

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 December 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	1-4 Yarmouth Place, London, W1J 7BU		
Proposal	Demolition of 51-53 Brick Street and 1-4 Yarmouth Place and the erection of a part 9, part 6 storey building for use as a 29 unit apart-hotel (Class C1) and 13 residential units (Class C3) with associated car park at basement level, hard landscaping and roof top plant areas		
Agent	MONTAGU EVANS LLP		
On behalf of	Croix Properties Limited		
Registered Number	15/07168/FULL	TP / PP No	TP/8304 : PP-04404057
Date of Application	05.08.2015	Date amended/ completed	24.08.2015
Category of Application	Major - Smallscale		
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

1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure the following:
 - i) A financial contribution of £414,000 towards the Council's affordable housing fund (index linked and payable upon the commencement of development)
 - ii) The completion of the residential accommodation within the development prior to the occupation of any part of the apart-hotel;
 - iii) The provision of unallocated residential car parking
 - iv) Costs of highways works around the site to facilitate the development (including paving, dropped kerbs, raised crossing etc).
 - v) Compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) to an annual cap of £25,000.
 - vi) The provision of car club membership for each of the thirteen residential units for a minimum of 25 years.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.



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1-4 YARMOUTH PLACE, W1

2. SUMMARY

The application site comprises two adjoining, unlisted buildings within the Mayfair Conservation Area and core Central Activities Zone (CAZ). Permission is sought for the demolition of both buildings and for the erection of a new building for use as a 29 unit apart-hotel (Class C1) and 13 residential units (Class C3). The proposal is very similar to a previous scheme permitted in 2011, insofar as it relates to the application buildings, but does not include the building at 5-6 Yarmouth Place which formed part of the 2011 scheme.

The key issues in this case are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals on the highway network;
- The impact of the proposed works on the character and appearance of the Mayfair Conservation Area;
- The impact of the proposals on the amenity of neighbouring residents.

The proposals would provide a new apart-hotel, providing visitor accommodation within an appropriate location within the Central Activities Zone, along with additional residential accommodation. The application is considered acceptable in land use, design and conservation, highways and amenity terms and is therefore recommended for approval.

3. CONSULTATIONS

HISTORIC ENGLAND

Any response to be reported verbally.

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S

No objection.

ROYAL PARKS

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection.

ENVIRONMENTAL HEALTH

No objection.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 251; Total No. of Replies: 1 objection from the Japanese Embassy at 101-104 Piccadilly on the following grounds:

Amenity

- Overlooking from apart-hotel residents into the embassy
- Security implications for embassy

Highways

- Embassy will lose parking spaces in Yarmouth Place during construction works.
- Increase in vehicle movements in Yarmouth Place.

Other Issues

- Depending on how the works proceed, they may constitute "disturbance of the peace of the mission" as stipulated in Article 22 2 of the Vienna Convention on Diplomatic Relations.
- The building works will harm the ability of the embassy staff to continue their official duties.
- Maintenance of access to and from the embassy from Yarmouth Place is essential and will be disrupted during construction works.
- Disruption from building works.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

The application site comprises two adjoining, unlisted buildings within the Mayfair Conservation Area and core Central Activities Zone (CAZ). 1-4 Yarmouth Place is a five storey building which is in office use (Class B1). 51-53 Brick Street is a seven storey building containing eight residential units (Class C3) and also a small amount of office space at ground floor level.

4.2 Relevant Planning History

51-53 Brick Street & 1-6 Yarmouth Place

2 August 2011 – Permission granted for demolition of 51-53 Brick Street and 1-6 Yarmouth Place and the erection of a part nine storey and part six storey building for use as a 46 bed apart-hotel (Class C1) and 13 residential units (Class C3) with associated car park at basement level, hard landscaping and rooftop plant (RN: 11/04085/FULL) (Not implemented)

5. THE PROPOSAL

The proposal seeks permission for the demolition of 51-53 Brick Street and 1-4 Yarmouth Place and for the erection of a new building for use as a 29 unit apart-hotel (Class C1) and 13 residential units (Class C3) with on-site parking for seven cars.

The proposed building includes a nine storey tower at the western end whilst the remainder of the building is four storeys high to parapet level, with an additional two storeys. Roof terraces and balconies associated with the residential and apart-hotel uses are also proposed. Residential parking for seven cars is proposed in the basement, accessed via a car lift from Brick Street. Green roofs and photovoltaic panels are also proposed at roof level along with rooftop plant.

The proposal is very similar to the scheme permitted in 2011. The key difference from that scheme is that 5-6 Yarmouth Place, which was previously to be demolished and rebuilt as part of the new building, is no longer included within the application site. The proposed building which replaces 51-53 Brick Street and 1-4 Yarmouth is identical to that approved in terms of design, bulk and massing, and would retain exactly the same building envelope as that previously permitted.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Below is a land use table outlining the existing and proposed uses for the site:

LAND USE TABLE (GEA)			
Use	Existing (m2)	Proposed (m2)	Change (+ or - m2)
Office	2,086	0	-2,086
Apart-hotel	0	2,536	+2,536
Residential	841	1,915	+1,074
OVERALL COMMERCIAL	2,086	2,536	+450
TOTAL	2,927	4451	+1,974

6.1.1 Proposed apart-hotel

The need for new centrally-located hotels, which includes apart-hotels, is recognised in the Unitary Development Plan (UDP) and Policy TACE 2 states that in streets that do not have a predominantly residential character, planning permission will be granted where there would be no seriously adverse environmental or traffic effects. City Plan Policy S23 directs new hotels to Paddington, Victoria and Tottenham Court Road Opportunity Areas and the Core Central Activities Zone; to streets which are not predominantly residential in character.

The apart-hotel would provide a total of 33 bedrooms with a variety of accommodation including 15 studio suites, 11 x 1 bed suites, 2 x 2 bed suites and 1 x 3 bed suite. The principle of a larger, 46 bed apart-hotel on this site has already been established by the previous permission. The apart-hotel would have a 24-hour reception and concierge along with a full house keeping service. The layout also shows space for back of house service facilities and staff accommodation. Each guest unit would be equipped with a mini kitchen, mini work space and bathroom.

Brick Street and Yarmouth Place are characterised by commercial uses, with the closest residential properties being within the application site (the residential block at 51 – 53 Brick Street) and also to the east within 96 – 100 Piccadilly. The Japanese Embassy is located directly opposite at 101-104 Piccadilly. However, it is noted that there is a current application for a development at 96-100 Piccadilly and 5-6 Yarmouth Place including new flats on the upper floors of the redeveloped Yarmouth Place building.

Given the character of the area, as previously, it is considered that the proposed apart-hotel would have no adverse environmental effects that would make it an incompatible use in this part of Mayfair, or that it would be disruptive to surrounding businesses, embassy or residential uses. The principle of an apart-hotel in this location is therefore considered to be acceptable, in land use terms, subject to appropriate controls.

The scheme would provide 450 sq m of additional commercial floorspace. UDP Policy CENT 3 requires that, where appropriate and practical, when increases in commercial floorspace are proposed, the provision of self-contained residential accommodation with separate access will be required. The residential accommodation should comprise an amount of floorspace equivalent to the increase in commercial floorspace (Part A of the policy). The proposed increase in residential floorspace (1,074m²) would significantly exceed the overall commercial increase (450m²) and therefore the proposal is in accordance with City Plan Policy S1 and Policy CENT 3 of the UDP.

6.1.2 New residential accommodation

The application would provide 1915m² of new and replacement residential floorspace in the form of 13 units on the site (an increase of 5 units). The scheme would provide 3x1 bed, 7x2 bed and 3x3 bed apartments. UDP Policy H5 seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments. H5 also requires the provision of at least 33% family size units. The scheme would provide only 23% family size units. The applicants have advised that the changes from the previous scheme meant that the staircore to the apart-hotel had to be relocated a whole bay west (to be more centrally located to allow the scheme to function). This change affected the residential units meaning that a number of the original 3-beds were reconfigured to provide 1 or 2 bed units. It is considered that the current scheme makes the most efficient use of the available space and in this location, the mix of units is considered to be acceptable.

6.1.3 Affordable Housing

The development would provide 1,074m² of additional residential floorspace. Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant.

Proposals for housing developments of either 10 or more additional units or over 1000m² additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. The affordable housing should be provided on site. Where, however, it is considered that it is not practical or viable the affordable housing should be provided off site in the vicinity.

Based on the formula within the City Council's Interim Affordable Housing Guidance, the increase in residential floorspace creates a requirement for one on-site affordable housing unit. The applicant contends that the delivery of a single affordable housing unit on this site would present a management issue for social landlords, who generally require independent servicing and access arrangements for the units which they manage. Given the constrained nature of the site and the need for the building to accommodate two separate cores and servicing, they also contend that the delivery of one affordable housing unit would be impractical. The service charge would also be relatively high in this block, which is likely to make it unattractive to housing associations. Officers accept that, in this case, the provision of on-site affordable housing is impractical.

Where on-site affordable housing is considered to be unviable, the next preferred option is the provision of affordable housing on another site within the vicinity. The applicant confirms that during investigations into the potential for locating one unit off site, no suitable sites were found.

Given the scale and nature of the development, it is accepted that on or off-site affordable housing would be impractical. The applicant has agreed to make a policy compliant payment of £414,000 towards the City Council's affordable housing fund and this is considered to be acceptable in this case.

6.2 Townscape and Design

The site comprises two buildings. The building on the western end is a post war building of modest interest. The building at the eastern end in Yarmouth Place is probably late nineteenth century but has been much altered. Neither is considered to make a strong positive contribution to the character and appearance of the Mayfair Conservation Area and their demolition is likely to be acceptable subject to the quality of the proposed replacement.

The site is quite enclosed by the taller buildings which face onto Piccadilly and public views are limited. There is only a glimpsed view along Brick Street from Piccadilly and Green Park to the south.

The design of the proposed building is the same as that approved in 2011, albeit omitting 5-6 Yarmouth Place. The revised proposal does not raise any new urban design and conservation issues and so is acceptable.

The proposals comply with City Plan Policies S25 and S28 Unitary Development Plan urban design and conservation policies, especially DES 1, DES 4 and DES 9.

6.3 Amenity (Daylight/Sunlight/Overlooking and Noise Nuisance)

Policy ENV 13 and S29 seek to protect amenities of neighbouring occupiers from the effects of proposed development in terms of impact on daylight, sunlight and overlooking.

6.3.1 Daylight and Sunlight

To the north of the site is a public car park. The closest residential properties are to the south east of the site on the upper floors of 96 – 100 Piccadilly. The height, bulk and massing of the proposal remain unchanged from that permitted in 2011 (excepting 5-6 Yarmouth Place). The proposal's impact on daylight and sunlight was considered in detail when the previous scheme was submitted and it was concluded that the impact on neighbouring occupiers would not be so material as to justify a recommendation for refusal on the grounds of loss of daylight or sunlight. It is not considered that the proposed residential units at 5-6 Yarmouth Place, which are part of an application currently being considered by the City Council, would be affected as they would not have any windows facing the application site.

6.3.2 Plant and noise

The application includes the provision of mechanical plant and air handling units within an acoustically screened area at roof level. An acoustic report has been supplied as part of the application to measure background noise levels and predict the noise output of the plant on noise sensitive properties.

The submitted acoustic report demonstrates that the plant at roof level will be able to comply with the noise criteria contained in Policy ENV 7 of the UDP and therefore is considered acceptable. An Environmental Health officer has reviewed the submitted information and raises no objection to the proposal, subject to the imposition of a condition requiring an additional acoustic report once the plant equipment has been selected. The installation is likely to comply with the standard noise criteria set out in the UDP.

6.3.3 Overlooking

Given the distance to the nearest residential units at 996-100 Piccadilly, and that the layout of proposed balconies and terrace areas are unchanged from the previous scheme, it is not considered that they will result in an adverse level of overlooking. A condition is proposed to prevent the use of any other areas of the building's roof as a terrace. This will protect the amenity of future occupiers, in the event that permission is granted for redevelopment of the neighbouring site.

6.4 Transportation/ Parking

The western end of Yarmouth Place is accessed directly from Piccadilly. At present there is a pinch point at the entrance to Yarmouth Place between the building at 51 – 53 Brick Street

and the rear wall of 105 Piccadilly where the road width narrows to 3.4m. The proposals involve the setting back of the corner of the new building at ground and first floor levels to provide a 5.4m wide entrance to Yarmouth Place which is welcomed in highways terms. The works involving the creation of a footway to the apart-hotel and other minor highway works around the site are proposed to be secured within a section 106 legal agreement.

The scheme would provide 7 residential parking spaces for the 13 flats, in the basement served by a car lift accessed from Brick Street. 27 cycle parking spaces are provided at ground floor level. The Highways Planning Manager has reviewed the submitted information and raise no objection to the level of car and cycle parking provision. In addition, the provision of car club membership for each of the new residential units will be secured by legal agreement.

The servicing requirements for the apart-hotel, which does not contain a restaurant, are relatively limited. However, it is recommended that a condition is imposed to require the submission of an Operational and Servicing Management Plan. This will ensure that suitable servicing arrangements are agreed and adhered to.

6.5 Economic Considerations

The economic benefits from the new visitor accommodation and the overall increase in residential accommodation are welcomed within this area.

6.6 Access

The residential units have been designed to Lifetime Homes Standard. Step free access is provided into the residential building, which also includes a lift to all floors. One apart-hotel unit out of every 20 is wheelchair accessible in accordance with Part M of the Building Regulations. All units are accessed via a level threshold with lift access to all levels.

6.7 Other UDP/ Westminster Policy Considerations

Objections have been received from the Japanese Embassy regarding the potential impact of the construction works associated with the development. Of particular concern is the effect of construction vehicles and heavy machinery upon diplomatic traffic, including the Ambassador's car, and daily deliveries. Yarmouth Place is the only possible access for Embassy cars, and provides car parking space for the Embassy and the staff entrance to the building. It is accepted that the construction works have the potential to cause disruption to the operation of the Embassy and the Embassy considers that, depending on how the works proceed, they may constitute "disturbance of the peace of the mission" as stipulated in Article 22 2 of the Vienna Convention on Diplomatic Relations.

In the circumstances, as previously, it is proposed that a condition is imposed requiring the submission and approval of a Construction Management Plan (CMP) prior to the commencement of any demolition and construction works. This would go some way to address concerns from the Embassy. A condition is also proposed to control the hours at which works on site can take place. Finally, the applicants have agreed to pay the Environmental Inspectorate's costs for demolition, construction monitoring and a Code of Construction Practice as part of a Site Environmental Management Plan. The monitoring will help ensure that the CMP is adhered to throughout the construction process.

6.8 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;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

As discussed above the proposal involves an overall increase in residential floorspace and therefore will require a payment of £414,000 to the City Council's affordable housing fund and the provision of car club membership for each of the residential units. In addition, the Environmental Inspectorate have requested demolition and construction monitoring costs of £25,000 per annum. These payments will be secured by a section 106 legal agreement.

The legal agreement will also contain a clause requiring the provision of the residential accommodation prior to the apart-hotel being occupied, a clause relating to the minor highway works associated with the proposal and a clause securing unallocated residential car parking.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

City Plan: Strategic Policy S40 seeks to achieve a 20% reduction in carbon dioxide emission in new developments. The submitted sustainability statement states the building will achieve a 33.92% improvement on Part L of the Building Regulations (2006). This will be achieved through solar PV, Combined Heat and Power and other energy efficient technologies including heat recovery and solar shading. These sustainability measures are proposed to be secured by planning condition.

As with the previous scheme green roofs and swift and bat boxes are proposed. A condition is proposed to require further details and to ensure that the biodiverse measures are retained and maintained.

The applicants have submitted an Air Quality Assessment for the scheme. This details that the proposed development would include a centralised CHP plant and supplementary boiler to provide heat and hot water to the apart-hotel and residential dwellings. The proposed units will comply with the emission limits specified in the Mayor of London's Sustainable Design and Construction SPG and that the energy centre emissions have been demonstrated to be air quality neutral.

6.10 Other Issues

6.10.1 Basements

A new basement level is proposed below 1-4 Yarmouth Place. The impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques

that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This issue was previously considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

6.10.2 Security

The Embassy considers that the number of visitors to the apart-hotel use will cause security issues for their premises. This issue was raised when the previous scheme was determined and was not considered to justify a reason for refusal. The current scheme, where the apart-hotel is reduced in size from that previously permitted would have less potential impact on the Embassy.

6.11 Conclusion

The proposals are considered acceptable in land use, amenity and design and conservation terms and accord with the relevant UDP and City Plan policies. The applications are therefore recommended for conditional approval.

BACKGROUND PAPERS

1. Application forms and letter from Montagu Evans dated 04.09.2015
2. Letter from Residents' Society of Mayfair and St James's dated 28.09.2015
3. Memorandum from Environmental Inspectorate dated 23.09.2015
4. Memorandum from Environmental Health dated 06.10.2015
5. Memorandum from Highways Planning Manager dated 20.11.2015
6. Letter from Japanese Embassy, 101-104 Piccadilly dated 29.09.2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY E-MAIL – vnally@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 1-4 Yarmouth Place, London, W1J 7BU
- Proposal:** Demolition of 51-53 Brick Street and 1-4 Yarmouth Place and the erection of a part 9, part 6 storey building for use as a 29 unit apart-hotel (Class C1) and 13 residential units (Class C3) with associated car park at basement level, hard landscaping and roof top plant areas
- Plan Nos:** PL_100/A; PL_220/A; PL_221/A; PL_222/A; PL_223/A; PL_B1/A; PL_200/A; PL_201/A; PL_202/A; PL_203/A; PL_204/A; PL_205/A; PL_206/A; PL_207/A; PL_208/A; PL_209/A; PL_230/A; PL_231/A; PL_232/A; Energy Statement Report WBS-REP-100_A02.

Case Officer: Billy Pattison

Direct Tel. No. 020 7641 3267

Recommended Condition(s) and Reason(s):

- 1 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

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)

- 2 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development:

1. Typical facade details at all levels
2. Public art

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. (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 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)

- 3 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)

- 4 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.

- 5 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)

- 6 You must provide the environmental sustainability features (environmentally friendly features) as outlined in the Energy Statement dated August 2015 (Ref: WBS-REP-100_A02) before the building is occupied. You must not remove any of these features, unless we have given you our permission in writing.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

- 7 You must apply to us for approval of detailed drawings of the green roofs, swift and bat boxes and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on any part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 8 Unless otherwise agreed in writing with the local planning authority, once development has commenced on site you must fully implement the scheme in accordance with the approved drawings and provide the independent apart-hotel and residential accommodation and retain the layout in accordance with the approved plans.

Reason:

To safeguard the residential accommodation hereby permitted and ensure it is provided as permanent residential accommodation in accordance with policy S14 of Westminster's City Plan: Strategic Policies adopted November 2013 and policies H2 and H5 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must provide each car parking space and electrical charging point shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 10 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 11 You must provide the waste stores shown on approved drawings before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential units and apart-hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 12 The apart-hotel use shall not commence until a operational management plan (which should include a waste management and servicing strategy) for its operation has been submitted to and approved in writing by the local planning authority. The use shall be undertaken in accordance with the details agreed therein and you must retain the layout in accordance with the approved plans and no restaurant, bar or similar facility shall be provided within the apart-hotel hereby permitted, unless otherwise agreed in writing with the City Council.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 The apart-hotel accommodation must not be leased under either a tenancy agreement or any other form of accommodation contract for more than 90 consecutive nights.

Reason:

To ensure the development provides visitor accommodation in accordance with S23 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2 of our Unitary Development Plan that we adopted in January 2007.

- 14 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 15 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 16 (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.

- 17 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.

- 18 You must apply to us for approval of details of a supplementary acoustic report (including the proposed plant details and a 24 hour noise monitoring survey conducted during a weekend) demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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.

- 19 You can only use the balconies on the southern and northern elevations and the areas of roof labelled 'private terrace' on the approved drawings as a terrace for sitting out. You must not use the remainder of the roof of the building as a terrace or for any other purpose. You can however use the remainder of the roof for maintenance purposes or to escape in an emergency.
(C21CA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 20 The 3 No. three-bedroom residential units must be provided and each one shall thereafter be retained as a residential unit with three separate bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 21 **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 privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 22 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or

(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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 have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall

64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

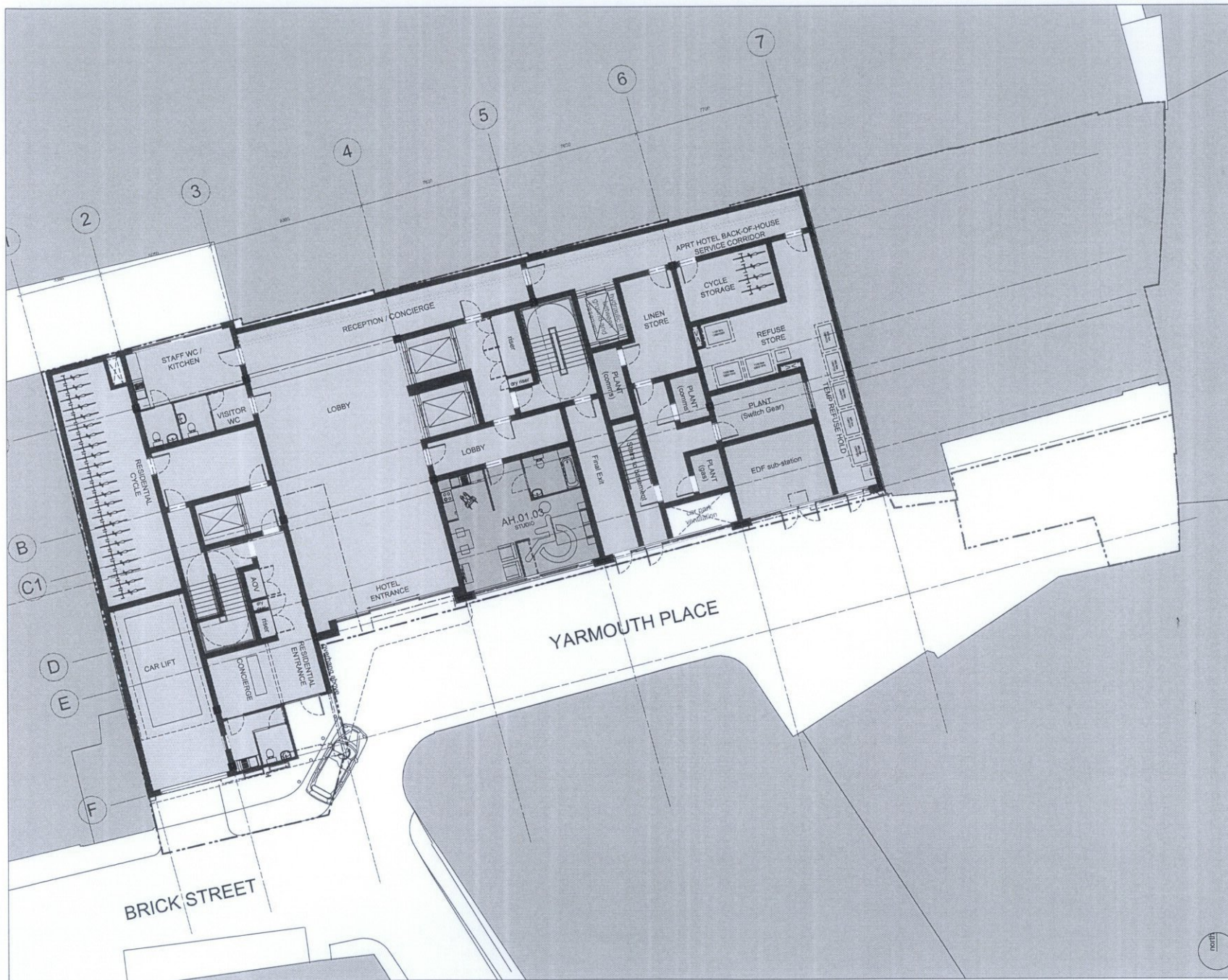
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 6 Conditions 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. (182AA)

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Revisions

A 150731 Issued for Planning



KEY:

- Apartment hotel
- Apartment hotel circulation/ancillary
- Residential circulation/ancillary
- Residential
- Ownership boundary
- Additional ownership boundary
- Existing building outline

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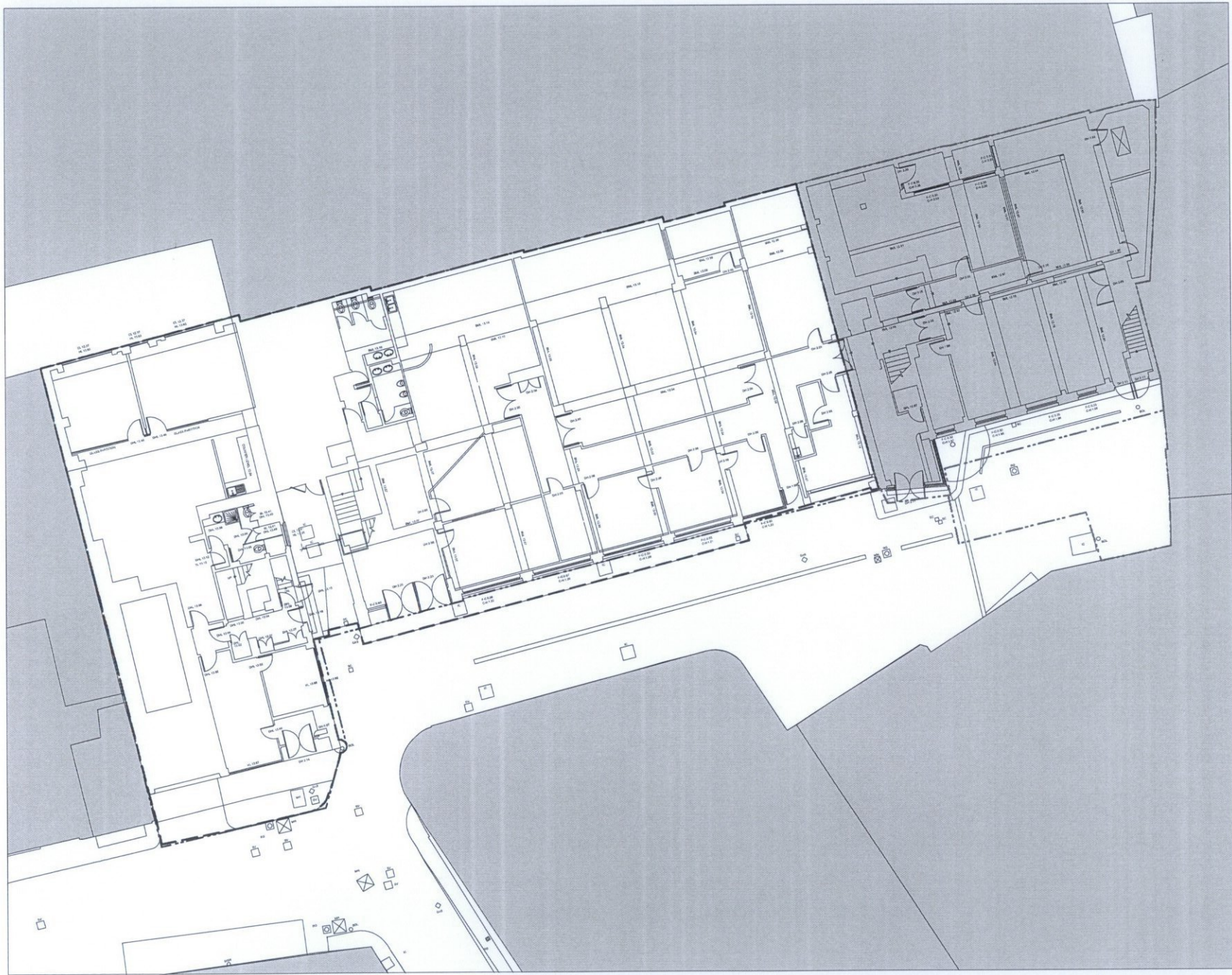
60 Bastwick Street London EC1V 3TN
 020 7336 8030t
 020 7336 8851f

mall@hawkinsbrown.co.uk
 www.hawkinsbrown.co.uk

Project
 Yarmouth Place

Drawing
 General Arrangement
 Proposed Layouts
 Ground Floor Plan

Scale at A1 (A3) 1:100 (200)	Date July 2015
Drawn by LP	Checked by EP
Job Number HB1647	Status Planning
Drawing No. PL_200	Rev A



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Revisions

A 150731 Issued for Planning

--- Extent of Demolition
 --- Ownership boundary
 --- Additional ownership boundary

North

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60 Bastwick Street London EC1V 3TN
 020 7336 8030t 020 7336 8851f
 mall@hawkinsbrown.co.uk www.hawkinsbrown.co.uk

Project
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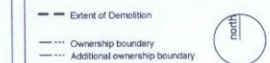
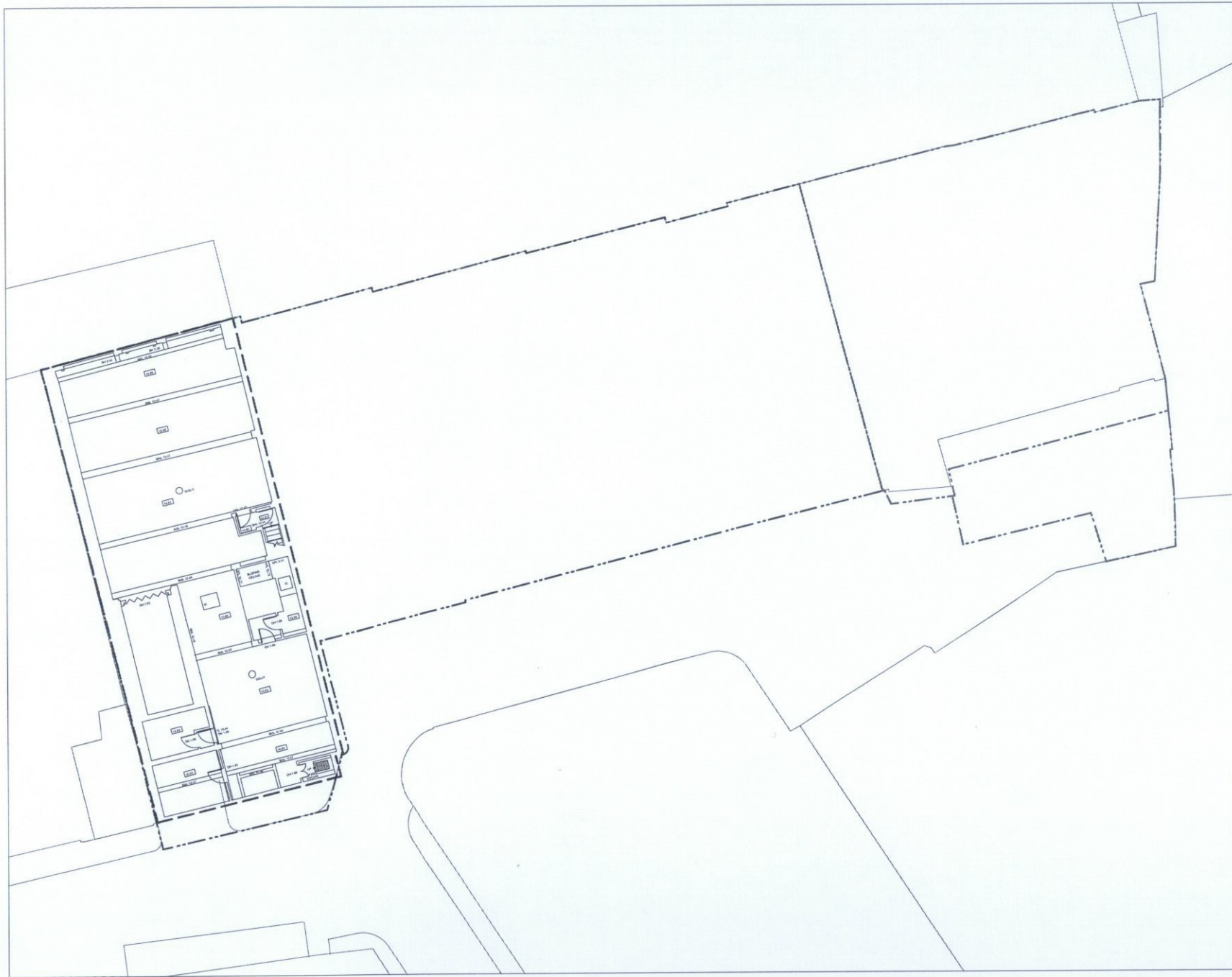
Drawing
**General Arrangement
 Existing Layouts
 Ground Floor Plan**

Scale at A1 (A3) 1:100 (200)	Date July 2015
Drawn by LP	Checked by EP
Job Number HB1647	Status Planning
Drawing No. PL_010	Rev A

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60 Bastwick Street London EC1V 3TN
 020 7336 8030t 020 7336 8851f
 mail@hawkinsbrown.co.uk www.hawkinsbrown.co.uk

Project
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Drawing
**General Arrangement
 Existing Layouts
 Basement Floor Plan**








Scale at A1 (A3) 1:100 (200)	Date July 2015
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Job Number HB1647	Status Planning
Drawing No. PL_0B1	Rev A

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Revisions

A 150731 Issued for Planning

KEY:

-  Apartment hotel
-  Apartment hotel circulation/ancillary
-  Residential circulation/ancillary
-  Residential
-  Ownership boundary
-  Additional ownership boundary
-  Existing building outline

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60 Bastwick Street London EC1V 3TN
 020 7336 8030t
 020 7336 8851f

mall@hawkinsbrown.co.uk
 www.hawkinsbrown.co.uk

Project

Yarmouth Place

Drawing

General Arrangement
 Proposed Layouts
 Basement Level

Scale at A1 (A3)

1:200 (400)

Drawn by

LP

Job Number

HB1647

Drawing No.

PL_B1

Date

July 2015

Checked by

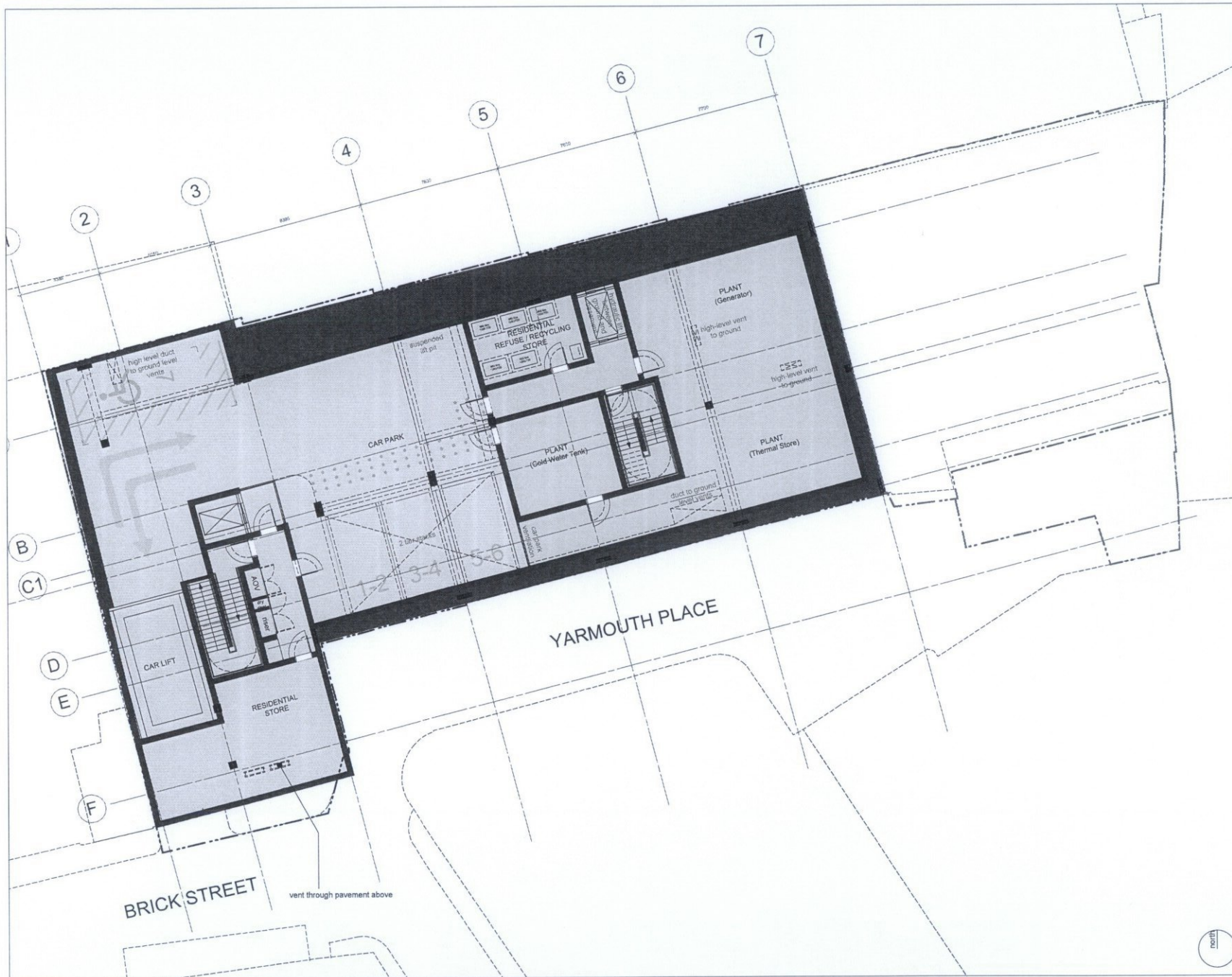
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Status

Planning

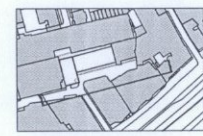
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60 Bastwick Street London EC1V 3TN
 020 7336 8030 020 7336 8851f
 mail@hawkinsbrown.co.uk www.hawkinsbrown.co.uk

Project
 Yarmouth Place

Drawing
 Existing
 South Elevation

Scale at A1 (A3)	Date
1:100 (200@A3)	July 2015
Drawn by	Checked by
LP	EP
Job Number	Status
HB1647	Planning
Drawing No.	Rev
PL_020	A



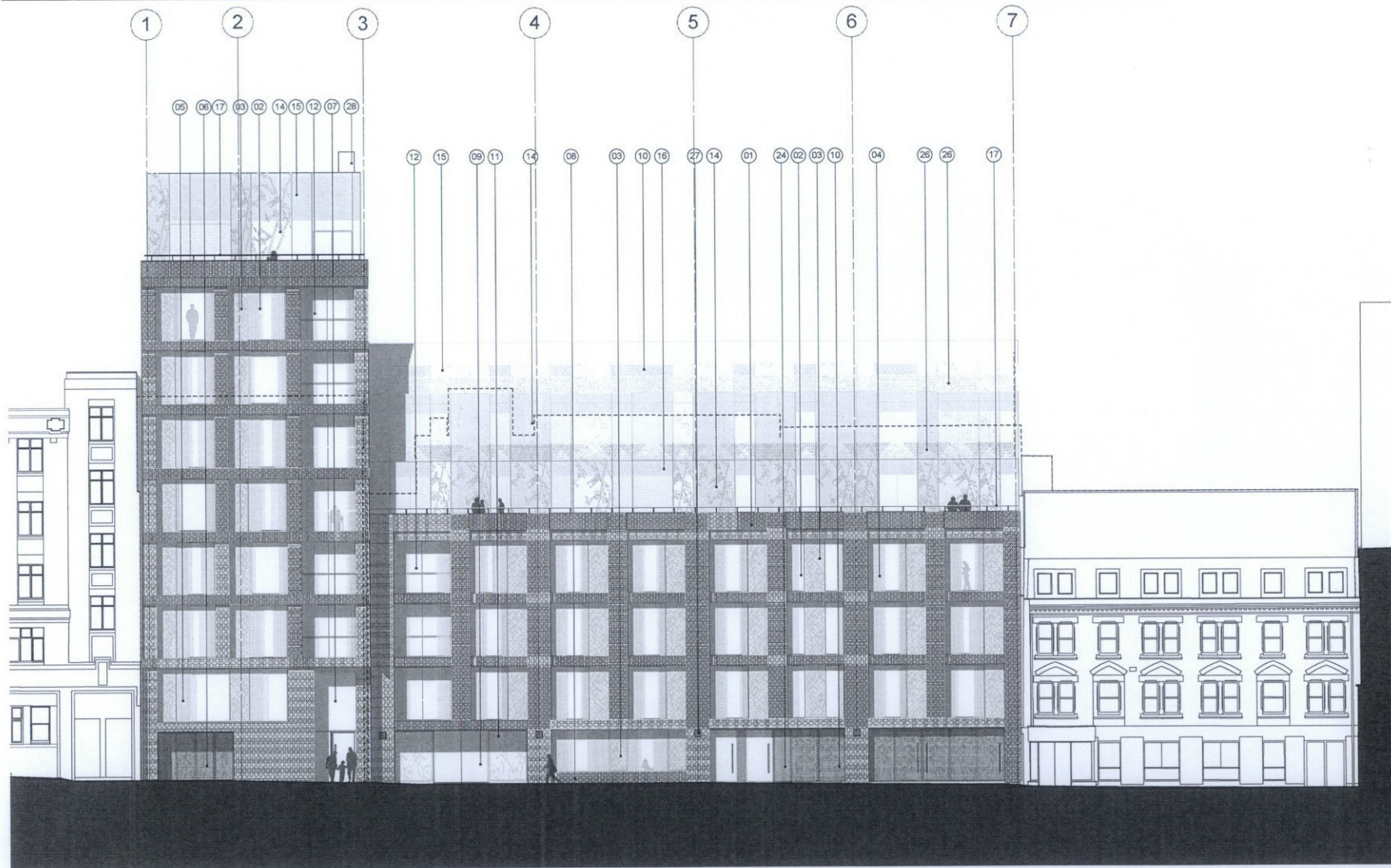
Park Lane Garages 51 Brick Street 1-4 Yarmouth Place 5-6 Yarmouth Place Adjacent Building

MATERIALS KEY

- 01. Dark silver / semi-glazed brick - English cross bond diamond weave pattern - White pigmented mortar joints
- 02. Full height anodised aluminium framed glazing with clear glass
- 03. Anodised aluminium ventilation panel with decorative etch / perforations
- 04. Interior translucent voile curtains
- 05. Wall mounted downlight
- 06. Perforated anodised aluminium screen doors to car lift
- 07. Anodised aluminium framed glazed entrance with etched graphics
- 08. Brick plinth
- 09. Sliding glass entrance doors with decorative frit
- 10. Perforated anodised aluminium ventilation panels / doors to services

- 11. Anodised aluminium lined entrance with decorative etching
- 12. Recessed balcony with frameless glass balustrade / aluminium framed sliding glass doors
- 13. External balcony with frameless glass balustrade / aluminium framed sliding glass doors
- 14. Curtain wall glazing to residential/hotel units - Alternating clear, translucent and opaque glass with patterned frit on indicated panels - openable sliding panels
- 15. Curtain wall glazing forming plant enclosure - Opaque glass with patterned frit on indicated panels
- 16. Curtain wall glazing forming parapet - Opaque glass with patterned frit on indicated panels
- 17. Anodised aluminium hand rail fixed to parapet
- 18. Lift over run
- 19. Green roof

- 20. Suspended lift pit
- 21. Light painted brickwork
- 22. Rooflights
- 23. Recessed balcony in curtain wall glazing
- 24. Opaque glazing in anodised aluminium frame
- 25. Projecting windows - clear glazing flush over frame
- 26. Stainless steel laced wire lattice balustrade
- 27. External downlights
- 28. Flue
- 29. Openable projecting windows - clear glazing flush over frame



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Revisions

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----- Outline of existing building



Hawkins\Brown

60 Bastwick Street London EC1V 3TN
 020 7336 8030t
 020 7336 8851f
 mail@hawkinsbrown.co.uk
 www.hawkinsbrown.co.uk

Project
 Yarmouth Place

Drawing
 Proposed
 South Elevation

Scale at A1 (A3) 1:100 (200@A3) Date July 2015

Drawn by LP Checked by EP

Job Number HB1647 Status Planning

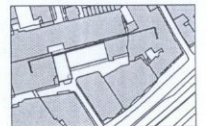
Drawing No. PL_220 Rev A

Park Lane Garages 51 Brick Street 1-4 Yarmouth Place 5-6 Yarmouth Place Adjacent Building

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60 Bastwick Street London EC1V 3TN
020 7336 8030t 020 7336 8851f
mall@hawkinsbrown.co.uk
www.hawkinsbrown.co.uk

Project
Yarmouth Place

Drawing
Existing
North Elevation

Scale at A1 (A3)	Date
1:100 (200@A3)	July 2015

Drawn by	Checked by
LP	EP

Job Number	Status
HB1647	Planning

Drawing No.	Rev
PL_021	A



Adjacent Building

Yarmouth Place

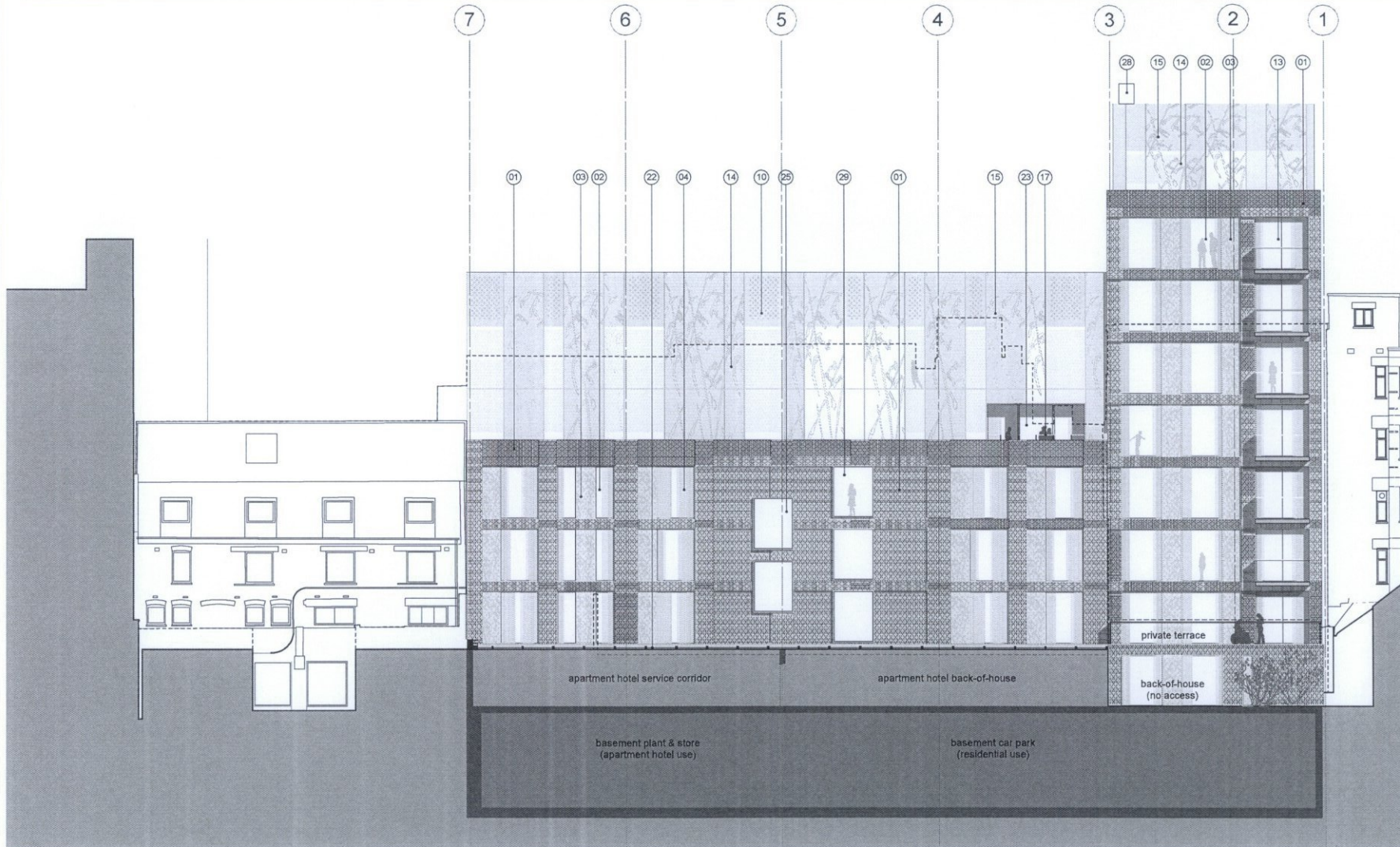
Park Lane Garages

MATERIALS KEY

- 01. Dark silver / semi-glazed brick - English cross bond diamond weave pattern - White pigmented mortar joints
- 02. Full height anodised aluminium framed glazing with clear glass
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- 28. Flue
- 29. Openable projecting windows - clear glazing flush over frame



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Revisions

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----- Outline of existing building



Hawkins\Brown

60 Bashwick Street London EC1V 3TN
020 7336 8030T
020 7336 8851F

mail@hawkinsbrown.co.uk
www.hawkinsbrown.co.uk

Project
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Drawing
Proposed
North Elevation

Scale at A1 (A3)	Date
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Drawn by	Checked by
LP	EP
Job Number	Status
HB1647	Planning
Drawing No.	Rev
PL_221	A

Adjacent Building

Yarmouth Place

Park Lane Garages