

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 September 2015	Classification For General Release	
Report of Director of Planning		Wards involved West End	
Subject of Report	4 Meard Street, London, W1F 0EF		
Proposal	Use of the basement as a restaurant (Class A3) in association with the existing restaurant at ground floor level. Installation, retention and reconfiguration of plant at rear first floor level and existing high level extract duct terminating at roof level. Internal alterations at basement and ground floor level including the installation of an acoustic ceiling at ground floor level.		
Agent	bptw Partnership Ltd		
On behalf of	Honest Burgers Ltd		
Registered Number	14/11839/FULL 14/11840/LBC	TP / PP No	TP/9381
Date of Application	01.12.2014	Date amended/ completed	19.12.2014
Category of Application	Other		
Historic Building Grade	Grade II* Listed Building		
Conservation Area	Soho		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Core Central Activities Zone		
Stress Area	Within West End Stress Area		
Current Licensing Position	Premises Licence allows the following opening times: Monday to Saturday 10.00 – 00.30 Sundays 12.00 – 00.00		

1. RECOMMENDATION

1. Refuse permission - Impact of restaurant extension on residential amenity.
2. Refuse listed building consent - Impact of the proposals on the special architectural interest of the building.





4 MEARD STREET, W1

2. SUMMARY

This is a Grade II* listed building situated within the Soho Conservation Area, Core Central Activities Zone and West End Stress Area. The application site is located on the northern side of Meard Street, the ground floor is in use as a restaurant (Class A3), whilst the basement is currently vacant, but was last in use as a night club (sui generis). The upper floors are in residential use (Class C3). Planning permission and listed building consent are sought to amalgamate the basement into the existing restaurant use (Class A3) at ground floor. It is also proposed to install plant at rear first floor level and to reconfigure an existing high level extract duct which terminates at roof level and to make internal alterations at basement and ground floor levels, including the installation of an acoustic ceiling at ground floor level.

The key issues for consideration are:

- The impact of the entertainment use on amenity and the character and function of this part of the Soho Conservation Area;
- The impact of internal and external alterations on the character and appearance of the listed building and the conservation area.

It is considered that the proposal to extend the existing restaurant would add to the existing late night activity and disturbance in this part of the West End Stress Area. This, together with similar changes in other buildings in the area would harm the character and function of the area, the quality of the area's environment and the amenity of nearby residents.

Due to its location and thickness, the installation of the acoustic ceiling would harm the special architectural interest of this Grade II* listed building. The applications for listed building consent and planning permission are therefore recommended for refusal for the above reasons.

3. CONSULTATIONS

HISTORIC ENGLAND

Flexible authorisation received (24/12/2014).

CROSSRAIL LTD

Do not wish to comment.

THAMES WATER

Recommend installation of fat trap on all catering establishments.

SOHO SOCIETY

Objection. The business is located on a quiet pedestrianised street within the West End Stress Area where A3 use is already saturated. Increasing A3 in this location will cause a threat to residential amenity through increased noise nuisance.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

CLEANSING MANAGER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 129; Total No. of Replies: 4.

Four letters of objection received on the following grounds:

Amenity

- The existing restaurant is very busy and its patrons often queue and wait on Meard Street causing noise and disturbance to local residents. The addition of more restaurant floorspace will exacerbate this. Currently, customers waiting for a table and/or takeaway food queue through much of the day, and throughout the year.
- Customers using the restaurant's outdoor tables and chairs also cause noise disturbance to neighbouring properties.
- Customers wait on the street for a table and/or takeaway food. This happens through much of the day, and throughout the year.
- There have been previous complaints to the City Council's Noise Team and these are still not resolved.
- The applicant's noise report is flawed as it is predicated on the basis of background noise from traffic and pedestrians, many of whom are the restaurant's own customers, and therefore artificially increase the background noise level.
- The noise readings were not taken during lunchtime so the correlation of noise with mealtimes is not apparent.
- The restaurant and patrons waiting outside are changing the character of what is a primarily residential street.
- The outside tables and chairs should not be permitted under this application.

ADVERTISEMENT/SITE NOTICE: Yes

4. BACKGROUND INFORMATION**4.1 The Application Site**

4 Meard Street is a Grade II* listed mid terrace building situated within the Soho Conservation Area, Core Central Activities Zone and West End Stress Area. The site is located on the northern side of Meard Street, the ground floor is currently in use as a restaurant (Class A3), whilst the basement is vacant, but was last in use as a night club (sui generis). The upper floors are in residential use (Class C3) as three self-contained units.

4.2 Relevant History

Permission was refused in August 2008 for the use of the basement as an office. The application was refused on the grounds that the office would rely on an access shared with the residential properties on the upper floors and that this would be harmful to the amenity of the residential occupiers of the building.

5. THE PROPOSAL

Permission is sought for the use of the basement as a restaurant (Class A3) in association with the existing restaurant at ground floor level.

It is proposed to reconfigure the plant at the rear of the property. This involves installing a new kitchen extract and filter at rear first floor level, and to fit new cleaning access doors and a discharge cone to the full height duct on the rear elevation. These amendments are intended to improve noise and odour emissions from the existing extraction system.

Internal alterations are proposed at basement and ground floor level associated with the extension of the restaurant into the basement and the reconfiguration of restaurant accommodation at ground floor level.

The extension of the restaurant into the basement would result in an additional 28 covers (plus a customer holding area with a further six seats). The hours of operation would be unchanged.

	Existing A3 use	Proposed A3 use
Class A3 floorspace on site	82m2	184m2
No. of covers indicated by applicant.	32	58 (and additional six seats within waiting area)
Hours of operation	Mon – Wed 12:00-23.00 Thurs-Sat 11.45-23.00 Sundays 12.00-22.00	Mon – Wed 12:00-23.00 Thurs-Sat 11.45-23.00 Sundays 12.00-22.00
Takeaway/delivery service	Ancillary takeaway (collection in person)	Ancillary takeaway (collection in person)
Refuse storage arrangement	Contained within ground floor	New refuse storage is within basement vaults
Air conditioning/ventilation ducting	Full height extract duct	Alterations to plant and extract duct to improve noise/odour emissions

6. DETAILED CONSIDERATIONS

6.1 Land Use and Residential Amenity

The basement was previously in use as a night club (sui generis) known as the Soho Lounge, which also occupied part of the basement of 69-70 Dean Street and the basement of 2 Meard Street. The entrance to the night club was from Dean Street rather than Meard Street. The basement area appears to have been vacant since 2008 when planning permission (RN:08/01674/FULL) was granted for the installation of party walls with the neighbouring units at basement level.

There are no adopted policies which protect night club uses, and therefore the loss of the night club floorspace is not resisted by the City Council.

The applicant has confirmed that the restaurant operates a takeaway service. Over the course of the week, the takeaway element forms an average of 9% of trade. There is no delivery

service and takeaways can only be collected in person. It is considered that the predominant use of the premises is restaurant (Class A3) and that the takeaway element is ancillary to this use.

As the proposal would create an enlarged entertainment use comprising 184m², it is assessed under the City Council's TACE policies. Policy TACE9 of the UDP states that permission for restaurant uses (Class A3) between 150m² - 500m² of gross floorspace inside the Core CAZ and designated West End Stress Area, may be permissible, where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Policy S24 of the City Plan also relates to new entertainment uses and has similar policy requirements for units of this size.

Policy TACE9 requires that within Stress Areas, permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that the proposed development has:

1. No adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of:
 - a) noise
 - b) vibration
 - c) smells
 - d) increased late night activity, or
 - e) increased parking and traffic; and
2. No adverse effect on the character or function of its area.

As mentioned, the site is located within the West End Stress Area, an area where the numbers of restaurants, cafés, takeaways, public houses, bars and other entertainment uses is considered to have reached a level of saturation. Paragraph 8.94 of the UDP states that *"In the Stress Areas, additional entertainment premises, some extensions to existing premises, and extensions of opening hours of larger premises until late in the night will be considered, in most instances, to add to the problems in those areas"*.

The application involves the extension of an existing premises, rather than the creation of a completely new premises. The proposal does not seek to increase the proposed opening hours. The additional floorspace is located at basement level, and the proposal does not involve the amalgamation of units, or an increase in the size of the shop frontage. For these reasons, when viewed from the street, the restaurant will appear no larger than the existing premises.

Whilst Meard Street is located within the West End Stress Area, it is significantly quieter and more residential in character than Dean Street and Wardour Street which bookend it and which experience very high pedestrian volumes at all hours of the day. The street is partially pedestrianised, and characterised by buildings which generally have commercial uses at ground floor levels, with residential properties on the upper floors of the majority of properties.

Objections have been received from neighbouring residential occupiers for a variety of reasons, primarily relating to noise from the existing premises. Objectors state that the existing restaurant is very busy and its patrons often queue and wait on Meard Street causing noise and disturbance to local residents. They are concerned that the addition of more

restaurant floorspace will exacerbate this. Objectors state that customers waiting for a tables and/or takeaway food, queue outside through much of the day, and throughout all times of the year. Objectors also mention that there have been previous complaints to the City Council's Noise Team and these have still not been resolved and that the restaurant and patrons waiting outside are changing the character of what is a primarily residential street.

The objections have been raised with the applicant, who has provided a response to a number of the issues. The proposals seek to increase the internal capacity from the existing 32 to 58 covers, plus an additional six seats within a customer 'holding area'.

The applicant states that during the restaurant's less busy periods, the wait time can be 15-20 minutes with approximately 20-25 customers waiting for tables. They consider that the 26 additional covers, plus six holding spaces, will help to reduce the number of customers queuing outside the premises.

In addition, the restaurant uses a Quidini Management App to control the queue outside the premises. Some objectors have stated that the App does not appear to have helped reduce queuing outside the premises. The App is used to control the queue when there are long waiting times. Staff take customer's name, phone number and party size. Customers are able to visit an alternative venue whilst waiting, and can track their position in the 'virtual' queue, and are summoned once their table is ready. The applicant comments that the App has been effective in reducing and managing the queue. However, objectors state that they have not noticed a reduction in noise since the introduction of the App.

Objectors also state that customers using the restaurant's outdoor tables and chairs also cause noise disturbance to neighbouring properties. The placing of tables and chairs on the public highway requires a separate planning permission. The applicant does not currently have permission to place tables and chairs outside the restaurant on Meard Street, and has been informed that they require a separate planning permission. The tables and chairs should therefore be removed from the public highway, and a planning application should be submitted for them. The impact of the outdoor tables and chairs on local residential amenity will be assessed under this forthcoming application.

It is considered that the existing restaurant is causing demonstrable noise impact on nearby residential occupiers. Whilst the proposal would introduce additional seating within the basement, given the number of customers that the restaurant attracts, it has not been sufficiently demonstrated that the additional covers would prevent customers congregating outside the premises to queue, smoke, make telephone calls and loiter outside when leaving and waiting for taxis, mini cabs etc, as is the case at present. Given the proximity of neighbouring residents, it is considered that the proposal to increase the floorspace is likely to continue to cause noise nuisance to nearby residents. The proposed restaurant extension within the West End Stress Area therefore conflicts with the aims of UDP Policy TACE9 and City Plan Policy S24.

6.2 Townscape and Design

There are no external works proposed to the restaurant's front elevation. To the rear of the property, it is proposed to reconfigure a new kitchen extract and filter at rear first floor level and to fit new cleaning access doors and a discharge cone to the full height duct on the rear elevation. The proposed duct is considered acceptable in design and listed building terms, provided it is powder coated black to reduce the visual impact on the rear of the property. It is recommended that this is secured by condition.

It is proposed to install an acoustic ceiling at ground floor level which is approximately 75mm

thick. This will clash with the cornice and obscure some of its detail to the detriment of the appearance and special architectural interest of the rooms affected. There is no evidence to show how successful the new ceiling would be in reducing noise transmission, or if any alternatives have been investigated, and there is no evidence provided to demonstrate that this work is necessary. No complaints have been made to the City Council about internal noise transmission and no objections to this application have been received about internal noise transmission. Therefore, in the absence of any tangible or quantifiable benefits that would outweigh the harm to the special interest of this Grade II* listed building arising from installation of the proposed acoustic ceiling, the alteration is unacceptable in heritage asset terms.

6.3 Plant

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

Objections have been received from neighbouring residents on the grounds that the applicant's noise report is flawed as it is predicated on the basis of background noise from traffic and pedestrians, many of whom are the restaurant's own customers, and therefore artificially increase the background noise level. It is also suggested that as the noise readings were not taken during lunchtime the correlation of noise with mealtimes is not apparent.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. 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. The Council's Environmental Health officer has studied the report and considers that the proposed installation will meet the noise design level criteria.

Environmental Health consider the high level extract duct proposed is suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

The proposal involves very minor reconfiguration of the existing extract duct. The route of the duct will not be any closer to neighbouring windows than existing, and it is not considered that it will have any impact in terms of loss of daylight or sunlight.

6.4 Transportation/Servicing

The Highways Planning Manager has requested a condition be attached to any permission requiring cycle parking to be provided within the demise of the unit for use by staff. Whilst the London Plan guidelines also require cycle parking for patrons, this is not considered achievable in this location, given the constrained nature of this small unit located within a listed building.

The Highways Planning Manager advises that the relatively small increase in restaurant floorspace is unlikely to materially affect the unit's servicing requirements.

6.5 Economic Considerations

Any economic benefits generated are welcome.

6.6 Access

The access arrangements are unchanged. Level access will be provided to the ground floor of the premises.

6.7 Other UDP/Westminster Policy Considerations

Not applicable.

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 these applications are considered to be consistent with the NPPF unless stated otherwise.

6.10 Planning Obligations

The proposal does not raise a requirement for a planning obligation.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The scale of the proposed development does not require the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

6.12 Conclusion

The planning application is recommended for refusal due to the impact that it will have on residential amenity. The listed building consent application is recommended for refusal due to the impact that the proposed acoustic ceiling will have on the special architectural interest of the building.

BACKGROUND PAPERS

1. Application forms
2. Letter from English Heritage dated 24 December 2014
3. Letter from Crossrail Ltd dated 6 January 2015

4. Letter from Thames Water dated 6 January 2015
5. Letter from Soho Society dated 8 January 2015
6. Memorandum from the Cleansing Manager dated 5 January 2015
7. Memorandum from the Highways Planning Manager dated 6 January 2015
8. Memorandum from Environmental Health dated 22 June 2015
9. Letter from occupier of 7 Meard Street dated 5 January 2015
10. Letter from occupier of 11 Meard Street dated 13 January 2015
11. Letter from occupier of Flat 2, 13 Meard Street dated 13 January 2015
12. Letter from occupier of 13 Meard Street dated 13 January 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

DRAFT DECISION LETTER

Address: 4 Meard Street, London, W1F 0EF

Proposal: Use of the basement as a restaurant (Class A3) in association with the existing restaurant at ground floor level. Installation, retention and reconfiguration of plant at rear first floor level and existing high level extract duct terminating at roof level. Internal alterations at basement and ground floor level including the installation of an acoustic ceiling at ground floor level.

Plan Nos: 04.01/A; 04.02/A; 04.03/A; 04.04; 04.06/A; 04.07; 04.08; 04.09; 04.13; 04.14; 04.15/A; 04.17; 04.18/A; 05.18/A; 04.20; 04.21; 04.22/A; 04.23; 04.24; 05.01; 05.02; 06.01; 06.02/A; 07.06; 09.02; Noise Assessment (November 2014); site location plan

Case Officer: Billy Pattison

Direct Tel. No. 020 7641 3267

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

- 1 The proposal to extend the existing restaurant would add to the existing late-night activity and disturbance in this part of the West End Stress Area. This, together with similar changes in other buildings in the area (cumulative effect), would harm:
- the character and function of the area;
 - the quality of the area's environment; and
 - the amenity of nearby residents.

This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 10, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (X40AA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 You are advised that the tables and chairs on the highway do not benefit from planning permission. They should be removed and a planning application be submitted to regularise the situation.

DRAFT DECISION LETTER

Address: 4 Meard Street, London, W1F 0EF

Proposal: Installation, retention and reconfiguration of plant at rear first floor level and existing high level extract duct terminating at roof level. Internal alterations at basement and ground floor level including the installation of an acoustic ceiling at ground floor level.

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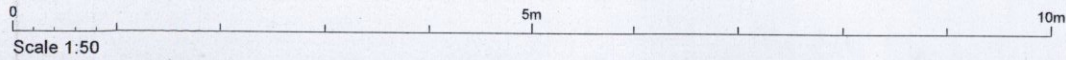
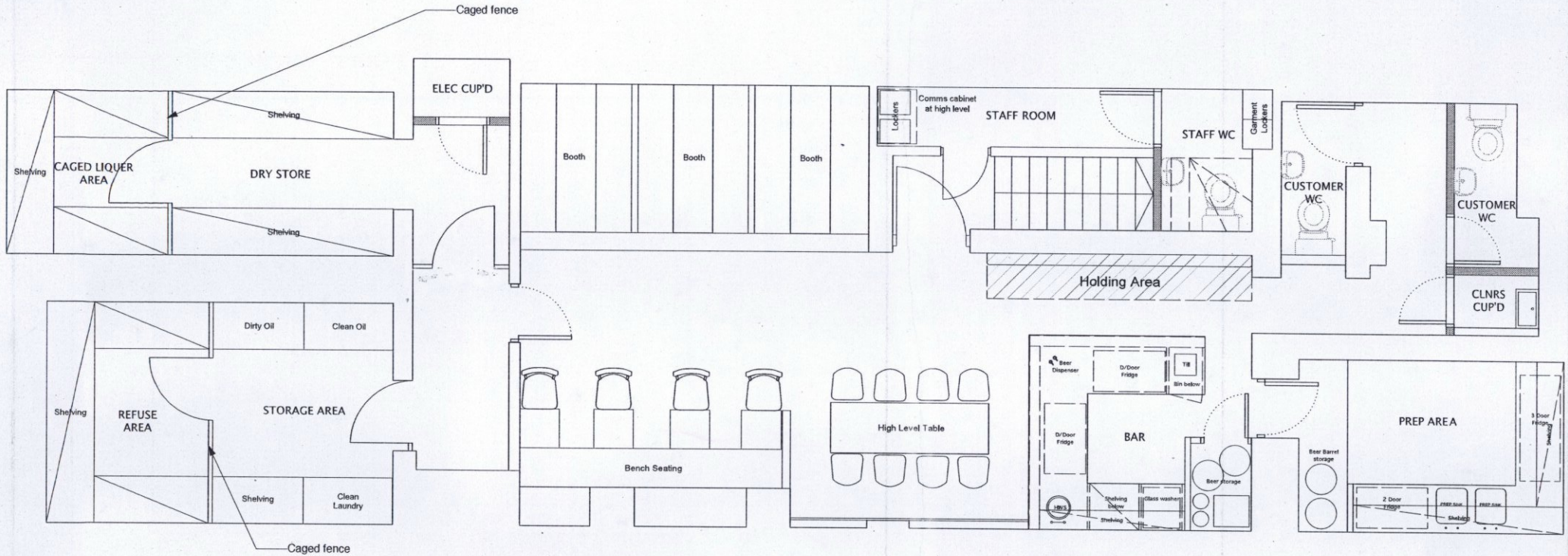
Recommended Reason(s) for Refusal:**Reason:**

- 1 Because of its location and thickness, installation of the acoustic ceiling would harm the special architectural interest of this grade II-Star listed building. This would be against the advice set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 2.4 of our Supplementary Planning Guidance: 'Repairs and Alterations to Listed Buildings'.

Informative(s):

- 1 The City Council considers that the installation of the acoustic ceiling is unacceptable in principle in conservation terms.

COVERS: 34no.
 AREA: 102SQ M



GENERAL NOTES

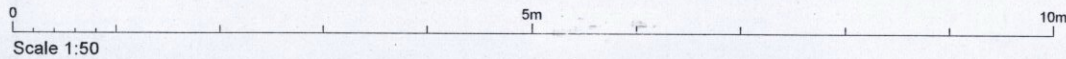
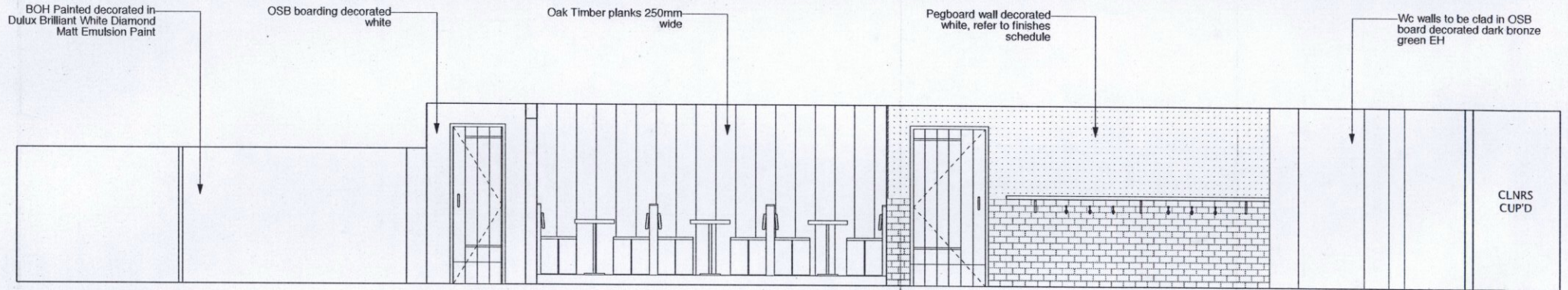
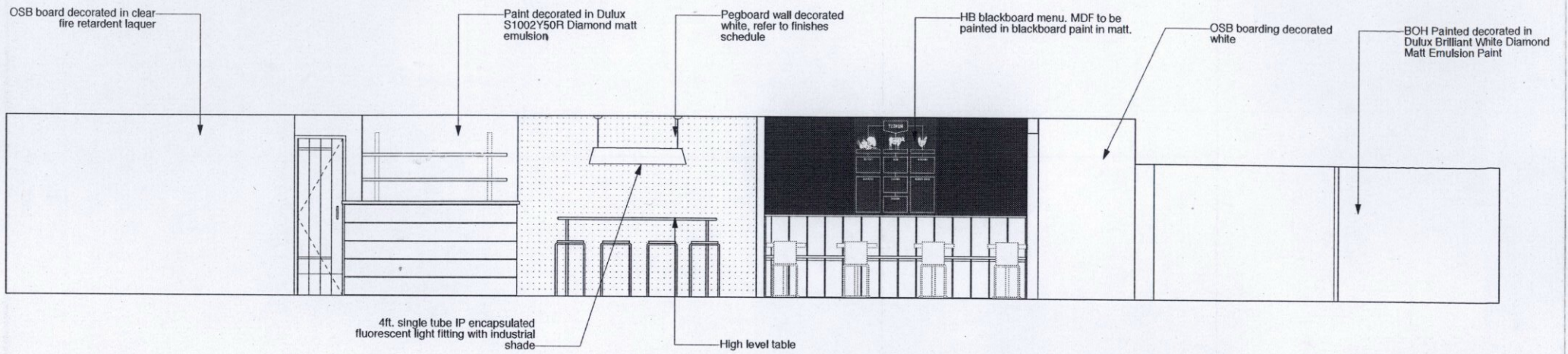
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3. ALL REQUESTED DRAWINGS SHOWING FIXINGS AND CONSTRUCTION DETAILS ARE TO BE APPROVED BY STONEBLUE PROJECTS LK. PRIOR TO COMMENCEMENT OF WORK
4. ALL SPECIFIED ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS
5. CONTRACTOR TO PROVIDE A WORKING ENVIRONMENT WHICH CONFORMS TO THE CURRENT HEALTH AND SAFETY AT WORK CONDITIONS AND LOCAL AUTHORITY REGULATIONS
6. ALL FINISHES ARE TO BE CARRIED OUT TO A HIGH STANDARD
7. ANY DIMENSIONS ARE TO BE TAKEN FROM THE SETTING OUT PLAN ONLY AND ARE NOT TO BE SCALED FROM THE DRAWINGS
8. IT IS THE CONTRACTORS RESPONSIBILITY TO UNDERTAKE AND ENSURE THAT ANY BUILDING WORK IS CARRIED OUT UNDER LOCAL AUTHORITY REQUIREMENTS
9. THE CONTRACTOR IS TO CHECK AND APPRAISE ALL DESIGN, SHOPFITTING AND CONSTRUCTION DETAILS AND OFFER ALTERNATIVES TO THE DESIGNER FOR APPROVAL
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 design, project management, cost consultants
 12 Bedford Road
 Twickenham
 Middlesex
 TW2 5EW
 ray@stoneblueprojects.co.uk

PROJECT	Honest Burgers 4 Meard Street	
TITLE	Proposed Basement - GA	
DRAWN	DATE	SCALE
RD	May 2014	1:50 @ A3
PROJECT	NUMBER	REVISION
s2366	04.03	A

- INFORMATION ONLY
- APPLICATION FOR LOCAL AUTHORITY
- TENDER
- CONSTRUCTION

A	26.1.15	High level table added and leaner tables omitted
REV	DATE	ITEM



GENERAL NOTES

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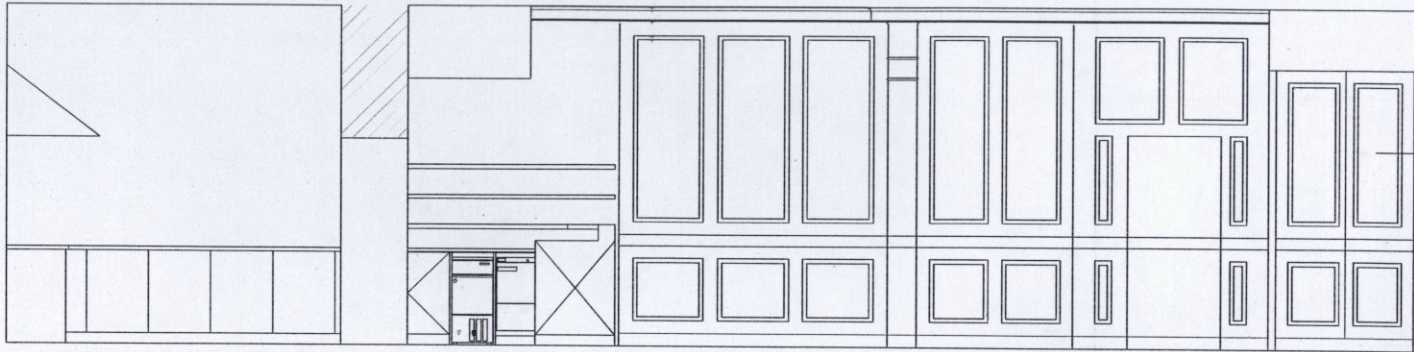
Stoneblue Projects

design, project management, cost consultants
 12 Bedford Road
 Twickenham
 Middlesex
 TW2 5EW
 ray@stoneblueprojects.co.uk

PROJECT	Honest Burgers 4 Meard Street	
TITLE	Proposed Basement - Sections A & B	
DRAWN	DATE	SCALE
RD	May 2014	1:50 @ A3
PROJECT	NUMBER	REVISION
s2366	06.02	A

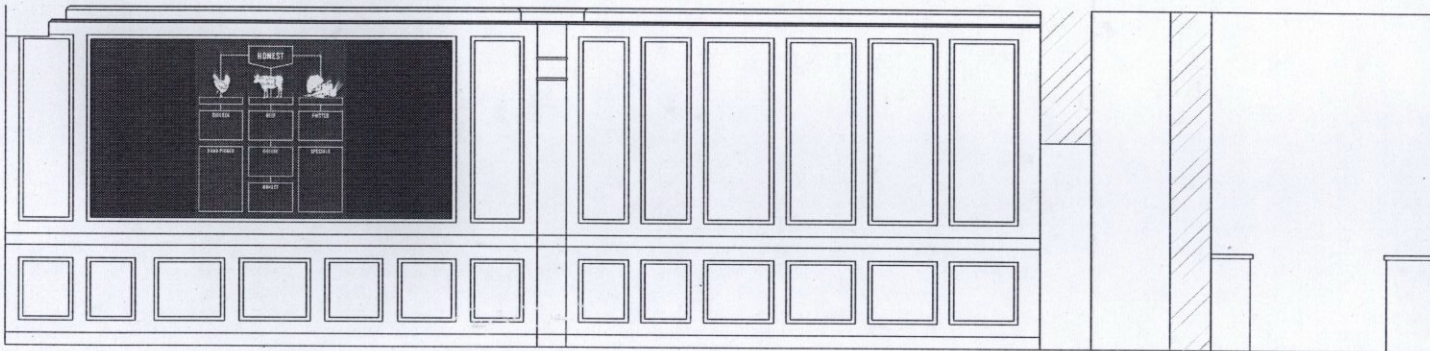
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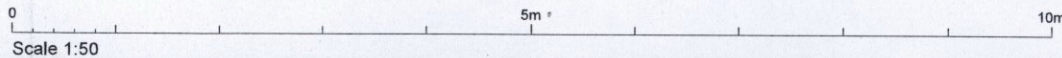
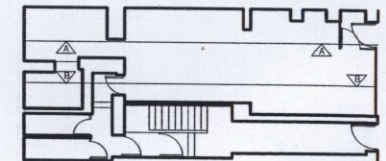


New double door cupboard.
Doors panelled to match
existing wall panelling

VIEW ON ARROW A



VIEW ON ARROW B



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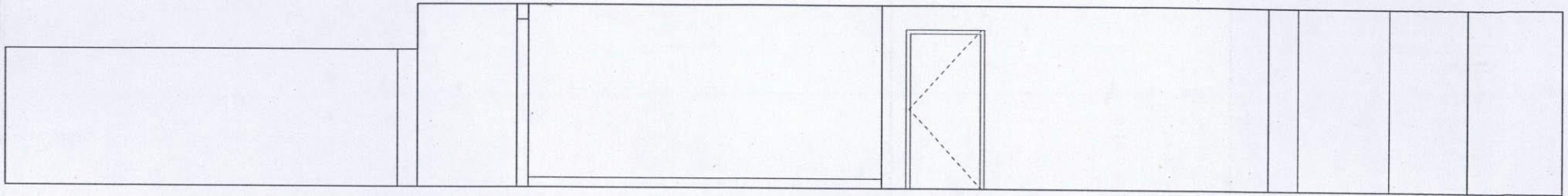
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TW2 5EW
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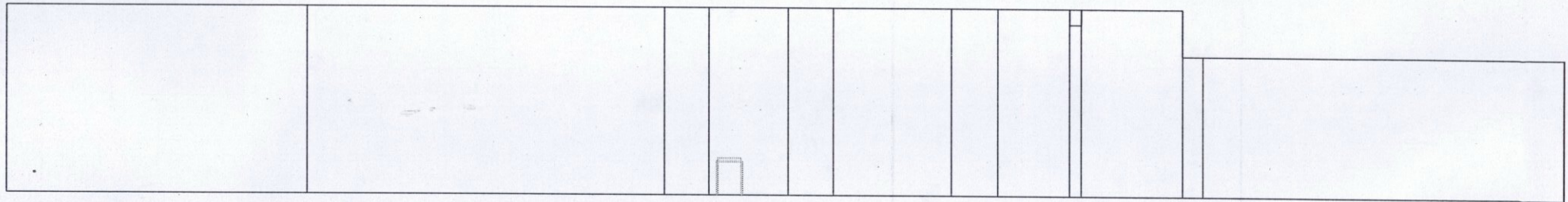
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TITLE			
Proposed Ground Floor - Sections			
DRAWN	DATE	SCALE	
RD	May 2014	1:50 @ A3	
PROJECT	NUMBER	REVISION	
s2366	06.01	A	

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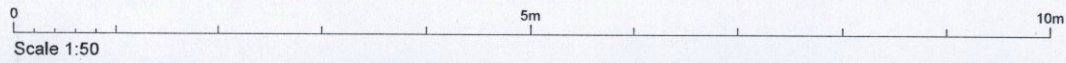
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REV	DATE	ITEM



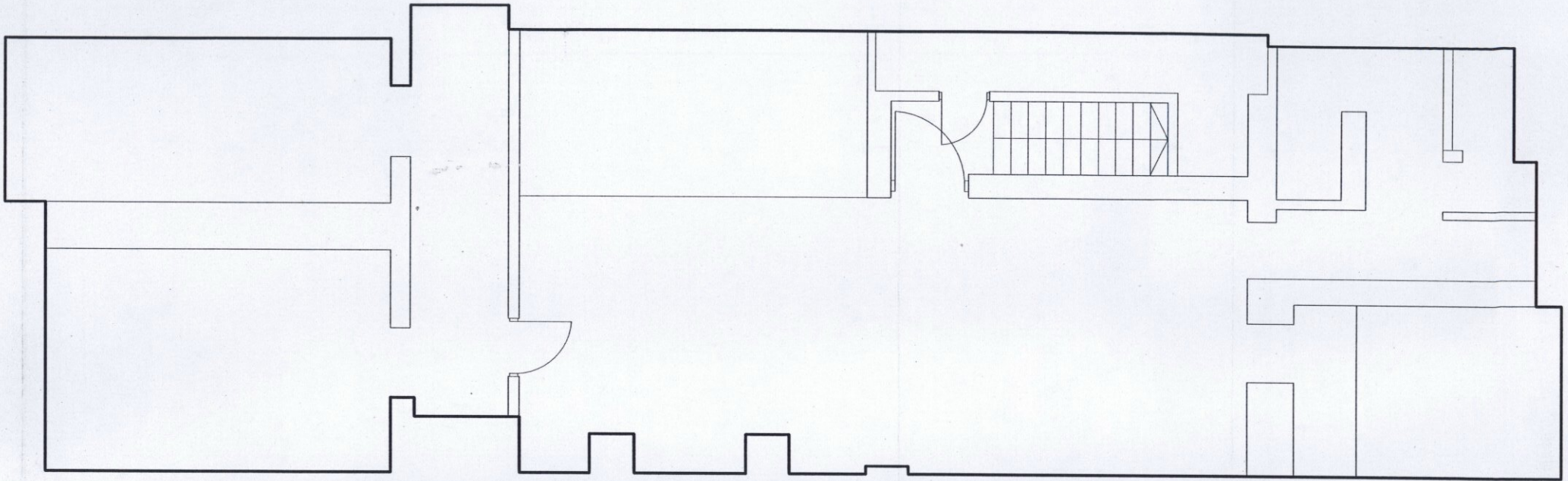
01 SECTION A
1:50 @A3



02 SECTION B
1:50 @A3



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PROJECT	Honest Burgers 4 Meard Street	
TITLE	Basement Demise Plan	
DRAWN FD	DATE May 2014	SCALE 1:50 @ A3
PROJECT s2366	NUMBER 00.04	REVISION -

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- TENDER
- CONSTRUCTION

REV	DATE	ITEM
-	-	-

