fifth floor level to provide an improved acoustic performance. The Environmental Health officer has concluded that the replacement windows would, for the most part, provide the required acoustic mitigation to ensure that internal noise levels in the flats are in accordance with the Council requirement regarding noise from external sources. Appropriate conditions could be attached to any planning approval to ensure the acoustic specification of the replacement windows would achieve these requirements. In these circumstances, it is not considered that the objectors concerns relating to the provision of noise sensitive accommodation at the front of the building could be supported.

Where acceptable internal noise levels can only be achieved with windows closed, it is expected that new dwellings will be capable of being adequately ventilated should residents choose to close their windows in order to minimise noise disturbance from external sources. The submitted acoustic report states that this could be achieved through the installation of a mechanical ventilation system or by passive measures such as the incorporation of acoustic trickle vents within the windows. However, the report confirms that, due to the proximity of the plant at rear first floor level, the window to the adjacent studio flat would not achieve satisfactory internal noise levels. Consequently, two potential solutions are suggested, the first involves the installation of horizontal sliding secondary glazing, although the report concludes that this would not provide the required acoustic mitigation. The second option involves the installation of an acoustic trickle vent, plus "additional mechanical ventilation"

The applicant has stated they propose to install an internal mechanical ventilation system for each of the proposed flats. The Environmental Health officer has confirmed that this would provide adequate ventilation for future occupiers and, given that this type of mechanical ventilation has been specifically designed to operate quietly within residential properties, does not need to be the subject of further acoustic assessment.

In these circumstances, had the scheme been otherwise considered acceptable, suitable conditions could have been imposed requiring the submission of manufacturer's details, full technical specifications of the proposed ventilation system and amended drawings to show the position, and details of, the external air vents which would be required to facilitate air flow. The manufacturer's specification provided indicates that each unit would require the provision of one inlet and one outlet grille, each measuring approximately 270mm high x 258mm wide. The applicant has confirmed that all vents associated with the mechanical ventilation would be installed on the rear elevation of the property.

(The application has been considered on the basis that the plant for the restaurant is located within an area at rear first floor level, as stipulated by the applicant. However, the restaurant operator has suggested that restaurant plant has been installed on the flat roof areas at rear third and fifth floor levels. The submitted acoustic reports do not consider the impact of plant at these floor levels upon the expected noise levels within the proposed flats. However, there is

no record of planning permission having been granted for the installation of plant at these levels and Council records suggest that if plant has been installed at these levels, it may not be lawful).

6.3.2 Internal light levels

An assessment has been carried out by the applicant with regard to expected levels of daylight and sunlight within the new flats.

6.3.2.i Daylight

For daylight, the BRE Guidance (2011) and BS8206-2 recommend the following minimum values of Average Daylight Factor (ADF) being the measure of overall amount of daylight in a space: 1% for bedrooms, 1.5% for living rooms and 2% for kitchens and 2% for studio units. The report on the internal light levels has assessed lighting levels within all proposed rooms within the development.

All rooms/units within the development would achieve the minimum ADF values with the exception of the rear first floor studio flat which would achieve an ADF of only 1.2%; the dining room and bedroom to the one bedroom first floor flat (ADF of 0.5% and 0.2% respectively) and one bedroom within a three bedroom unit at second floor level which would achieve 0.5%. However, given the dense urban nature of the site, and as the majority of the flats within the development will receive satisfactory levels of daylight, it is not considered the application can be justifiably refused on this basis.

6.3.2.ii Sunlight

With regard to sunlight levels the BRE Guidance recommends where possible each dwelling should have at least one main living room facing within 90° of due south and that main living room windows should receive 25% of the total annual probable sunlight hours, including 5% winter sunlight. The Guidance concedes (paragraph 3.1.8) that 'for larger developments of flats, especially those with site constraints, it may not be possible to have every living room facing within 90° of south.'

Within the development, six of the seven living rooms have windows which face within 90° of due south. Whilst the window to the rear first floor studio would achieve sunlight levels exceeding the annual sunlight target, it would achieve only 3% winter sun. The majority of other living rooms within the proposed development meet the recommended sunlight hours target. Where sunlight targets to other living room windows are not met, these rooms are served by additional windows and, overall, achieve adequate annual and winter sunlight.

In the circumstances, given the site's constraints, lighting levels within the proposed residential flats are considered acceptable.

6.3.3 Impact on neighbouring occupiers

6.3.3.i Daylight/sunlight

Policy ENV13 of the UDP states that 'the City Council will normally resist proposals that result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.' Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

No objections have been received to the proposal with regard to loss of daylight/sunlight to neighbouring properties. The proposed second floor extension is largely contained within

existing parapet walls. There would be no obstruction of any neighbouring windows and it is therefore not considered the proposal would have any material impact upon the levels of daylight and sunlight received by nearby residential properties.

6.3.3.ii Overlooking

Policy S29 of the City Plan states that 'the Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment'. Part F of Policy ENV13 of the UDP states that 'developments should not result in a significant increase in the sense of enclosure or overlooking...'

Terraces which were originally proposed on the flat roof areas on the upper floors have now been omitted from the proposal. It was considered that screening would have been required around the terraces to prevent overlooking of views into nearby residential properties, specifically 25-26 Poland Street and recently approved (20.01.2014) residential accommodation within 19-20 Poland Street. However, this screening was considered unacceptable on design grounds. Obscured glazing is proposed in certain windows to prevent overlooking to adjacent sensitive windows. The installation and retention of this glazing could have been the subject of a condition had the scheme otherwise been considered acceptable.

6.4 Transportation / Parking

No off street car parking is proposed for the new flats. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for seven spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy during the day is 81%. Overnight parking occupancy reduces to 28%, when residents can park without charge on metered bays and on single yellow lines. The Highways Planning Manager has objected to the application due to the lack of on-street parking availability in the daytime. However, given the close proximity of this site to excellent public transport facilities including Tottenham Court Road and Oxford Circus underground stations, and in the light of development plan policies which aim to increase the housing stock, it is considered that it would be difficult to resist the proposals on parking grounds. In order to mitigate the impact of the proposed development, a financial contribution of £1,000 per flat towards future parking surveys and lifetime membership of a car club for each of the flats (minimum 25 years) would have been sought and secured by condition. Subject to these arrangements, it is not considered that the application could be reasonably refused on parking and traffic grounds.

Eight cycle parking spaces would be provided at first floor level in accordance with Policy TRANS 10. Had the scheme been considered acceptable, a condition would have been recommended to ensure the provision and retention of these spaces.

6.5 Economic Considerations

Any economic benefits generated are welcome.

6.6 Access

There is an existing lift from the ground floor to each of the upper floors which is accessed by a series of steps within the ground floor lobby.

The applicant states that they are unable to provide level access to the flats due to the 'physical constraints of the building and the relationship with the restaurant below which is not

in the client's ownership'. To provide level access within the ground floor lobby would necessitate alterations to the floor structure and the ceiling of the basement floor. The applicant has suggested a variety of other minor improvements to the access arrangements including upgrading the lift, stair treads and entry systems.

Given the site constraints, these improvements are welcomed and could have been secured by condition.

6.7 Other UDP/Westminster Policy Considerations

The Cleansing Manager requested that a condition be imposed requiring the submission of amended drawings to indicate storage for waste and recyclable materials within the demise of each flat.

The Environmental Health officer has objected to the proposal on the grounds that the layout of one of the first floor flats and of the duplex at fourth/ fifth floor level would result in the creation of 'remote rooms' which has implications for the means of escape in case of fire. Whilst this objection is noted, this issue is governed under separate legislation. Had the application been considered acceptable, an Informative would have been imposed to alert the applicant to this issue.

An objection has been received on the grounds that the application was not supported by a Statement of Community Involvement. However, such a statement would not have been expected in relation to a development of this small scale. The City Council has carried out a consultation with occupants of neighbouring buildings.

6.8 London Plan

It is noted that Policy 3.5 of the London Plan states that 'Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live.'

Under Policy 5.9 of the London Plan, the Mayor seeks to reduce the impact of the urban heat island effect in London and encourages the design of places and spaces to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate change and the urban heat island effect on an area wide basis.

Policy 7.15 B states 'development proposals should seek to reduce noise by:

- a minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals.
- b separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation.
- c promoting new technologies and improved practices to reduce noise at source.'

6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the

framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- A payment of £7,000 in accordance with the SPG is required for parking review studies.
- Lifetime membership (minimum 25 years) of a car club would also be required for each of the residential flats to mitigate the potential increase in demand for on-street parking.

These S106 contributions would be in accordance with the adopted SPG on Planning Obligations and the Mayor's Crossrail SPG and could have been secured by condition. This has been agreed with the applicant.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

Policy S28 of the City Plan states that 'development will reduce energy use and emissions that contribute to climate change during the life-cycle of the development...' The installation of solar panels at main roof level is noted and is welcomed

There is the potential for the creation of green roof areas on the flat roofs at the rear of the building. If the application had been considered acceptable the provision of green roof areas would have been explored and could have been the subject of a condition.

6.12 Conclusion

The proposal is considered unacceptable as insufficient information has been provided to demonstrate that the internal living standards within the proposed flats would be acceptable with regard to potential noise disturbance.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from Cleansing Manager dated 24.03.2014.
3. Memorandum from Highways Planning Manager dated 26.03.2014.
4. Memorandum from Environmental Health dated 21.10.2014.
5. Email from Environmental Health dated 23.10.2014.

6. Email from Crossrail dated 26.03.2014.
7. Letter from the representative of the commercial occupier of the basement and ground floor, 21-22 Poland Street dated 08.04.2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT SARA SPURRIER ON 020 7641 3934 OR BY E-MAIL – sspurrier@westminster.gov.uk

DRAFT DECISION LETTER

Address: 21-22 Poland Street, London, W1F 8QQ

Proposal: Alterations including the erection of an extension at rear second floor level and the installation of replacement windows on all elevations at first floor to fifth floor level; erection of a new rear metal access stair to roof level and installation of solar panels to main roof. Use of the first to fifth floors as seven residential flats (including ground floor entrance) (Class C3).

Plan Nos: Site Location Plan, Daylight and Sunlight Study dated 5th March 2014, Acoustic Report dated 7th March 2014, Acoustic Report dated September 2014 and supplementary details included in the emails dated 23.10.2014 and 22.10.2014, Acoustic Report dated August 2014, Acoustic Report dated August 2014 (Addendum), Drawings: GA.00 RevC, GA.01 RevC, GA.02 RevC, GA.03 RevC, GA.04 revC, GA.05 RevC, GA.06 RevC, GE.00 RevC, GE.01 RevC, GE.02 RevC, GE.03 RevC.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

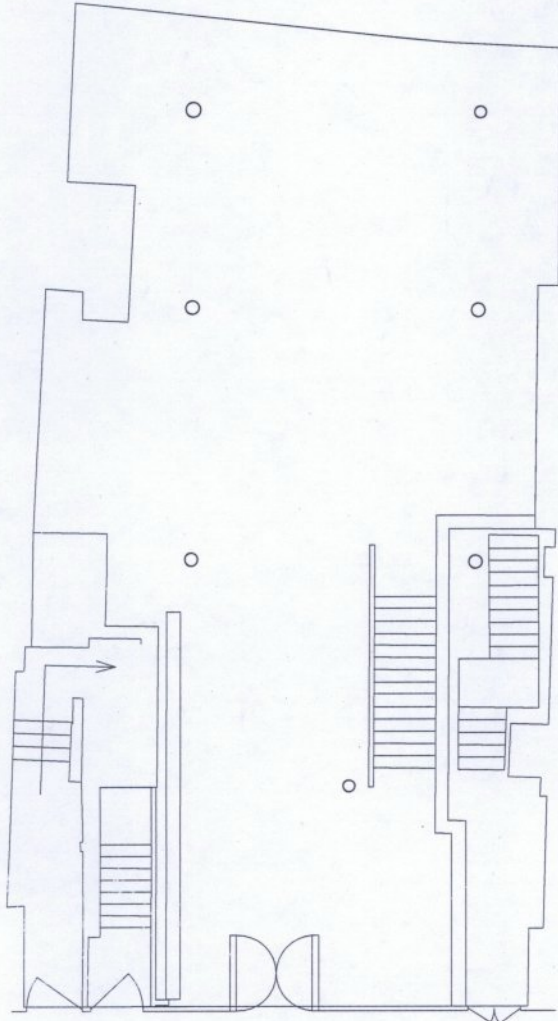
Recommended Reason(s) for Refusal:**Reason:**

- 1 Insufficient information has been provided to show that the proposed residential units would provide a satisfactory living environment for future occupiers, particularly in relation to noise disturbance. This is contrary to the requirements of Policies S29 and S32 of the City Plan: Strategic Policies which we adopted in November 2014 and Policies ENV6 and ENV7 of the Unitary Development Plan that we adopted in January 2007.

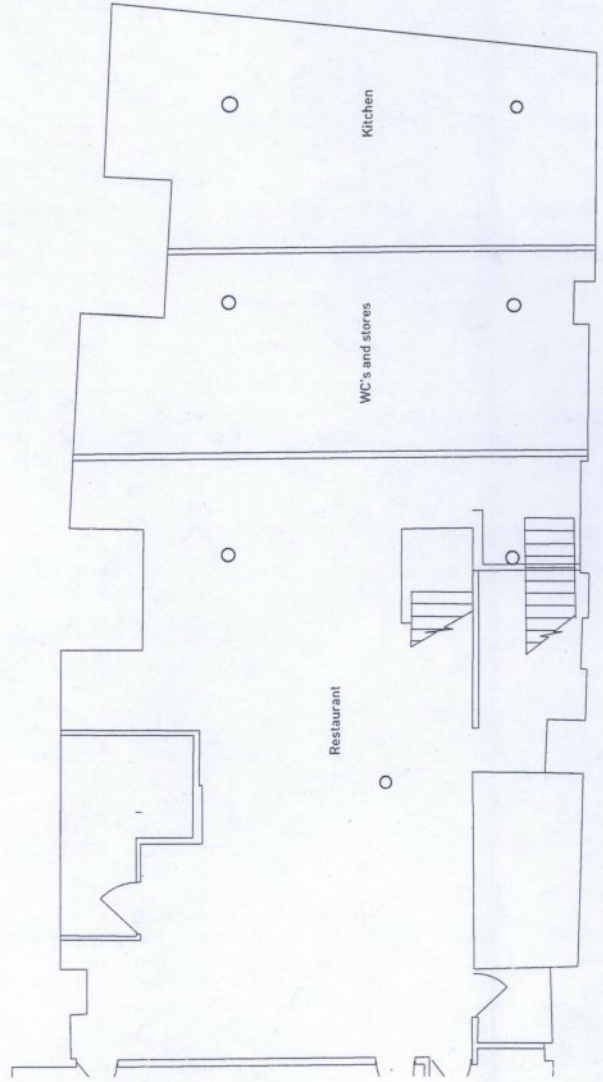
Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable. Required amendments:

Further detailed information is required on the proposed acoustic mitigation measures to ensure that the internal living standards within the proposed flats accords with the City Council guidance. With any new application you should include a full schedule of the exact works you intend to carry out to the property to ensure these standards are achieved.



2 Ground Floor Plan
1:100



1 Basement Plan
1:100



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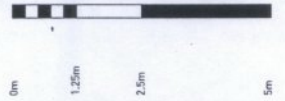
T: +44 (0)20 849 9225 F: +44 (0)20 849 9224
 17, Red Lion Square, London EC1A 3DF
 London, UK
 LONDON NW1 2BD

for English Rose Estates (Poland Street) Ltd.

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NO.	REV.	DATE	DESCRIPTION
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2	1	14.05	EX.00
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PROJECT 21-22 Poland St.
 TITLE Ex. Basement+Ground Fl. Plan
 DATE 12.02.14
 SCALE 1:100
 DRAWN BY B. A3
 CHECKED BY EX.00
 PROJECT NO. 14005





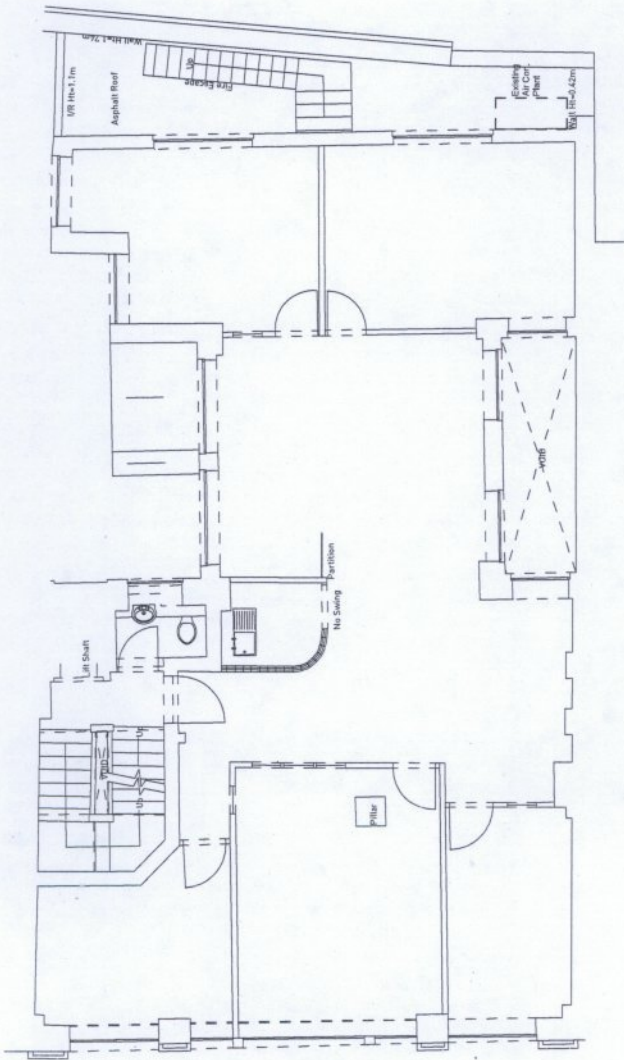
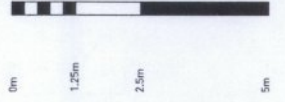
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 020 7534 1000
 www.claridgearchitects.com
 LONDON, UK
 LONDON, NW8 4BD

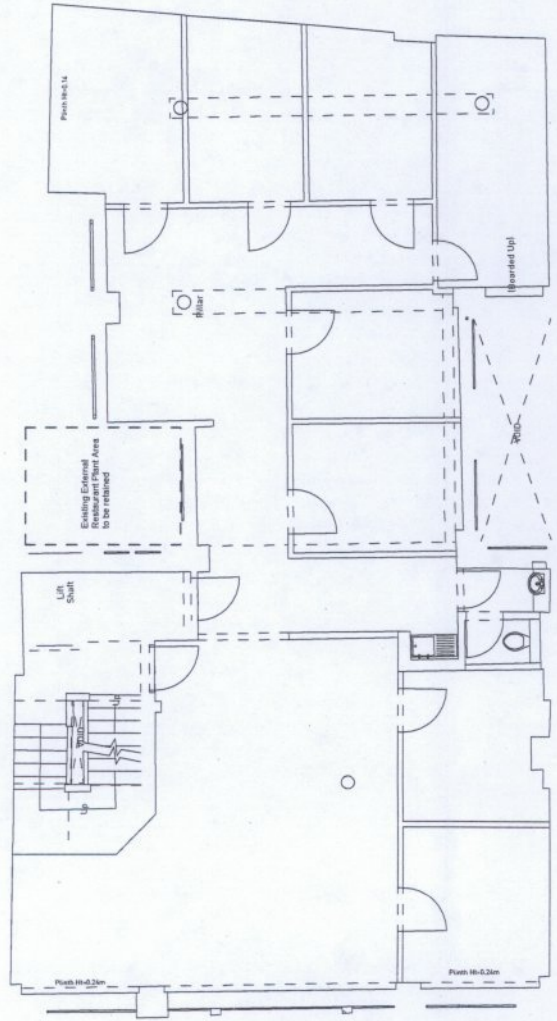
ros English Rose Estévez (Poland Street) Ltd.

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PROJECT	21-22 Poland St.
TITLE	Existing 1st-2nd Floor Plans
STATUS	PLANNING
DATE	14/03/16
SCALE	1:100
NO.	B A3
REV.	EX.01
DATE	14/03/16
BY	C



2 Second Floor Plan
 1:100



1 First Floor Plan
 1:100



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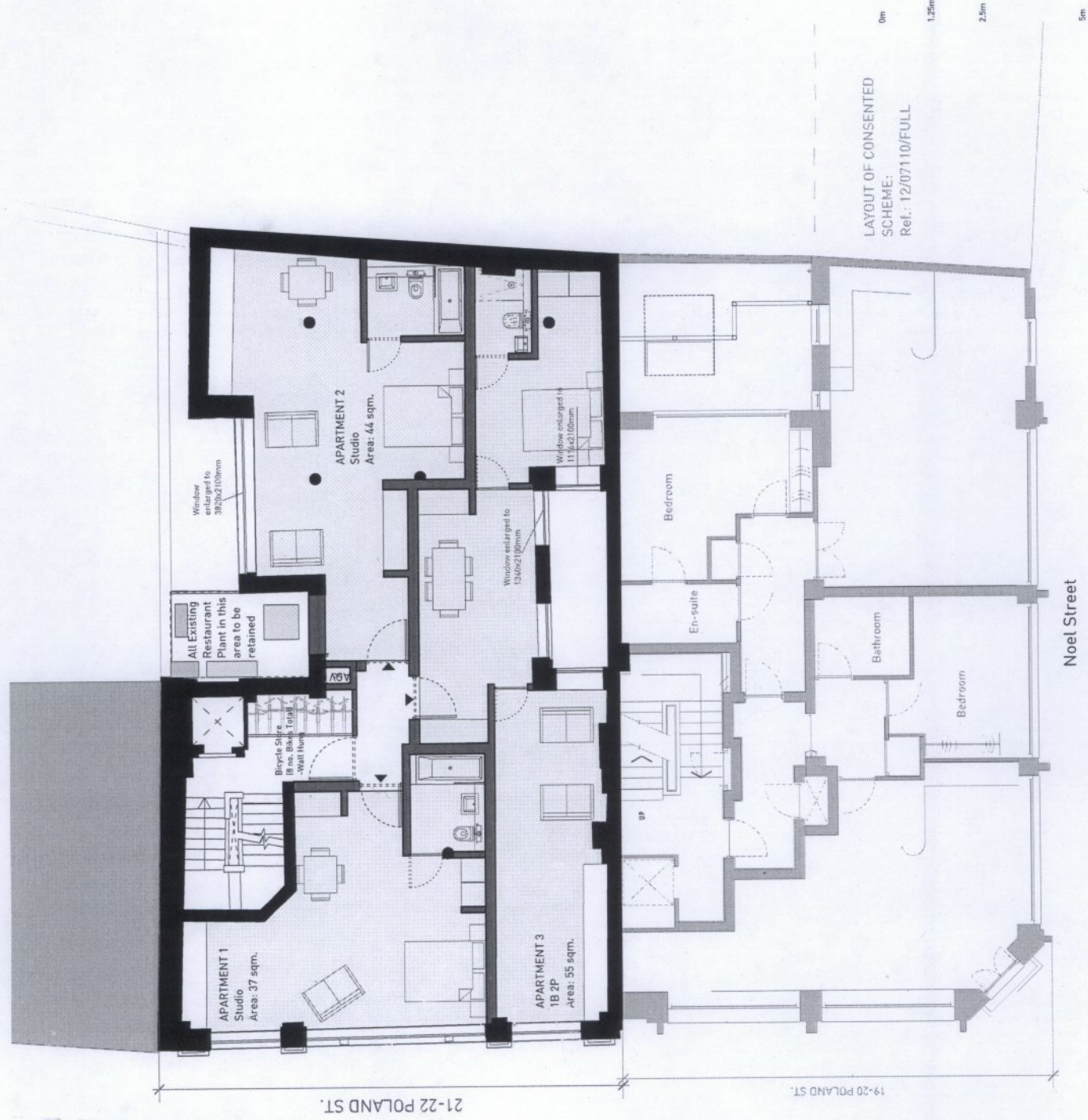
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 LONDON W16 8ND

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PROJECT	21-22 Poland St.
TITLE	Proposed First Floor Plan
STATUS	PLANNING
DATE	12.02.14
SCALE	1:100
NO.	B A3
DATE	14.005
SCALE	GA.01
NO.	C



LAYOUT OF CONSENTED
 SCHEME:
 Ref.: 12/07110/FULL



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C	24.04.14	Showing Plan-Cycle Store
B	21.11.14	Without Plan Terrace

PROJECT	21-22 Poland St.
TITLE	Proposed Second Floor Plan
STATUS	PLANNING

DATE	12.02.14	SCALE	1:100	PROJECT NO.	14005	PHASE	GA.02	CD	C



Noel Street

Poland Street

21-22 POLAND ST.

19-20 POLAND ST.

LAYOUT OF CONSENTED
 SCHEME:
 Ref.: 12/07110/FULL



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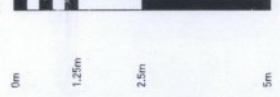
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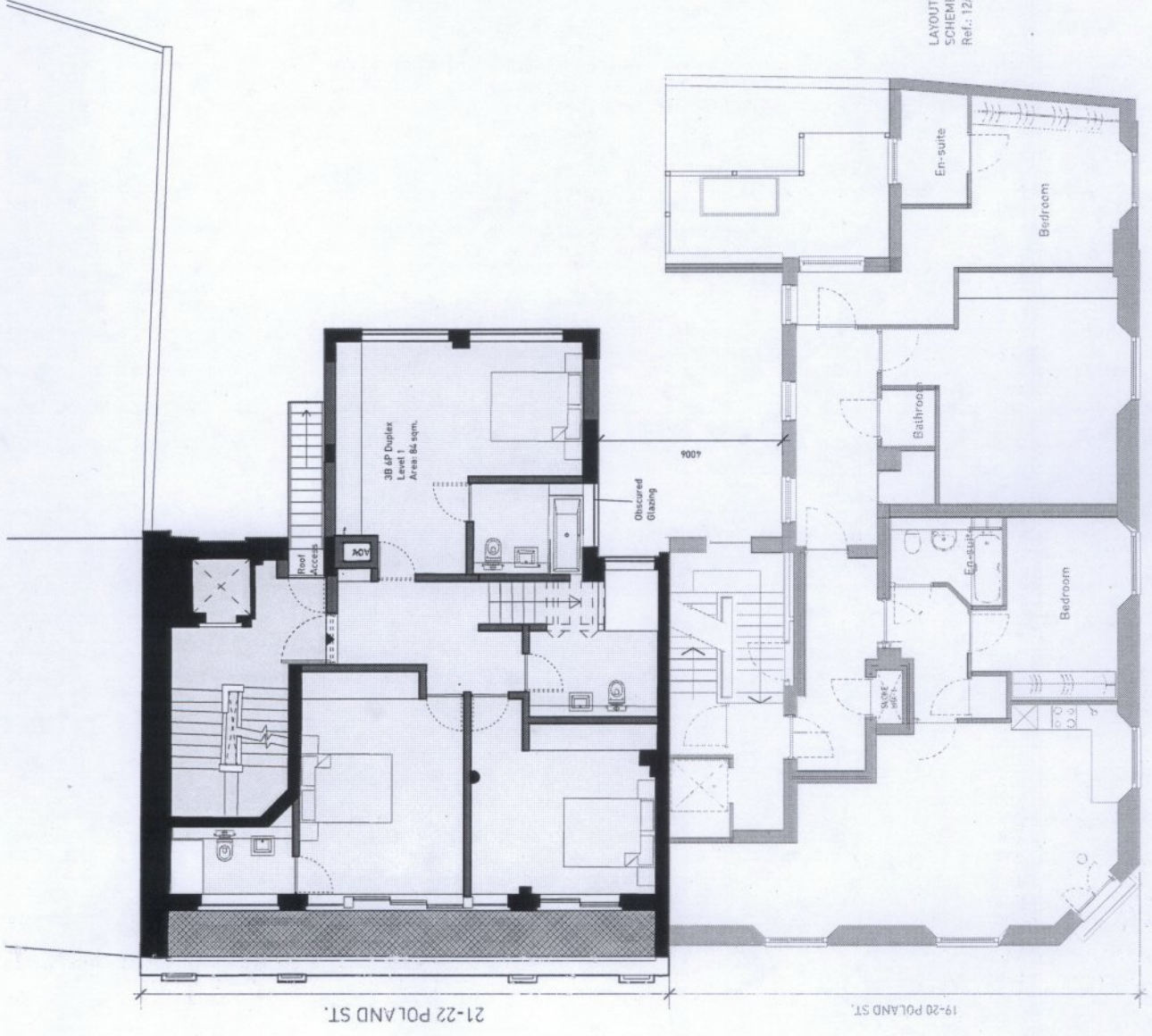
REV	DATE	NOTES
C	20.6.14	Showing Plan-Cycle Store
B	23.5.14	Without Rear Terrace

PROJECT	21-22 Poland St.
TITLE	Proposed 4th Floor Plan
STATUS	PLANNING

DATE	11/03	14/005	GA.04	C
REV	B	A3		



LAYOUT OF CONSENTED
 SCHEME:
 Ref.: 12/07110/FULL



Poland Street

Noel Street



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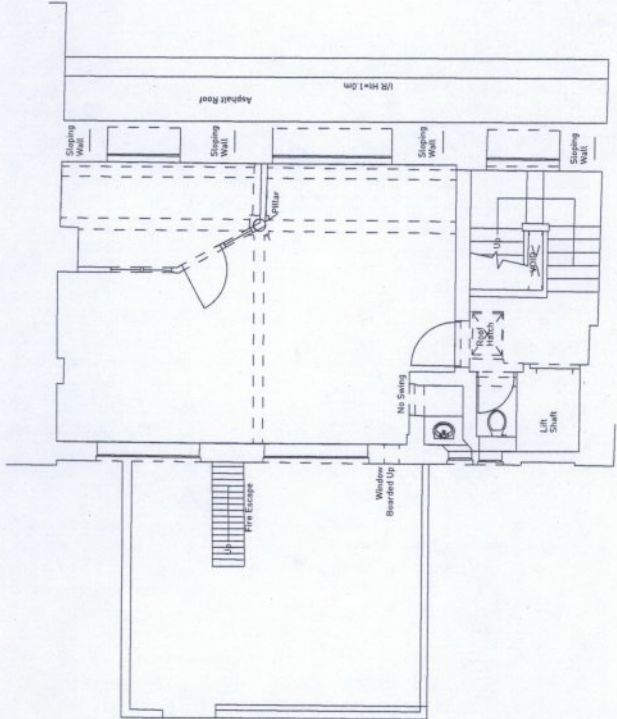
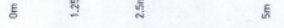
for: English Rose Estates (Poland Street) Ltd.

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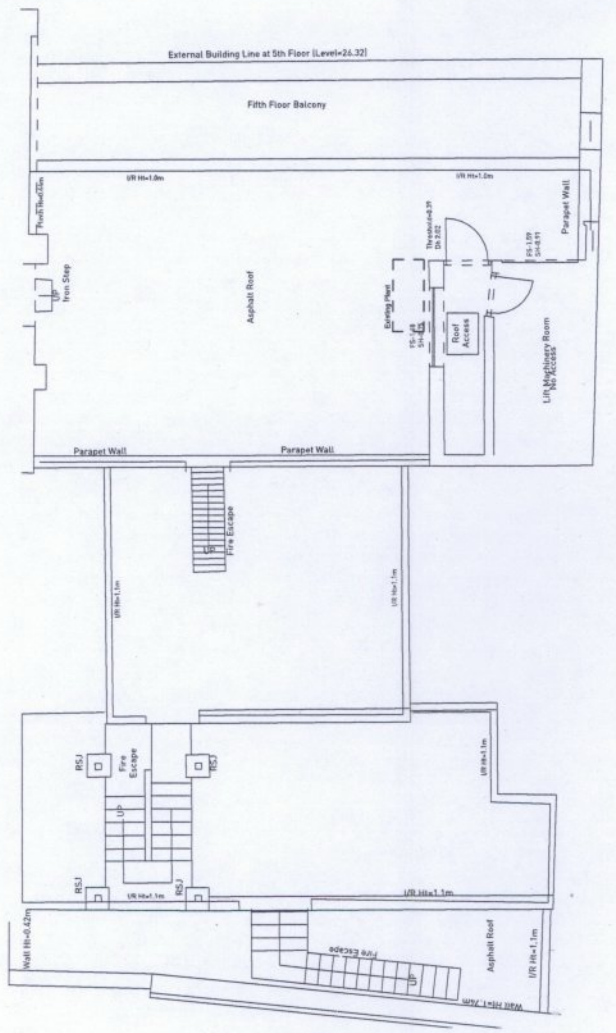
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C	23.04.14	Showing Plans + Cycle Store
B	21.05.14	Without Rear Terrace

PROJECT	21-22 Poland St.
TITLE	Existing 5th-6th Floor Plans
STATUS	PLANNING

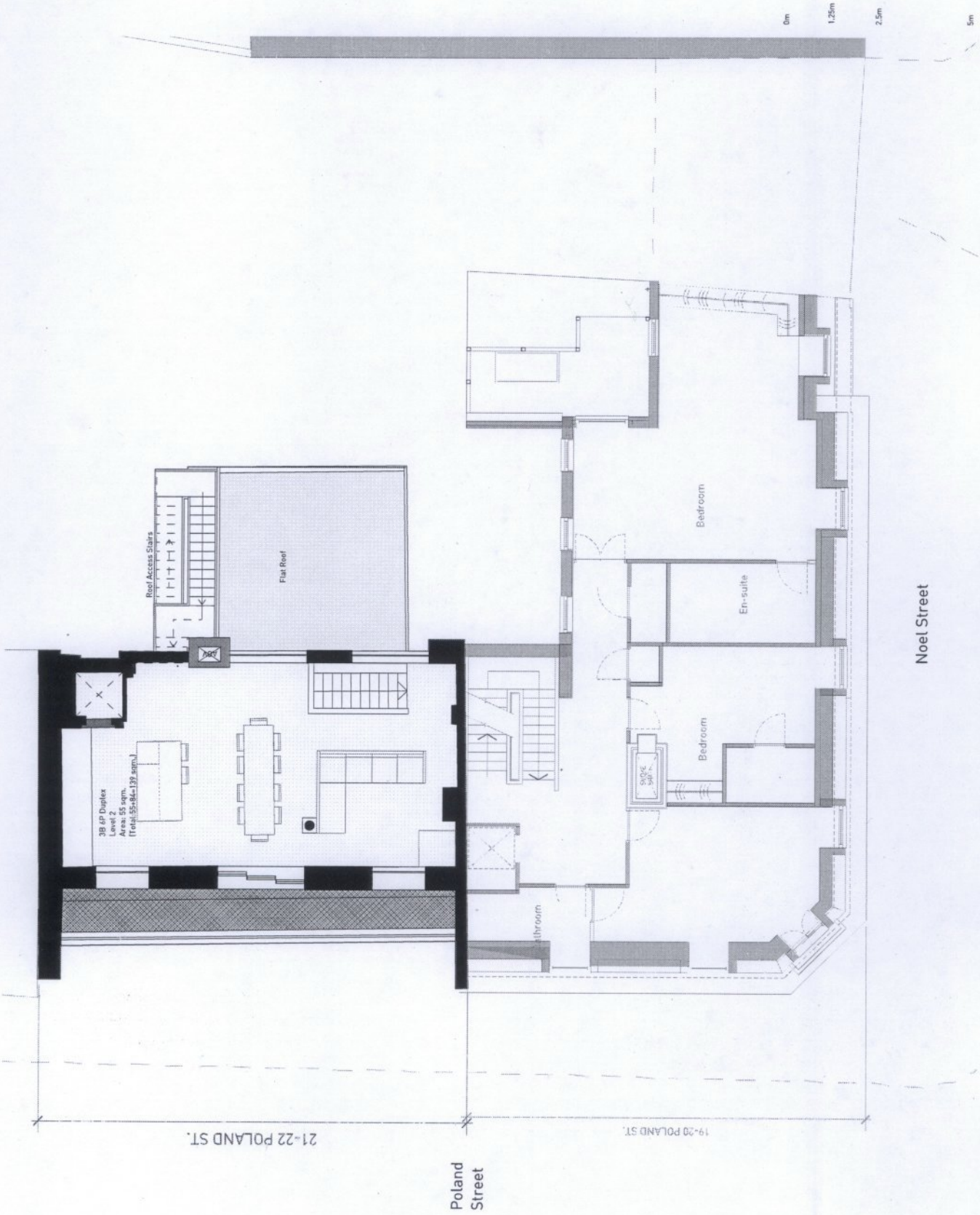
DATE	12.02.14	SCALE	1:100	PROJECT NO.	14005	EX. NO.	EX.03	VERSION	C



1 Fifth Floor Plan
1:100



2 Sixth Floor Plan
1:100



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enr English Rose Commercial (Poland Street) Ltd

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C	24.6.14	Showing Plans + Cycle Store
B	21.6.14	Without Rear Verandas

PROJECT	21-22 Poland St.
TITLE	Proposed Fifth Floor Plan
STATUS	PLANNING
DATE	12.02.14
SCALE	1:100
PROJECT NO.	B
CLIENT REF.	14005
PROJECT NAME	GA.05
DESIGNER	C



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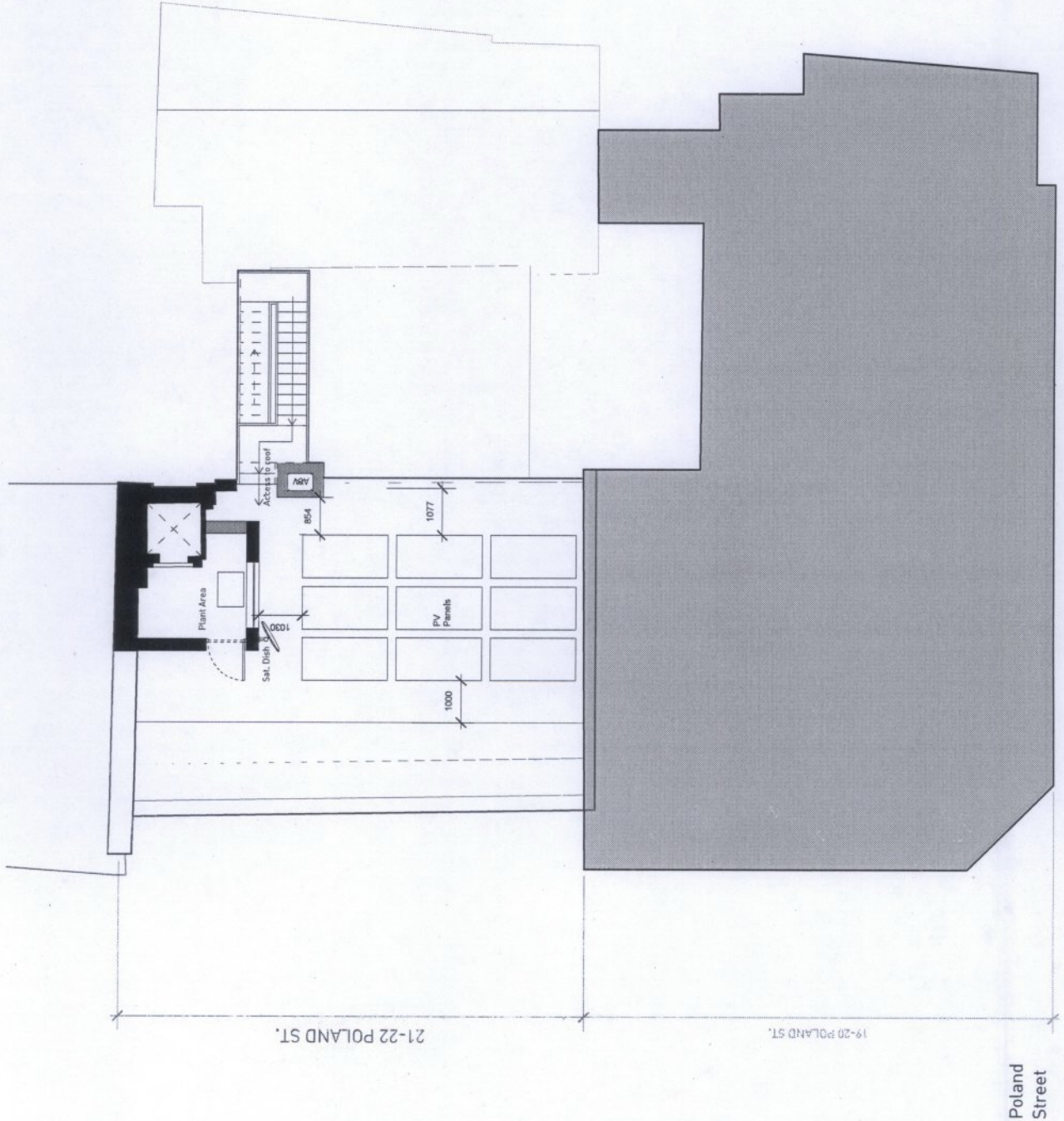
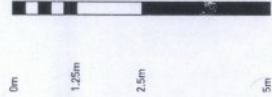
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C	24.6.14	Showing Plans+Cycle Store
B	21.5.14	Without rear terrace

PROJECT	21-22 Poland St.		
TITLE	Proposed Sixth Floor Plan		
STATUS	PLANNING		

DATE	12.02.14	SCALE	1:100	PROJECT NO.	14/005	CLIENT	GA.06	DR	C
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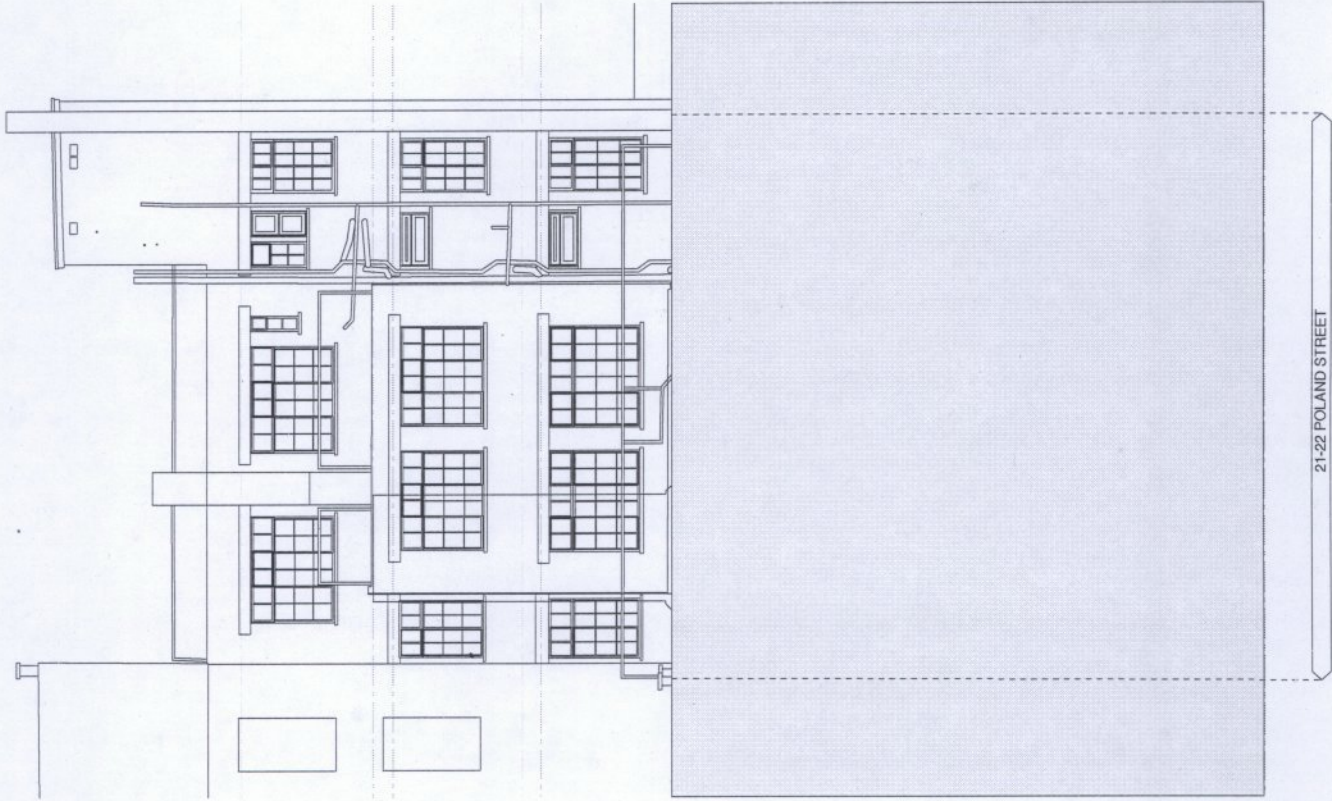


21-22 POLAND ST.

19-20 POLAND ST.

Poland Street

Noel Street



NOTE:
Fire Escape Stairs
omitted for clarity

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LONDON W9W 6RD

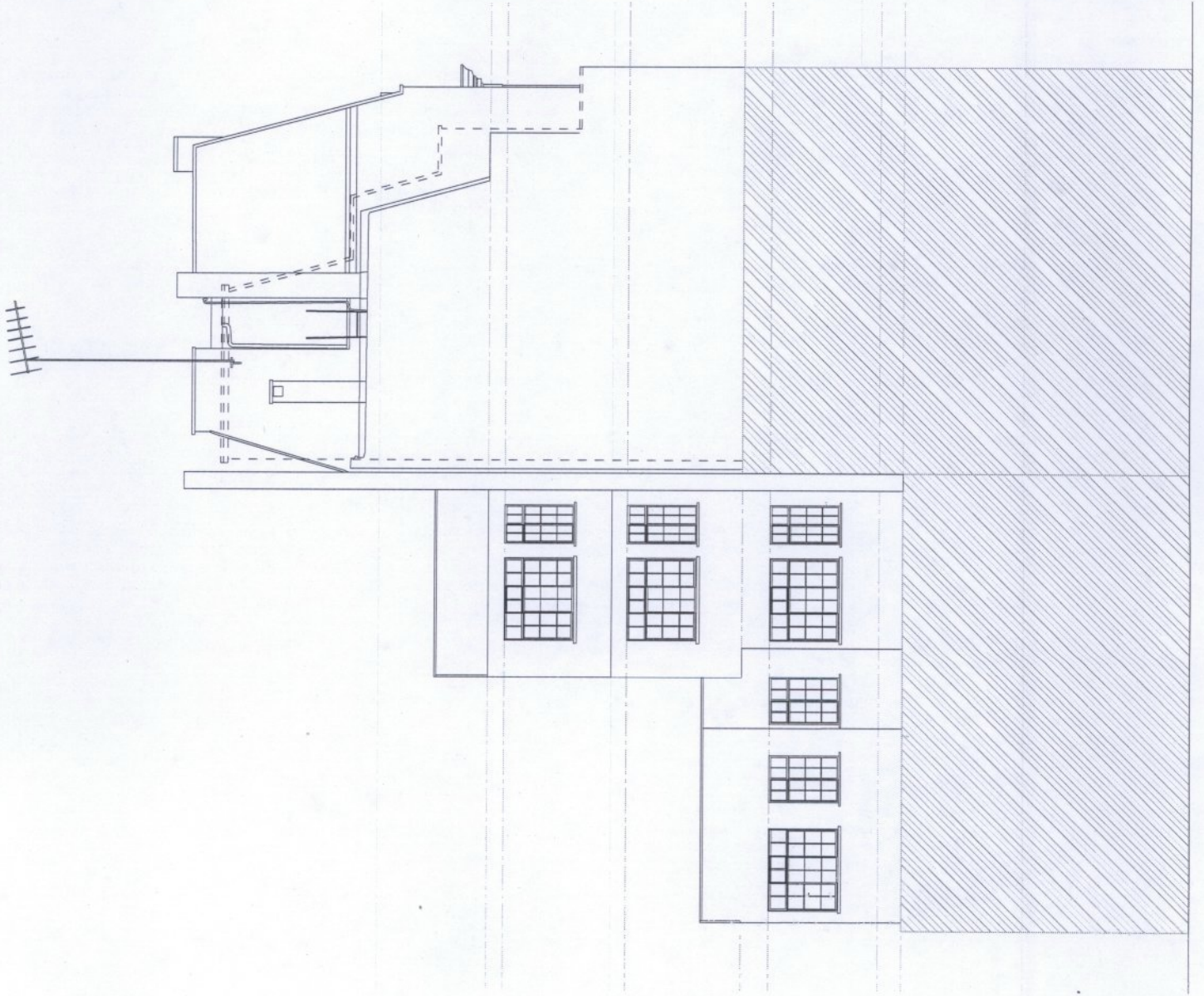
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NO.	REV.	DATE	BY	CHKD.	NOTES
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C	26.04.14				Showing Plans and Cycle Store
B	27.12.14				Without rear terraces
REP.	DATE	BY	CHKD.	NOTES	

PROPERTY	21-22 Poland Street
TITLE	Existing Rear Elevation
STATUS	PLANNING

DATE	SCALE	PROJECT NO.	PROJECT NAME
07.02.14	1:100	14005	EX.05
B	AS		C



NOTE 1:
Fire Escape Stairs
omitted for clarity

NOTE 2:
Indicative Section of
neighbouring 23 Poland
Street

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C	26.08.14	Showing Plant and Cycle Store
B	23.11.14	Without rear terraces

PROJECT	21-22 Poland Street
TITLE	Existing North Elevation
STATUS	PLANNING

DATE	07.02.14	PROJECT NO.	14005	ISSUES	EX.05	REVISION	C

NOTE:
Fire Escape Stairs
omitted for clarity

CLARIDGE ARCHITECTS

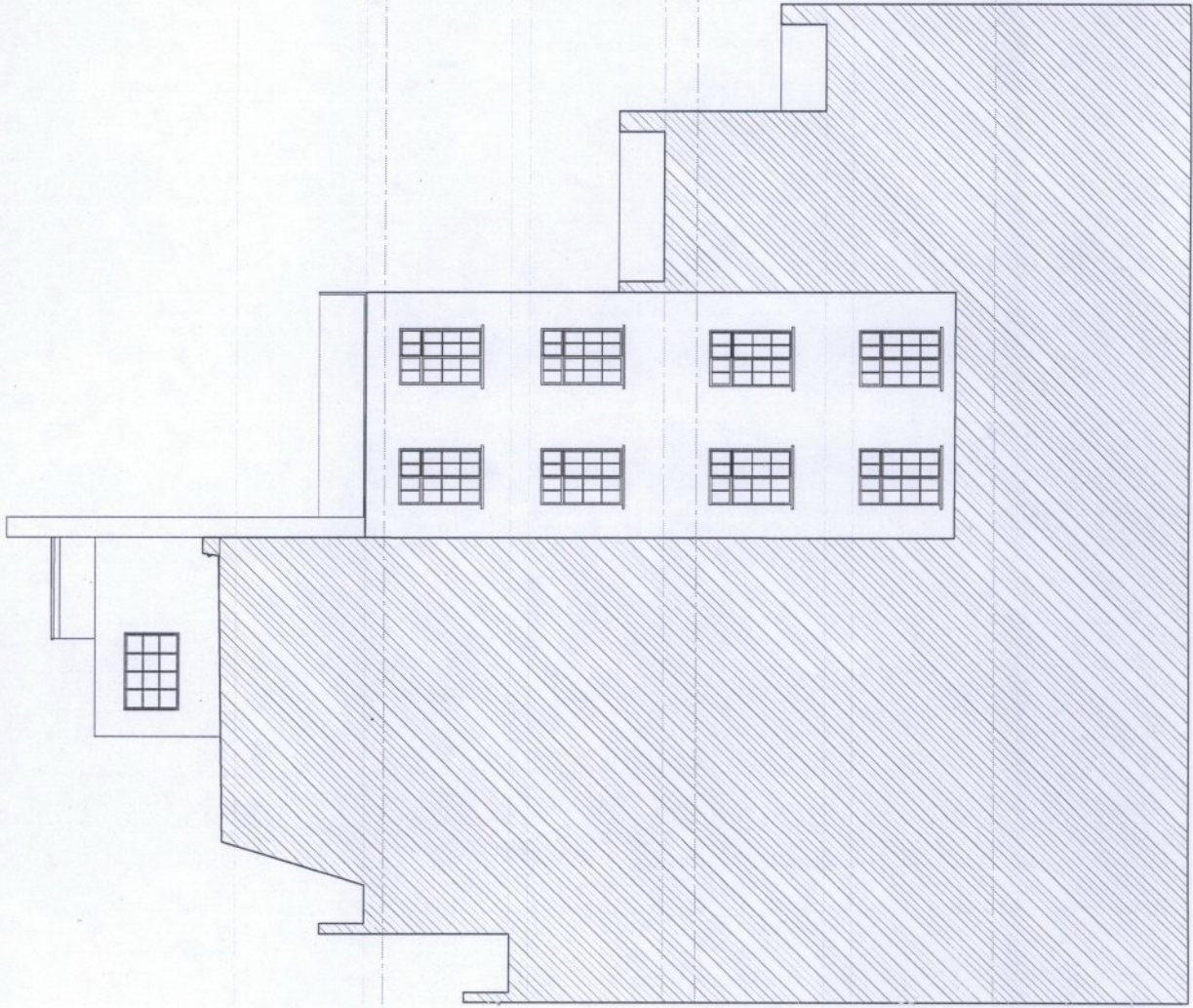
T: +44 (0)20 8949 9223 F: +44 (0)20 8949 9228
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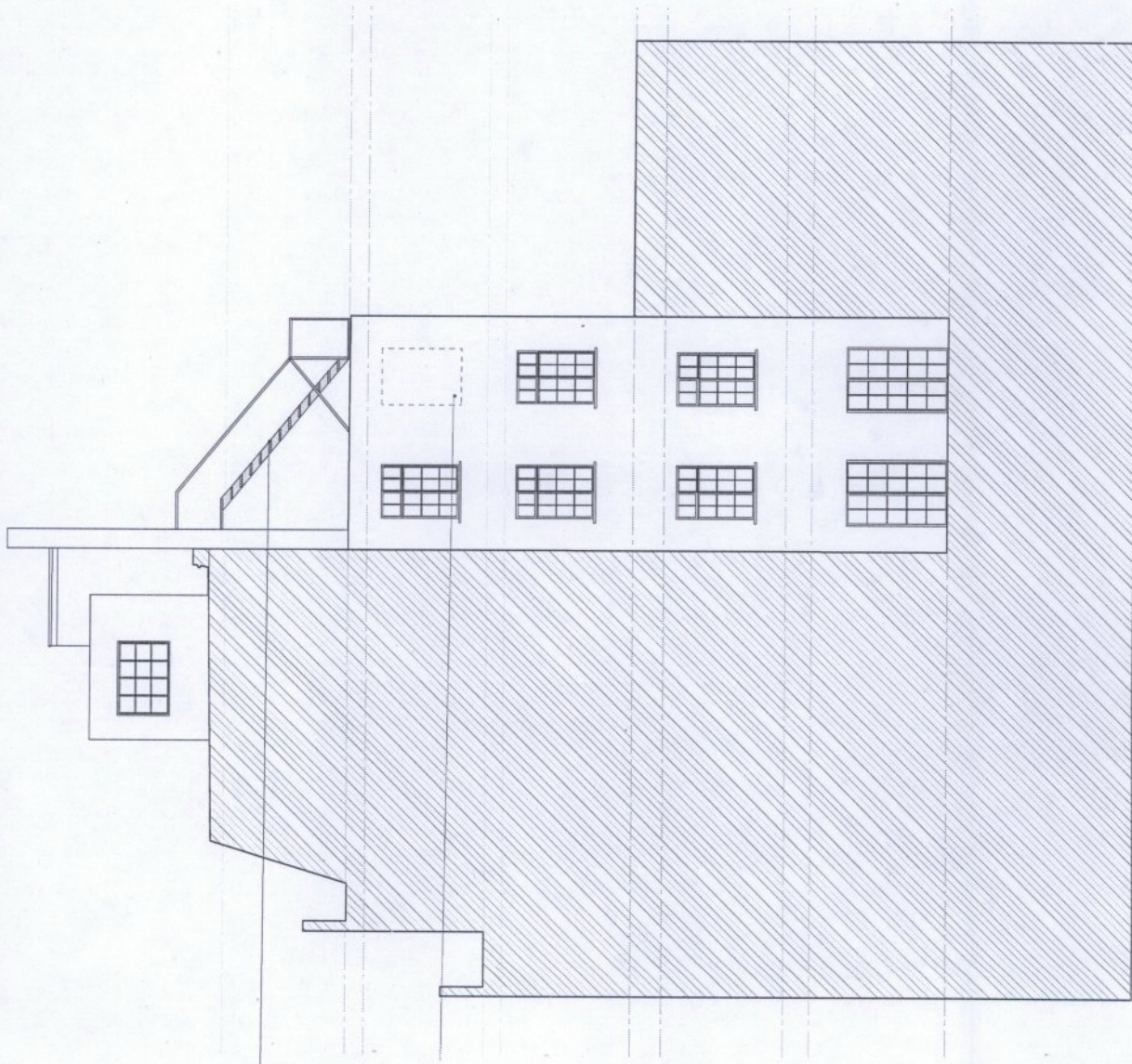
108 English Rose Estates Poland Street Ltd

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C	26.06.14	Showing Sign-Cycle Store
B	21.5.14	Without Rear Terraces
REV	DATE	NOTES

PROJECT	21-22 Poland Street
TITLE	Existing South Elevation
STATUS	PLANNING
DATE	07.02.14
SCALE	1:100
PROJECT NO.	14005
VERSION	EX.07
NO.	B A3
BY	C





NOTE:

All windows, to first floor and above, unless otherwise stated, to be replaced with double glazed multi-pane steel windows.

Windows/doors shown in blue are within new or enlarged openings.

Painted Metal Roof Access Staircase

Windows removed and infilled

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REV	DATE	NOTES
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C	26.02.14	Showing Plans and Cycle Store
B	21.05.14	Without rose herring

PROJECT	21-22 Poland Street
TITLE	Proposed South Elevation
STATUS	PLANNING

DATE	26.02.14	11:00	14005	GE.03	C
SCALE	B	A3			