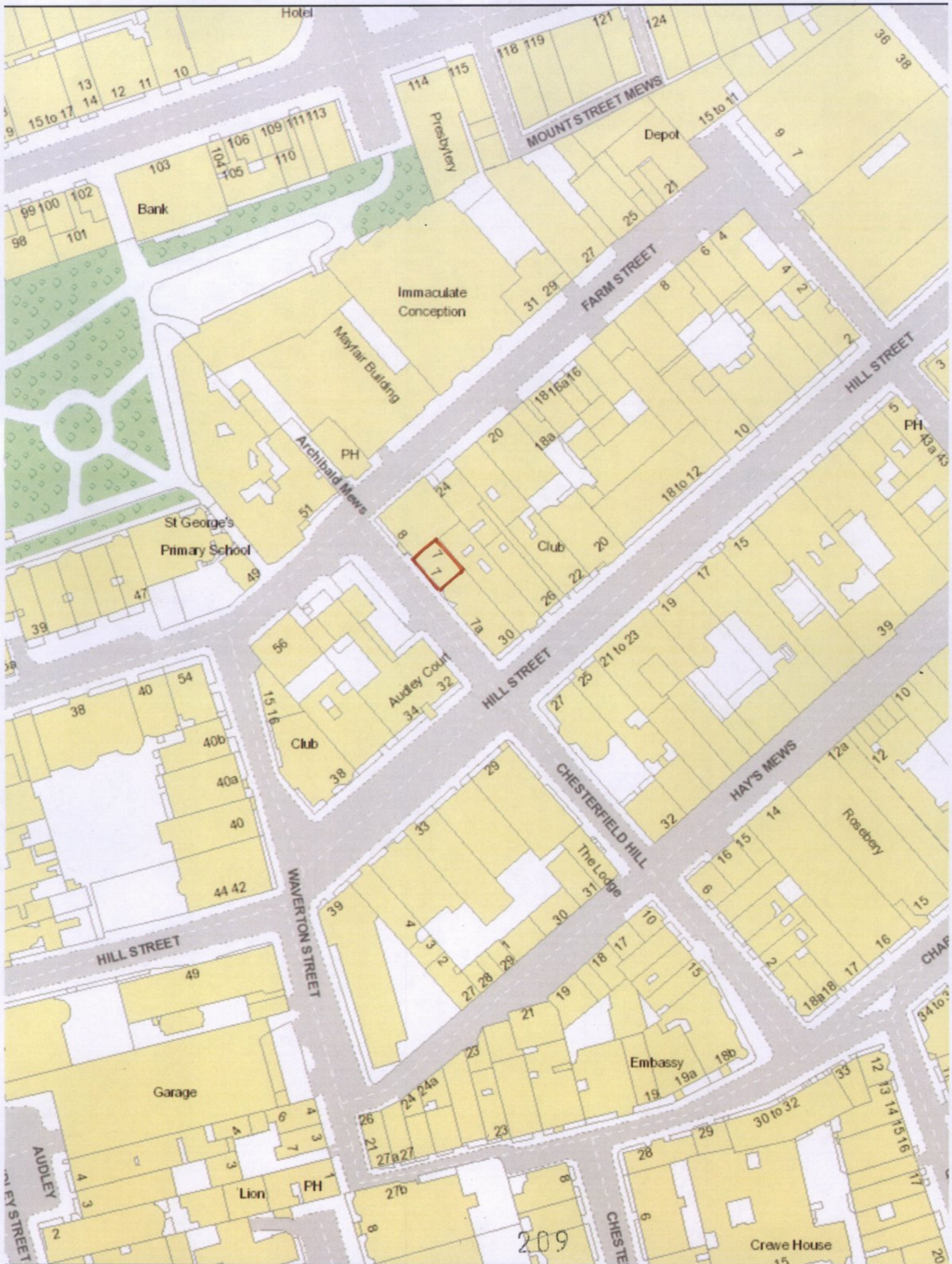


CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB-COMMITTEE	Date 22 April 2014	Classification For General Release	
Report of Strategic Director Built Environment		Wards involved West End	
Subject of Report	7 Chesterfield Hill, London, W1J 5BL		
Proposal	Installation of one air conditioning unit within the front basement vault; one unit at rear first floor level and two units at rear second floor level, all within acoustic enclosures.		
Agent	Phillips Planning Services Limited		
On behalf of	Mr Valeri Korotkov		
Registered Number	14/00499/FULL	TP / PP No	TP/5861
Date of Application	21.01.2014	Date amended/ completed	23.01.2014
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
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	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





7 CHESTERFIELD HILL, W1

2. SUMMARY

Planning permission is sought for the installation of new plant with associated enclosures on the rear elevation of the property at first and second floor levels below existing windows. Plant is also proposed within the front basement vaults incorporating a louvred panel door to allow for air circulation. The plant would be used to service the lawful single family dwelling use of the property.

The key issues in this case are:

- The impact of the proposed works on the character and appearance of this part of the Mayfair Conservation Area.
- The impact of the plant operation upon the amenity of neighbouring residents.

Subject to appropriate conditions, the proposals are considered acceptable in design terms and in terms of their impact upon the amenities of neighbouring occupiers. The application is therefore recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. CONSULTATIONS

COUNCILLOR ROBERTS

Objection - design and amenity concerns.

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection.

MAYFAIR RESIDENTS GROUP

Objection - design and amenity concerns.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 17; Total No. of Replies: 2.

Objections received on the following grounds:

- The neighbouring occupier had been assured with regards a previous application that air conditioning plant would not be required.
- Proposed design is considered unacceptable.
- Potential for noise disruption to nearby residential occupiers.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application premises is an unlisted building located on the eastern side of Chesterfield Hill, within the Mayfair Conservation Area. The building, which comprises basement, lower ground, ground and three upper floors has a lawful use as a single family dwelling (Class C3).

4.2 Relevant History

18 October 2012: Certificate of Lawful Proposed Use or Development was granted for the 'demolition and rebuilding of rear wall and part of roof to facilitate refurbishment of the interior of the property.'

15 April 2001: Planning permission was granted for 'alterations to an existing property including creation of sub-basement to provide additional residential accommodation and partial extension of front lightwell.'

5. THE PROPOSAL

Permission is sought for the installation of plant within the front lower ground vaults with a louvred door and the installation of plant attached to the rear elevation of the property within a recessed area at first and second floor levels with associated screening.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposal would have no effect upon the use of the land, which will remain as existing.

6.2 Townscape and Design

The installation of plant in the basement vaults is acceptable in design terms. The proposal for the rear is more contentious, however, the area at the rear is highly enclosed. There are also projecting gantries which appear to have been there for at least ten years upon which plant was possibly previously installed. The installation of units on a rear wall in this manner would normally be considered unacceptable in design terms. However, it is considered that the units, in their acoustic enclosures, will not have a harmful visual impact, in this context. They will not harm the character and appearance of this part of the Mayfair Conservation Area, and are considered to comply with the relevant design policies of the City Plan and UDP policies, including DES 5 and DES 9.

Objections have been received to the proposal on the grounds that the units will appear unsightly and will have a detrimental impact upon the Mayfair Conservation Area and views from the upper floors of surrounding buildings. For the reasons detailed above, the objections on these grounds are not considered sustainable.

6.3 Amenity

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the adopted City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance. The applicant has submitted an Acoustic Report in support of the application. The report has assessed the both the proposed plant locations to the front and rear of the application site.

Both locations have been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels and the scheme proposes the 24 hour use of some equipment. To accord with Policy ENV7 of the UDP the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows. A 24 hour noise survey was carried out and the lowest background noise level was identified as being the same at both locations 42dB during the night and 44dB during the day, hence there is a design noise criteria of 32dB.

Objections have been received to the proposal from nearby residents concerned about potential noise disturbance resulting from the plant. These views have been endorsed by Councillor Roberts.

Calculations have been carried out to a number of residential windows at the rear of the site to ascertain the predicted noise levels taking into account the proposed acoustic screening. The predicted noise levels at the nearest residential windows at a distance of 1.5m (considered to be a rooflight serving 28 Hill Street) is 30dB. Calculations have also been carried out to other residential windows at the rear of the property which are at a greater distance and predicted noise levels are all below the 32dB criteria.

The Environmental Health officer has assessed the submitted information and considers that the proposals would comply with the City Council noise criteria, subject to conditions to ensure the above requirements are adhered to. The plant is therefore considered acceptable on amenity grounds subject to conditions relating to maximum noise levels, vibration and the provision of acoustic attenuation. A condition is also proposed requiring the submission of a post-installation assessment to ensure that the design criteria has been achieved and all required noise measures have been installed to the specified standard. In these circumstances, it is not considered that the scheme could justifiably be recommended for refusal on noise nuisance grounds.

6.4 Transportation/Servicing

The proposal does not involve any alterations to the existing transportation / servicing arrangements and would not result in any increase to the current servicing requirements.

6.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

6.6 Access

Not Applicable.

6.7 Other UDP/Westminster Policy Considerations

The proposed arrangements for the storage of refuse and recycling are considered acceptable and would be secured by condition.

6.8 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

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

Not Applicable.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The proposal is of an insufficient scale to require an environmental assessment.

6.12 Other Issues

An objection has been received from a neighbouring occupier stating that they had been assured with regards a previous planning application relating to 7 Chesterfield Hill that air conditioning would not be required. However, each application has to be determined on its own merits and this would not form a material planning reason for refusal of the proposal.

One of the objectors has queried whether the plant could be relocated to the roof of the property, but it is evident that there is no capacity to install plant on the slated, pitched roof.

6.12 Conclusion

The proposed plant and associated enclosures are considered acceptable on design and amenity grounds and the proposal is considered to accord with the requirements of the adopted UDP and City Plan.

BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Sciences dated 4 February 2014.
3. Email from Councillor Roberts dated 11 February 2014.
4. Email from the Mayfair Residents Group dated 11 February 2014.
5. Letter from the Residents Society of Mayfair and St. James's dated 24 February 2014.
6. Letter from J & P Badham Architects on behalf of 24 Farm Street, W1 dated 7 February 2014.
7. Letter from the occupier of 22 Farm Street, W1 dated 21 February 2014.
8. Email from the occupier of 24 Farm Street, W1 dated 24 February 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY E-MAIL –pquayle@westminster.gov.uk

DRAFT DECISION LETTER

Address: 7 Chesterfield Hill, London, W1J 5BL

Proposal: Installation of one air conditioning unit within the front basement vault; one unit at rear first floor level and two units at rear second floor level, all within acoustic enclosures.

Plan Nos: Site Location Plan, Acoustic Report dated 17th January 2014, Drawings: 004, 006, 008, 010, 012, 013.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 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.

Noisy work must not take place outside these hours. (C11AA)

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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) 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 proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) 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 proposed hours of

operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, 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 confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

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, 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.

- 4 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.

- 5 You must install the acoustic enclosures as specified within the submitted acoustic information and shown on the approved drawings at the same time as the units are installed and the enclosures must be maintained in this form for as long as the units remain in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7

of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 7 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 Mayfair 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)

- 8 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 9 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5), and a specification of colour and finish, of the following parts of the development:

The acoustic enclosures

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 detailed drawings.

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 Mayfair 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)

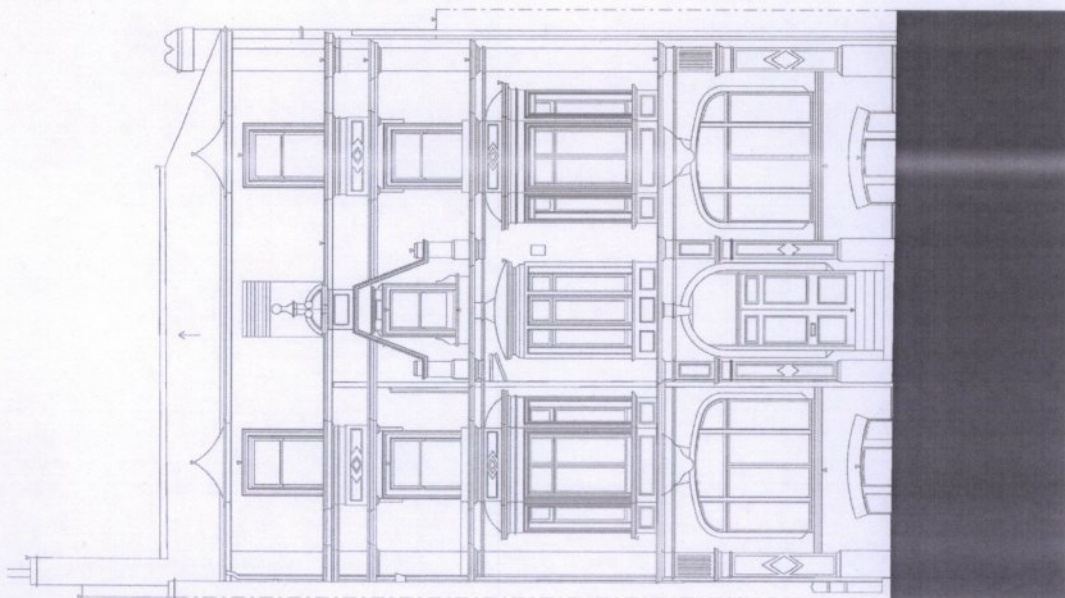
Informative(s):

- 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 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 3 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
 More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

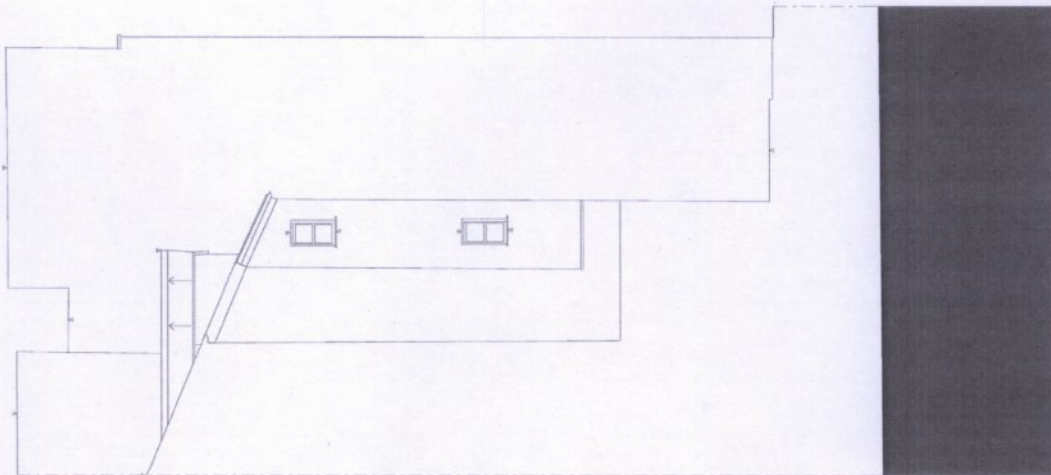
Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)



West_Front (Street) elevation_Existing



East_Rear (Back yard) elevation_Existing



South_Rear (Back yard) elevation_Existing

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South_Rear (Back yard) elevation_Proposed

East_Rear (Back yard) elevation_Proposed

West_Front (Street) elevation_Proposed

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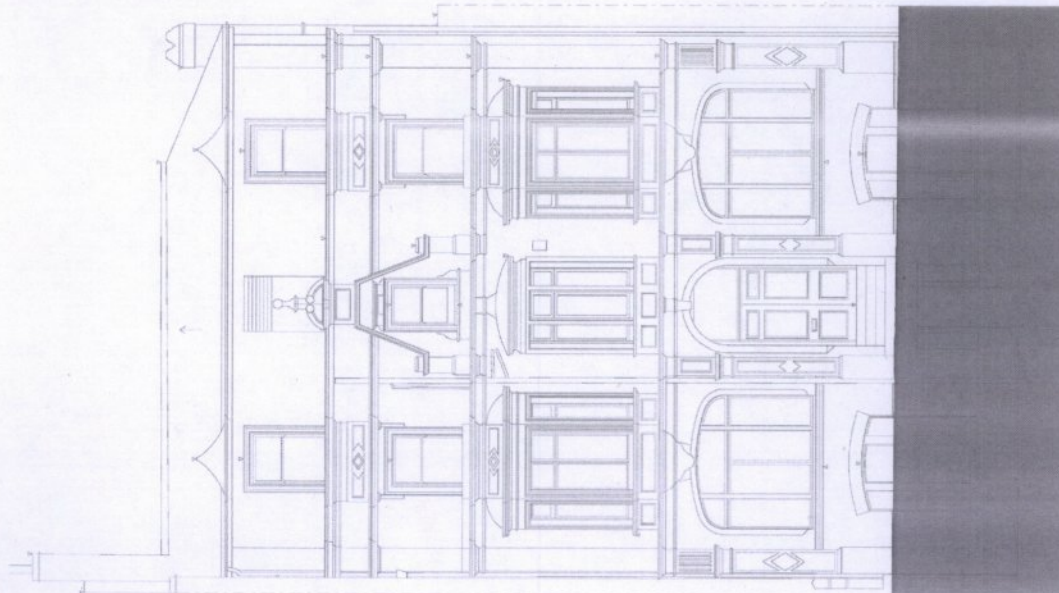
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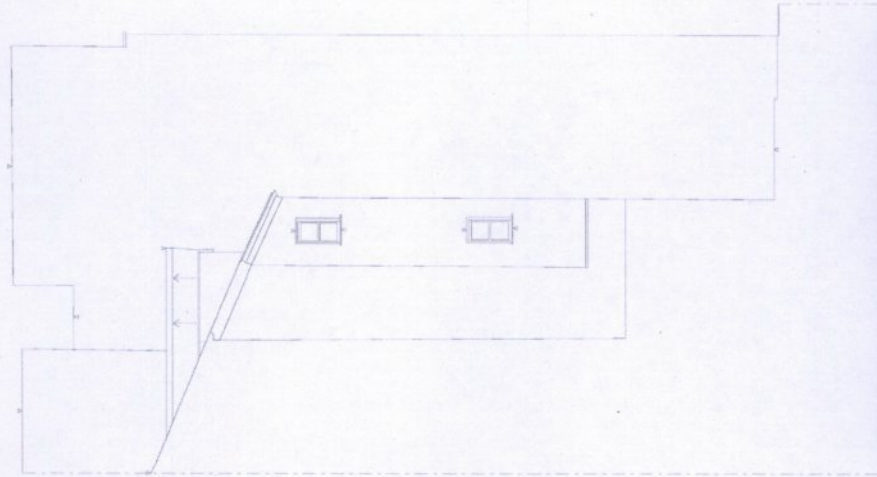
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West_Front (Street) elevation_Proposed



East_Rear (Back yard) elevation_Proposed



South_Rear (Back yard) elevation_Proposed

Dartel Design Ltd.

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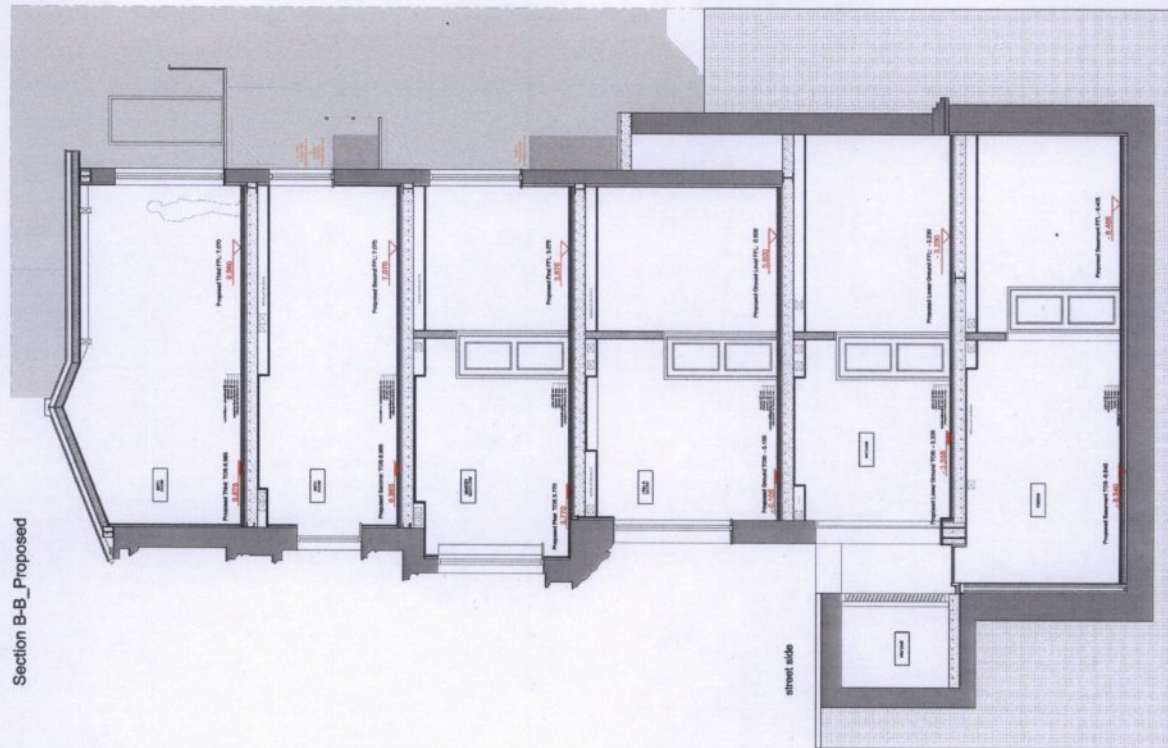
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7 Chesterfield Hill, W1J 5BL London, Mayfair

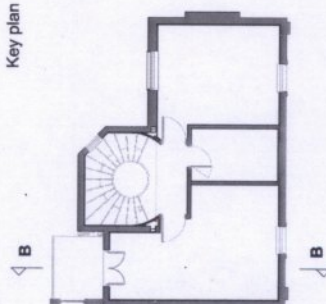
Proposed Elevations_Enclosures

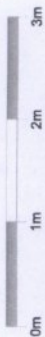
Drawing no:	Scale:	Date:	Rev:	Status:
013_CH_AC_ELEVATIONS PR	1:100@A3	07/01/2014		Planning
				Final

Section B-B_Proposed

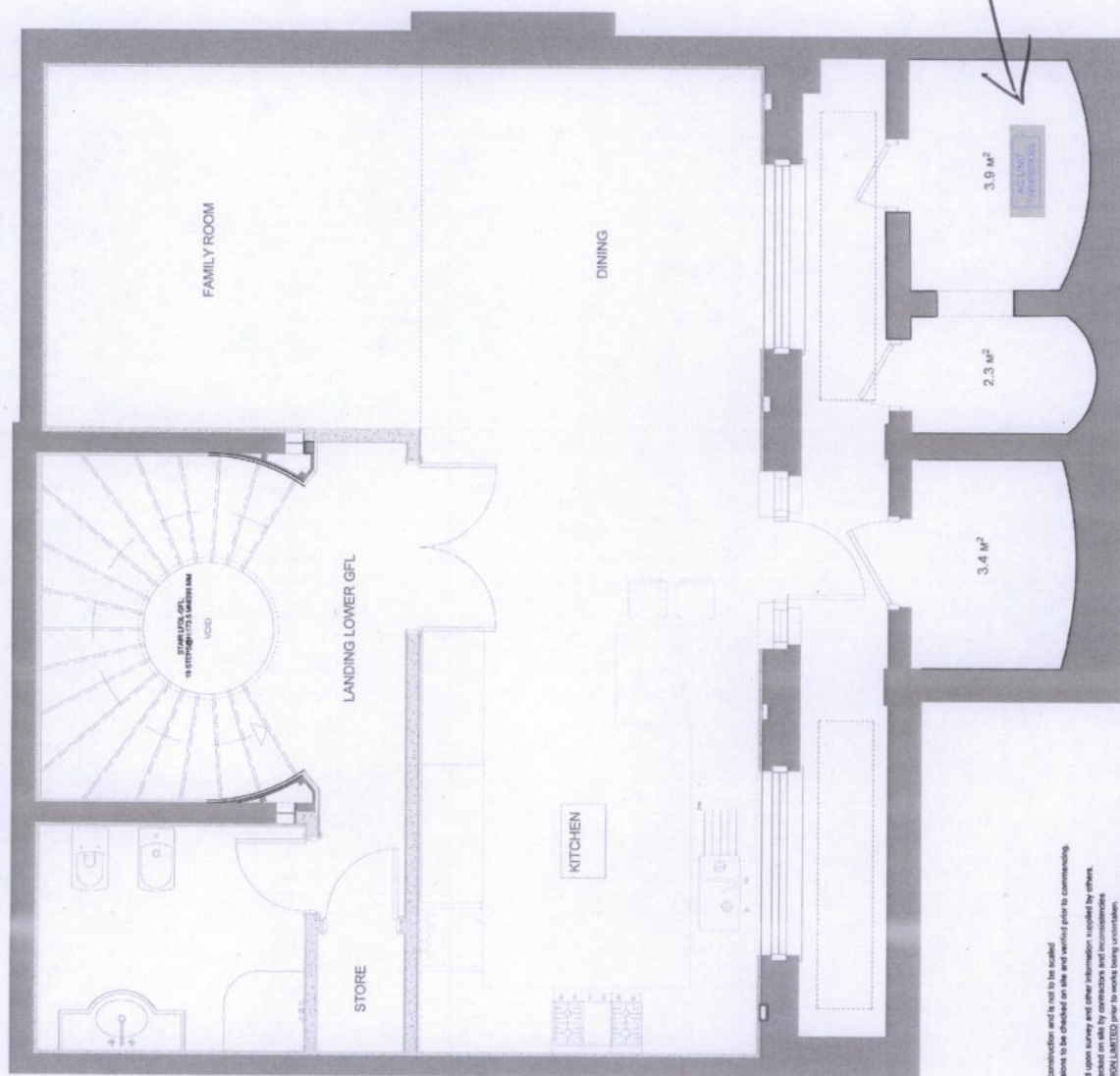


Key plan





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Lower Ground (-1) Floor Prop.

7 Chesterfield Hill, W1 London, Mayfair

Lower ground floor plan - AC unit position

drawing no.	scale	date	issue	construction
008_CH_AC_LGFL_FLP_PROP	1:50 @ A3	11/01/2014	rev	Final

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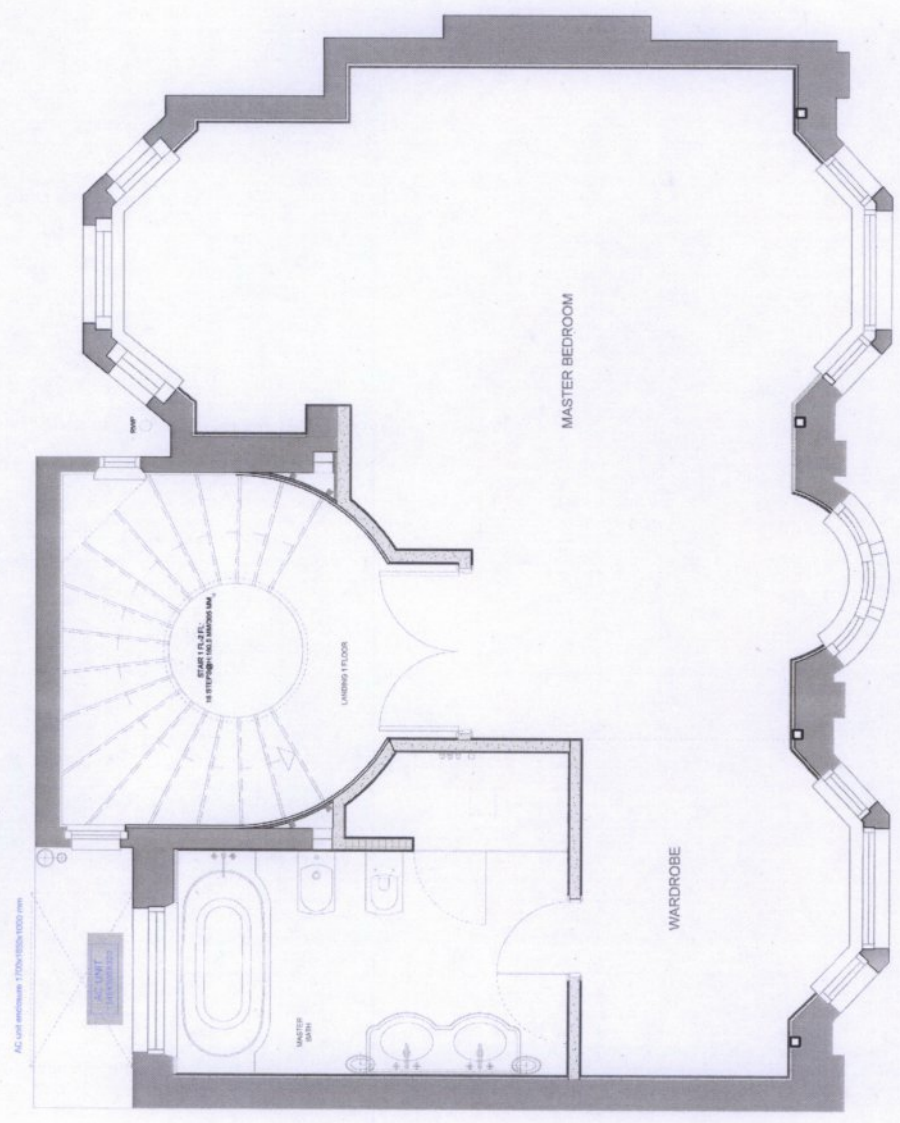
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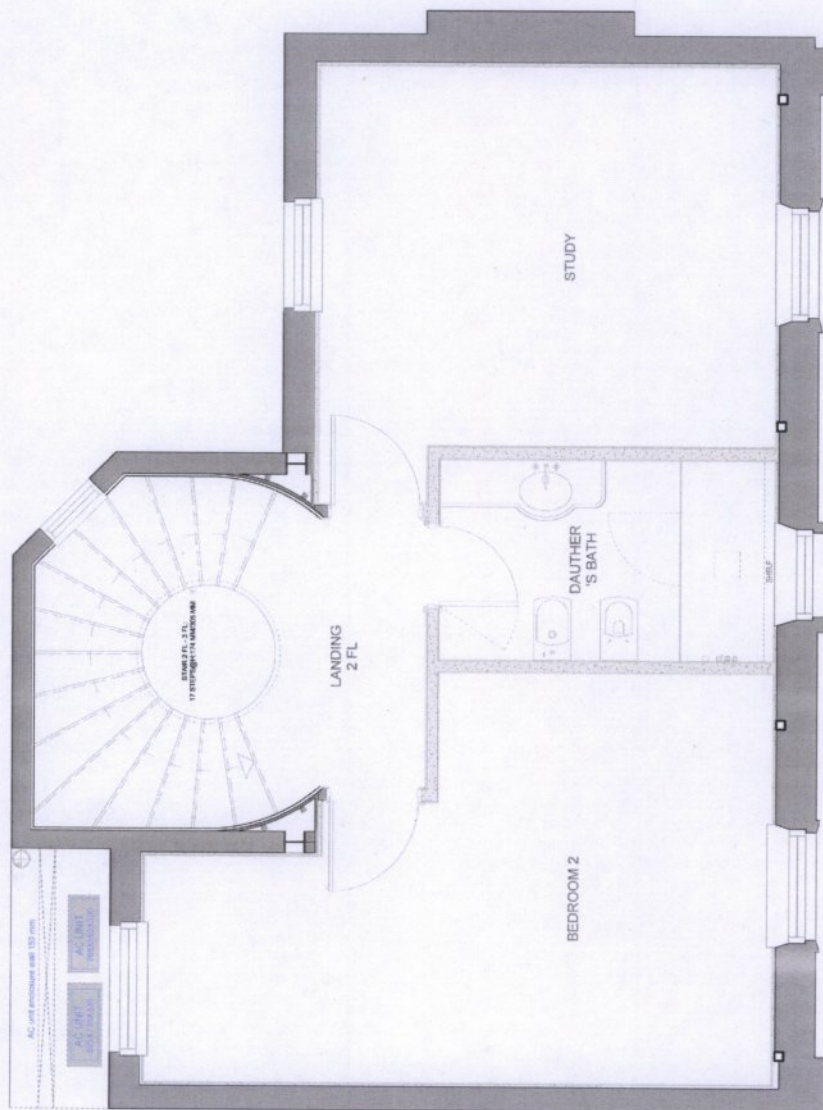
224

7 Chesterfield Hill, W1 London, Mayfair

First (1) Floor Proposed

 Dartel Design Ltd. 91 Old Brompton Road, London, SW7 3LD tel: 020 35830795 mob: 078 82154574 arch.tbm@gmail.com	GENERAL NOTE: This drawing is not for the purpose of construction and is not to be scaled for the purpose of setting out. Dimensions to be checked on site and verified prior to commencing. This drawing has been prepared based upon survey and other information supplied by others. All dimensions and levels are to be checked on site by contractors and any discrepancies reported immediately to: DARTEL DESIGN LIMITED prior to works being undertaken.	Contractors are to ensure that all works under their responsibility or the responsibility of their sub-contractors are constructed and/or manufactured to comply with all relevant national and/or local authority statutory requirements and in accordance with local building control and codes of practice. This drawing is to be used in conjunction with other relevant DARTEL DESIGN LIMITED drawings, specifications, schedules and so forth, relating to the project or projects for which this drawing has been prepared. This drawing is also to be used in conjunction with drawings, specifications, schedules and so forth prepared by others and which are relevant to the project or projects identified on this drawing.	7 Chesterfield Hill, W1 London, Mayfair	
First floor plan - AC unit positioning		drawing title	010_CH_AC_1 FL FLOOR PL_PROP	
scale: 1:50 @ A3		drawing no.	01/11/2013	
date:		status:	Final	

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7 Chesterfield Hill, W1 London, Mayfair

Second (2) Floor Proposed



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7 Chesterfield Hill, W1 London, Mayfair

Second floor plan - AC unit positioning

drawing title: 012_CH_AC_2 FL FLOOR PL_PROP
scale: 1:50 @ A3
drawing no: 11/01/2014
rev: Final