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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS COMMITTEE | Date 16 June 2015 | Classification For General Release | |
| Report of Director of Planning | | Wards involved Hyde Park | |
| Subject of Report | 1 Clarendon Place, London, W2 2NP | | |
| Proposal | Creation of basement beneath existing single dwelling and shared driveway and the conversion of garages to habitable accommodation and replacement of garage doors with new windows/doors and external alterations. | | |
| Agent | Montagu Evans LLP | | |
| On behalf of | Mr Allen Cooper | | |
| Registered Number | 15/01877/FULL | TP / PP No | TP/18801 |
| Date of Application | 03.03.2015 | Date amended/ completed | 22.05.2015 |
| Category of Application | Minor | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Bayswater | | |
| Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007 | Outside London Plan Central Activities Zone Outside Central Activities Zone | | |

1. RECOMMENDATION

Grant conditional permission.





1 CLARENDON PLACE, W2

2. SUMMARY

This application is for the excavation of a basement under the footprint of the house and under the private road at the rear for a spa, gym and cinema room. Other works include the conversion of the integral garages at the rear to provide additional living accommodation. Three car parking spaces will remain at the rear once the private road is reinstated. Other works include lowering the front storage vaults to create a store, wine cellar and laundry room and a rooflight to the main flat roof of the house. The proposal has attracted a number of objections from neighbouring residents on the grounds of the adverse impact on the conservation area, the impact of the construction works on their amenities, access arrangements at the rear and the structural implications of the basement excavation.

The key issues are:

- The impact of the proposal upon the character and appearance of this house, the setting of the adjacent listed building and this part of the Bayswater Conservation Area.
- The impact on the amenities of neighbours.
- The conversion of the integral garages and the impact of the proposal on access arrangements at the rear.

Despite the objections raised, the proposal will have no adverse impact on this part of the Bayswater Conservation Area or affect the adjacent listed building. It is recommended to impose conditions to secure a Construction Management Plan and hours of building work, and it is not considered that this proposal will have an adverse impact on residential amenity during the construction period. The Highways Planning Manager raises no objections subject to a condition to secure the reinstatement of the parking at the rear.

3. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

No response received to date.

ENVIRONMENT AGENCY

No response received to date.

THAMES WATER

No objection with regard to sewerage or water infrastructure capacity.

BUILDING CONTROL

An investigation of geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including rivers has been investigated. The scheme has been justified structurally; the basement walls will be constructed using a combination of piling and traditional underpinning which are considered to be appropriate for this site. The proposal to safeguard adjoining properties during construction is considered to be acceptable.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER

Unacceptable on transport grounds but could be made acceptable. Would not object to loss of car parking garage spaces if forecourt parking retained by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 110; Total No. of Replies: 10.

Nine objections received.

Townscape /Design

- The proposed basement goes against the spirit of the conservation area.

Amenity

- The proposed basement will affect adjoining residents on a daily basis for a two year period in a quiet street. Such a proposal can ruin the 'village' character of the area and the estate.
- Will cause considerable harm and disruption to the quality of life for neighbours.
- It will cause extreme noise, disturbance, heavy traffic, dust and pollution.

Transportation

- The proposed excavation will make access to neighbour's garages in Clarendon Mews more difficult.
- Impact on parking during construction.

Other Matters

- No site notice in respect of the proposal.
- The application papers state that the house is three storeys but it is already five storeys.
- The applicant is moving the internal staircase which is strange given this terrace of houses are the same.
- Request that the CMP does not allow building works on a Saturday.
- Impact of the proposal on the foundations of nearby houses.
- Affect property values.
- Request that the developer call a meeting to explain the proposal to the neighbours.

One comment received neither objecting or supporting the proposal, but raise that contractors vehicles gaining access to the rear via Clarendon Mews do not define what is meant by 'light vehicles ' and question that any vehicle larger than a Ford transit would not be acceptable given the limited space in the mews to manoeuvre.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

No.1 Clarendon Place is an end of terrace house located on the east side of Clarendon Place next to its junction with Clarendon Mews. It is a modern townhouse dating from the 1950s and forms part of a terrace (Nos. 1-6) located within the Bayswater Conservation Area. This house does not have a rear garden, instead there is a private road accessed from Clarendon Mews which runs along the length of the terrace of houses and is used for parking and access to the integral garages to these houses.

4.2 Planning History

28.1 2015: Permission granted for the replacement of two existing garage doors with new windows and glazed door with sidelights, and conversion of the internal garage into habitable space (kitchen/breakfast room) in connection with dwellinghouse.

9.6.2014: Permission refused for rear extension at lower ground floor and basement excavation under main house and garden. External alterations including the installation of a lift overrun at main roof level. Reason for refusal: the lower ground floor rear extension would result in an increased sense of enclosure to No.2 Clarendon Place.

5. THE PROPOSAL

Planning permission is sought for excavation to provide a basement beneath the entire building and the communal driveway to the rear of the property. The proposal also includes the conversion of the rear garages to habitable accommodation and the replacement of the garage doors with new windows and doors. It is also proposed to lower the front vaults to create a store, wine cellar and laundry and add a rooflight to the top floor.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The principle of additional residential floorspace in land use terms is supported by Policy H3 of the UDP.

6.2 Townscape and Design

Although objections have been raised that the proposed basement is out of keeping with the conservation area, it has no external manifestations, and once complete it will have no adverse impact on this part of the Bayswater Conservation Area, or affect the setting of neighbouring listed buildings.

The alterations to the rear to replace the two garage doors with new windows and doors are considered acceptable in design terms, and the Council has already granted permission for a similar scheme earlier this year. The proposed works to the front vaults involves lowering the floor level and again will have no visual impact.

The proposal would be consistent with Policies DES1, DES5, DES9 and DES10 of the UDP and Policies S25 and S28 in the City Plan.

6.3 Residential Amenity

The proposed development, once complete and by reason of its subterranean nature and the small scale and location of the aboveground works, would not result in unacceptable loss of amenity. Accordingly, the proposal would be consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

The residents' concerns about the impact of the construction works on their amenities are well understood. The applicant's draft CMP indicates that the construction programme will be approximately 25 weeks.

It is recommended that conditions be imposed regarding hours of building works and to require a more detailed CMP.

6.4 Transportation/Highways

The proposal seeks to convert the existing integral garages at the rear, and once the basement excavation is complete, the area used for parking is shown to be reinstated at the rear. The Highways Planning Manager advises that he would not object to the loss of car parking garage spaces if the forecourt parking marked on the plans was retained by condition. The applicant advised that they are willing to accept a condition that parking for a minimum of one car is maintained within the courtyard rear, within the red line. This would meet the Council's Policy TRANS 23.

It is recognised that when construction works are taking place, all the off street parking for this house will be lost and this will result in some increased pressure on on-street car parking spaces in the area. The placing of a skip on Clarendon Place will result in a temporary loss of at least one on-street space, but this is a matter for Highways Licensing. The applicant in the draft CMP advises that there will be access to the rear of the property via Clarendon Mews but this will be limited to light vehicles because of the width of the ramp, and all heavy vehicles will load and unload from the street.

6.5 Equalities and Diversities

No change to access arrangements into this house.

6.6 Economic Considerations

Not relevant in the determination of this householder application.

6.7 Other Westminster/UDP Considerations

The basement includes plant rooms that are externally vented and the applicant's noise report confirms that the plant will comply with the Council's standard noise conditions. Environmental Health raise no objections and it is recommended to impose a condition to reserve the details of the external intake/extract points.

6.8 The London Plan

This proposal raises no strategic issues.

6.9 Central Government Advice

Regard has been had to the advice in Central Government's National Planning Policy Framework (NPPF) which came into effect on 27 March 2012.

6.10 Planning Obligations

Not relevant in the determination of this householder application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

It is not considered that this proposed basement will affect any nearby trees.

6.12 Other Matters

Basement Excavation

Basement extensions are an increasingly common form of development in Westminster, and guidance on this issue in the 'Basement Development in Westminster Supplementary Planning Document' (SPD), was adopted by a Cabinet Member decision dated 20 October 2014. This SPD does not include new planning policy but supports the implementation of adopted policies in the Council's development plan and in particular provides guidance on i) when a planning application is required and what information you will need to submit (Section 3-4); and ii) the adopted policy framework and how planning applications for basement development will be assessed in relation to this (Section 2 and 6).

As part of our emerging City Plan, a new planning policy on basements is being developed, however, this document cannot be afforded any weight in the determination of this current application.

Objections have been received from neighbours concerned about the structural implications of the proposed basement on the foundations of neighbouring buildings. Building Control advise that the structural approach for the construction of the proposed basement is acceptable. A hydrology report has also been submitted which demonstrates that the proposal will have no undue impact on ground water flows nor increase the risk of localised flooding.

The applicant has submitted a Traffic and Construction Management Plan, but fails to address the hours of work (no basement excavation/construction on Saturdays) and emergency contacts, therefore it is recommended that a further CMP is required.

Consultation

The application has been published in the local newspaper and a site notice erected, in addition to the neighbour letters sent out. The applicant has also confirmed that they are the sole owner of the land.

The objection received on loss of property values cannot be sustained. In respect of the comment made to the internal changes to the house, these works do not require planning permission.

6.13 Conclusion

It is therefore recommended to grant conditional permission.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning Manager dated 8.4.2015.
3. Email from Building Control dated 27.5.2015.
4. Email from Environmental Health dated 28.4.2015.
5. Emails x2 from 2 Clarendon Place London W2 dated 26.3.2015.
6. Email from 3 Clarendon Place London W2 dated 28.3.2015.
7. Email from a resident in Clarendon Place London W2 dated 29.3.2015.
8. Email from 2 Clarendon Place London W2 dated 30.3.2015.
9. Email from 3 Clarendon Place London W2 dated 29.3.2015.
10. Email from 6 Clarendon Place London W2 dated 29.3.2015.
11. Email from 2 Clarendon Mews London W2 dated 30.3.2015.
12. Email from 7 Clarendon Place London W2 dated 3.4 .2015.
13. Email from 2 Clarendon Place London W2 dated 14.4.2015.
14. Email from Thames Water dated 27.3.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – nbarrett@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 1 Clarendon Place, London, W2 2NP
- Proposal:** Creation of basement beneath existing single dwelling and shared driveway and the conversion of garages to habitable accommodation and replacement of garage doors with new windows/doors and external alterations.
- Plan Nos:** Site Location Plan; 7635/PS03; 7635/25; 7635/26; 7635/35; 7635/36; CP-001 Rev R3, Design and Access Statement March 2015 7635/Issue 1 rev A, Stage C outline M_E and Sustainable Design Proposal Revision 02 , Historical Context and Impact Assessment January 2015 7635/Issue 1 , Construction Management Plan 15th January 2015 ; Hydrological Assessment (for information only), Structural Engineering Report Rev E (for information only); Sustainable Design Proposal (including Acoustic Report); Planning Statement March 2015 ; Method Statement (for information only).

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

- * between 08.00 and 18.00 Monday to Friday; and
- * not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater

than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 6 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 Once the basement development has been completed, a minimum of one car parking space within the rear courtyard as shown within the red line in the approved site plan shall be provided for the occupiers of this house.

Reason:

To provide parking spaces for people living in No. 1 Clarendon Place, as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must apply to us for approval of detailed drawings at a scale of 1:50 of the following parts of the development - external intake/extract vents that serve the basement plant. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan

that we adopted in January 2007. (R26BE)

Informative(s):

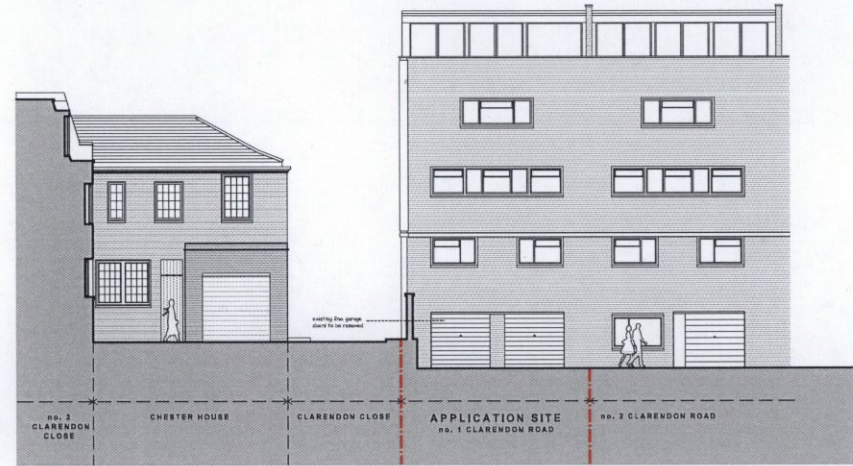
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic 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 applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 It is not considered that the submitted CMP addresses all the issues set out in Condition 6. Firstly, it will need amending to reflect the hours of building works which exclude works on the excavation and the construction of the basement on Saturdays, and secondly, details of the constructor and an emergency contact need to be set out.

EXISTING

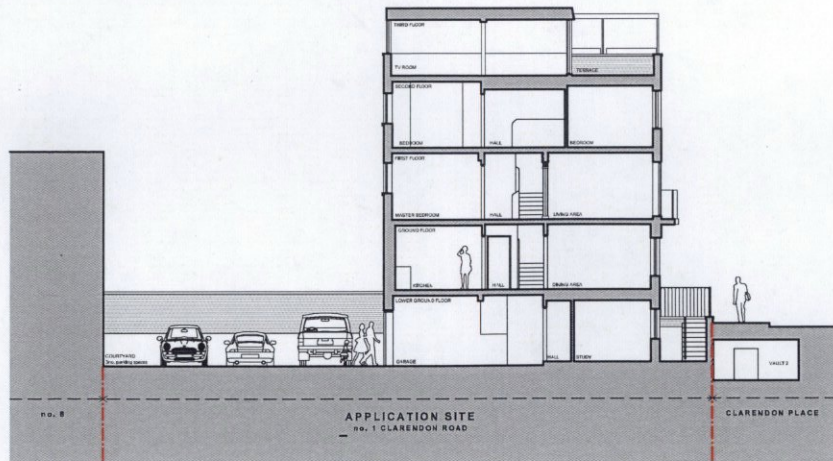
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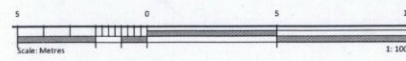
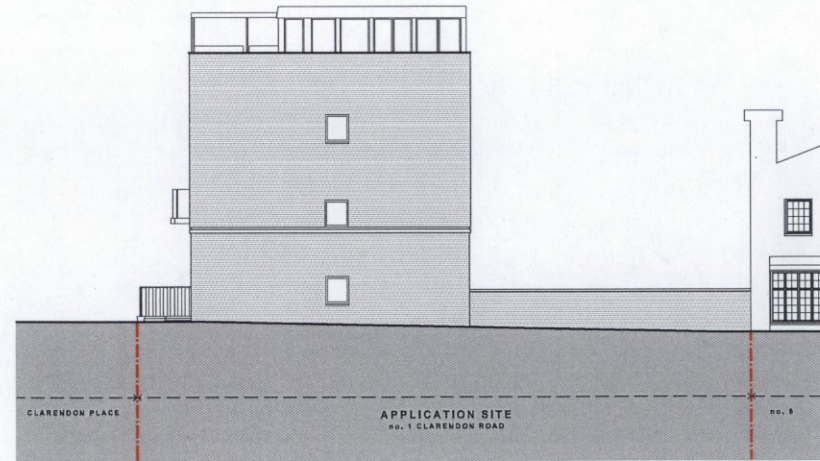
REAR ELEVATION



SECTION AA



SIDE ELEVATION



project
1 CLARENDON PLACE,
LONDON, W2 2NP

drawing
EXISTING
Elevations

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MDC METROPOLITAN
DEVELOPMENT
CONSULTANCY

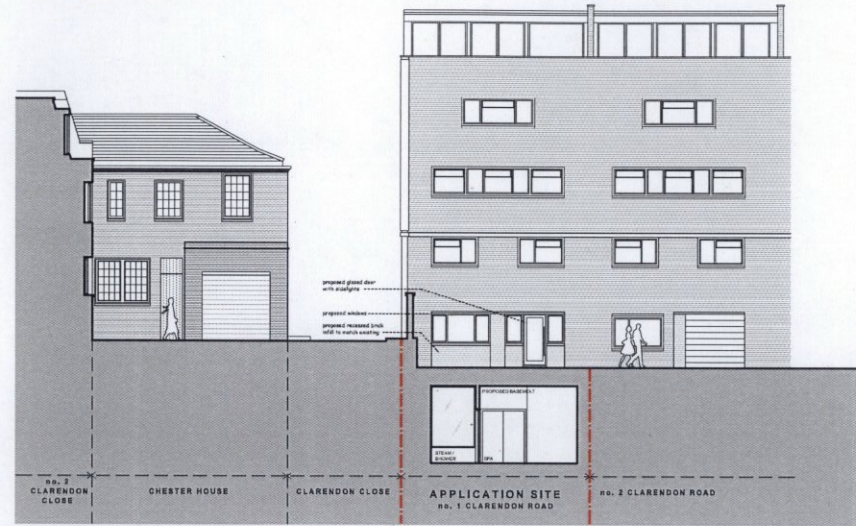
11 Blythehall Mansions
20 Grosvenor St
London W1G 8EQ
T: +44(0)207 487 8878
F: +44(0)207 487 8879
E: info@mcdconsultancy.com
W: www.mcdconsultancy.com

PROPOSED

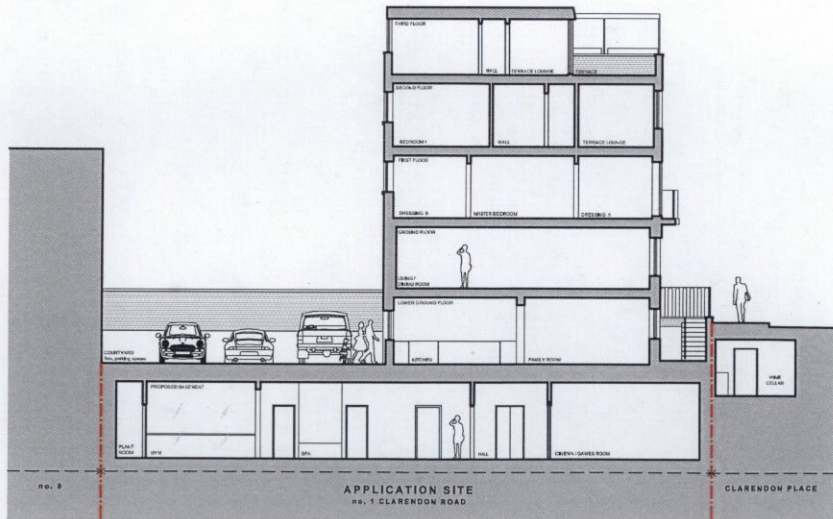
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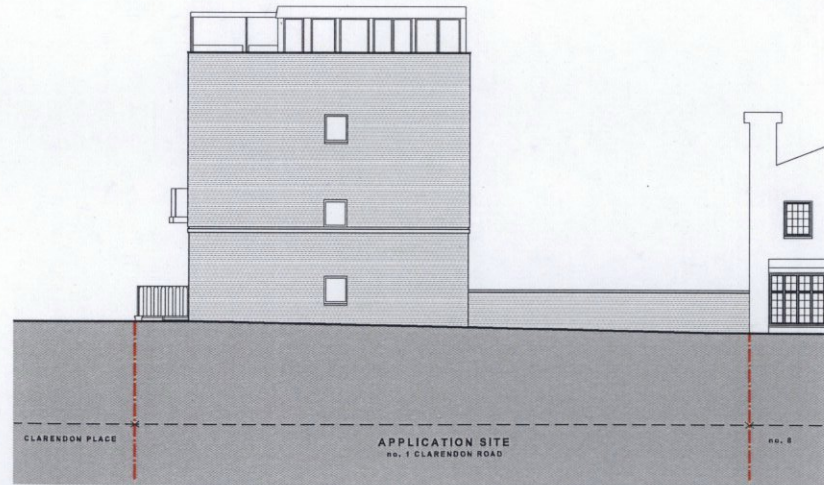
REAR ELEVATION



SECTION AA



SIDE ELEVATION



project
1 CLARENDON PLACE,
LONDON, W2 2NP

drawing
PROPOSED
Elevations

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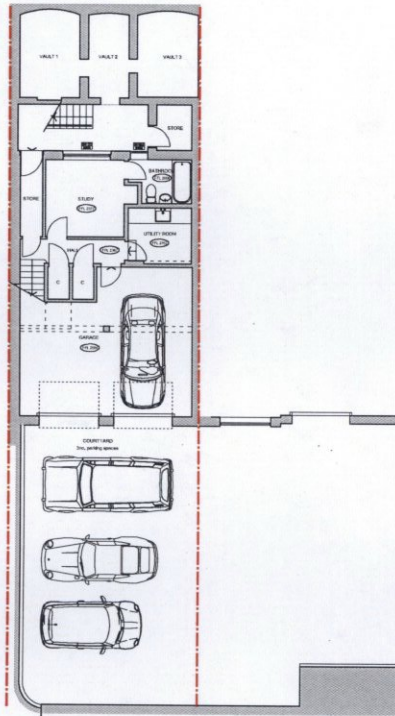
MDC METROPOLITAN
DESIGNMENT
CONSULTANCY

DR. Stephen Merton
Blenheim Street
London W1U 8SS
T: +44(0)207 886 8472
E: info@mdcinfo.com
W: www.mdcinfo.com

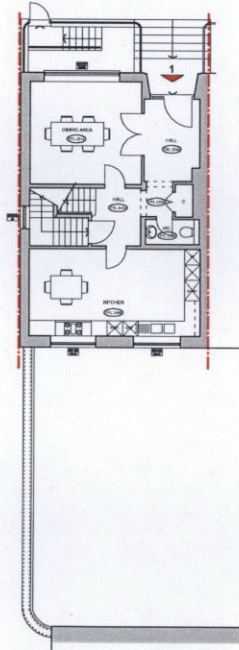
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BASEMENT

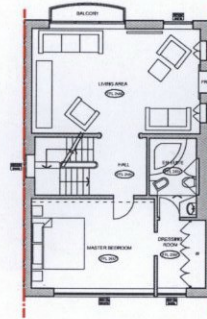
LOWER GROUND FLOOR



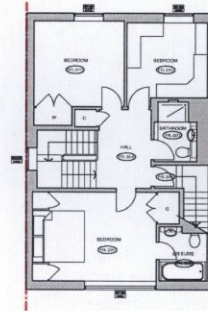
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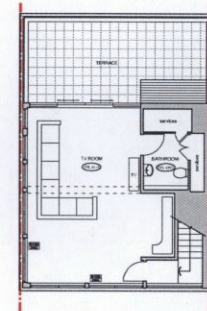
FIRST FLOOR



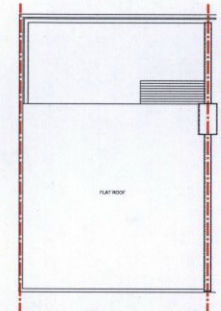
SECOND FLOOR



THIRD FLOOR



ROOF PLAN



project
1 CLARENDON PLACE,
LONDON, W2 2NP

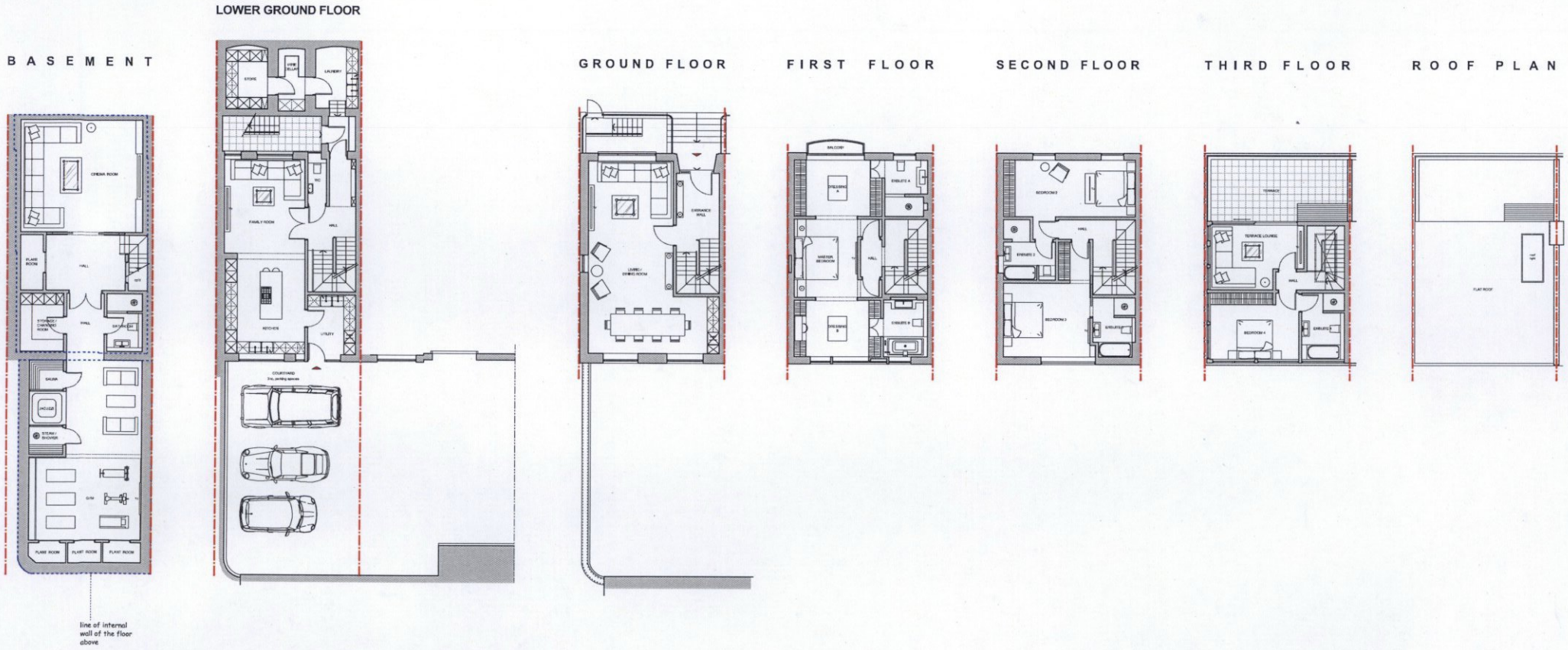
drawing
EXISTING
Plans

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drawing no. 7635 / 25

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| MDC | METROPOLITAN DEVELOPMENT CONSULTANCY |
| | 88 Wickham Road Wickham Hill Street London W14 8NS t: +44(0)207 736 8673 e: info@metcon.com w: www.metcon.com |

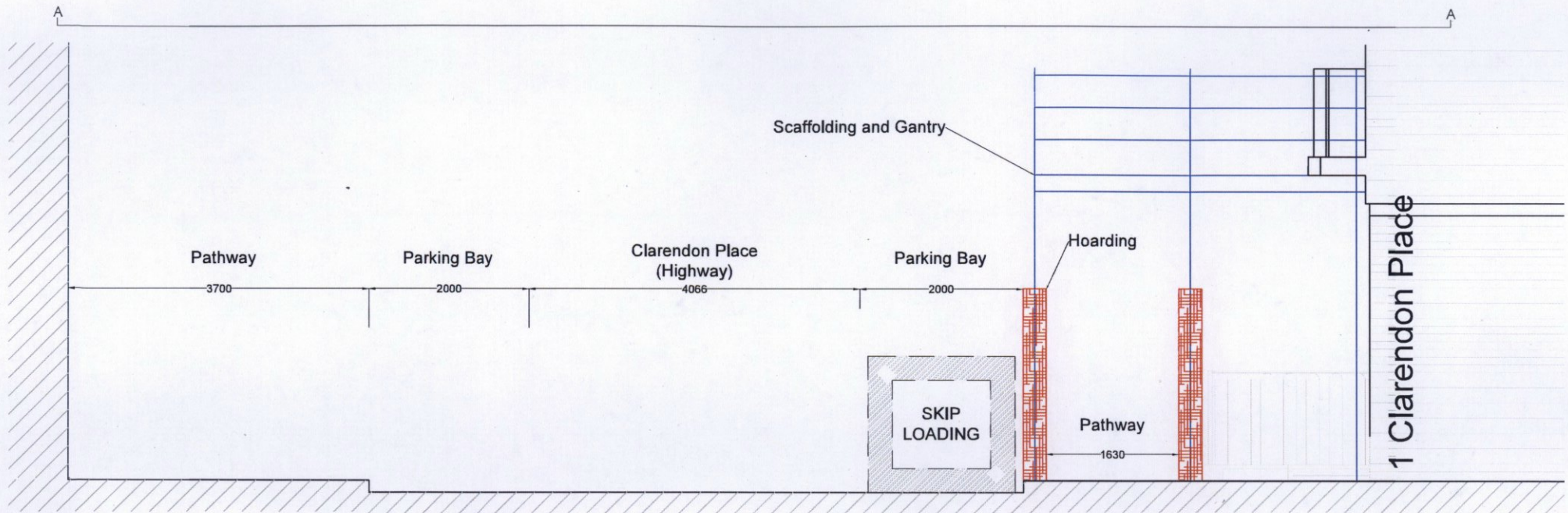
PROPOSED



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| project 1 CLARENDON PLACE, LONDON, W2 2NP | drawing PROPOSED Plans | | |
| | drawn SM | checked JE | date 25/11/2014 |
| client | scale 1:100 | paper size A1 | drawing no. 7635 / 35 |

MDC METROPOLITAN DEVELOPMENT CONSULTANCY

85 Bickenhill Mansions
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 e: info@mdcplanning.com
 w: www.mdcplanning.com



Site Section A-A (Scale 1:50)



Site Plan (Scale 1:500)



Proposed scaffolding & gantry as per photograph.

- Site Boundary
- Scaffolding / Gantry
- Vehicle Loading / Waiting
- Hoarding

NB. Any materials or plant will be stored on the gantry or within the building.

Notes:

| | |
|--|---------------------------|
| LONDONPROJECTS | |
| 11 Carteret Street, London SW1H 9DJ E: enquiries@londonprojects.co.uk T: 0207 834 0300 | |
| Project: 1 Clendon Place W2 2NP | Date: July 2013 |
| | Scale @ A1: |
| | Scale @ A2, 1:50 & 1:500 |
| Title: Site Location + Access | Status: Planning |
| | Drawn by: DLGB |
| Job No: N/A | Draw No: CP-002 Rev. (R3) |