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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 12 December 2017 | Classification For General Release | |
| Report of Director of Planning | | Ward(s) involved St James's | |
| Subject of Report | 12 Cardinal Walk, London, SW1E 5JE | | |
| Proposal | Use of 12 Cardinal Walk as a restaurant (Class A3), and associated external alterations including the setting out of external tables and chairs. | | |
| Agent | Gerald Eve | | |
| On behalf of | LS Cardinal Limited | | |
| Registered Number | 17/07672/FULL | Date amended/ completed | 19 October 2017 |
| Date Application Received | 25 August 2017 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Outside conservation area | | |

1. RECOMMENDATION

1. Grant conditional permission subject to a deed of variation to the S106 legal agreement dated 31 May 2002 (00/01841/FULL) to remove the obligation (Clause 4) which requires the provision of exhibition and community space on site within the Cardinal Place development and replace it with a new obligation securing a financial in lieu payment of £2,875,000 index linked, towards social and community facilities and identified projects within the St James's Ward.

2. If the deed of variation to the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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.

2. SUMMARY

12 Cardinal Walk is a single storey unit (228sqm) located on the first floor roof terrace level of the Cardinal Place development. The unit, currently known as the 'Victoria Pavilion' is located above Marks and Spencer retail store and adjacent to Wagamama restaurant and is currently used as a marketing suite by virtue of a temporary planning permission which expires on 31 December 2017 after which date the unit must revert to exhibition/community (Class D1) use. The application site also includes an adjacent area (167sqm) of ancillary estate management space (sui generis).

The current application is for a change of use from exhibition/community space (Class D1) and ancillary estate management accommodation (sui generis) to Class A3 restaurant use with associated external alterations including the setting out of external tables and chairs for use as an outdoor dining area.

LS Cardinal Limited (Landsec) are proposing that the loss of the existing Class D1 social and community space be off-set by the provision of a commuted payment (£2,875,000) in lieu of physical provision to be spent on social and community facilities within the St James's Ward.

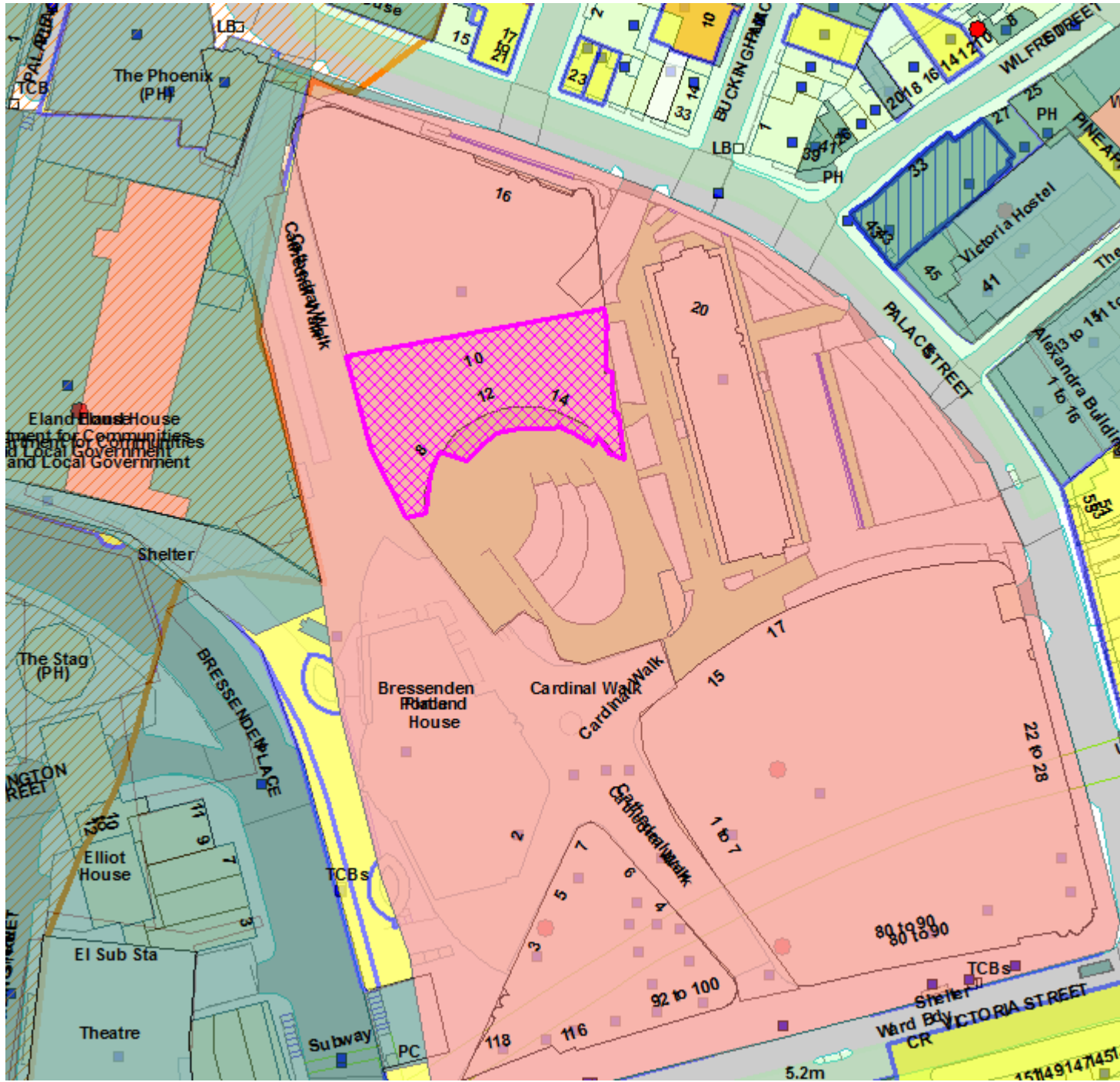
Objections to the proposed restaurant have been received from two residents of The View, 20 Palace Street on amenity grounds: noise nuisance, loss of privacy and smell/noise nuisance from restaurant plant.

The key issues for consideration are therefore:

- whether a financial payment of £2,875,000 index linked towards social and community facilities in the St James's Ward in lieu of on-site provision is acceptable
- the impact of the new restaurant on residential amenity

For the reasons set out in the report, the proposals are considered to be acceptable and in accordance with relevant policies, subject to appropriate conditions and a deed of variation to the 2002 S106 legal agreement.

3. LOCATION PLAN



4. PHOTOGRAPHS



**12 Cardinal Walk
South elevation from roof top garden**

5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection

VICTORIA NEIGHBOURHOOD FORUM

Any response received to be reported verbally

ENVIRONMENTAL HEALTH

No objection subject to conditions

CLEANSING

Condition required to secure provision of storage for waste and recyclable materials

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 146; No. of replies: 2;

Two objections from residents of The View, 20 Palace Street on the following grounds:

AMENITY:

- Noise nuisance in the evenings from customers accessing the restaurant and dining outside
- Outdoor dining area will cause additional loss of privacy
- Smell and noise nuisance from the restaurant plant

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

12 Cardinal Walk is a single storey unit (228sqm) located on the first floor roof terrace level of the Cardinal Place development. The unit, currently known as the 'Victoria Pavilion' is located above Marks and Spencer retail store and adjacent to Wagamama restaurant and is currently used as a marketing suite by virtue of a temporary planning permission (12/06154/FULL) which expires on 31 December 2017 after which date the unit must revert to exhibition/community (Class D1) use. The application site also includes an adjacent area (167sqm) of ancillary estate management space (sui generis).

The site is located within the Core Central Activities Zone but is not within a Stress Area. The site is not within a conservation area.

6.2 Recent Relevant History

Cardinal Place development

Planning permission was granted on 31 May 2002 (00/01841/FULL) for demolition of Esso House, Glen House and 16 Palace Street; erection of a 10 storey building (Victoria Street) and 7 storey building (Palace Street) for Class A1, A2 and A3 purposes, offices, public toilets, public open spaces and exhibition space; extension and use of part of ground floor of Portland House as a café/restaurant.

The exhibition/community space on the first floor roof terrace level of what was then known as Building 2 was secured by condition and S106 legal obligation (Clause 4) which also required the submission and approval of a Management Strategy for the exhibition/community space to include details of 1) proposals for use of the space by community groups, 2) details of marketing, 3) conditions and rates of hire by community groups and 4) appointment of an arts curator. The exhibition/community space opened as the SW1 Gallery in 2006 and operated until 2012.

Public access to and use of the open space at first floor roof level of Building 2 is restricted under the terms of the 2002 S106 to between 08.00 until 21.00 each day excluding Sundays and Bank Holidays in order to protect the amenity of residents of The View, 20 Palace Street. This is why when planning permission was granted to extend the opening hours of Wagamama to 22.30 daily on 15 March 2007 (06/10271/FULL), conditions were imposed to restrict the use of the outdoor seating associated with Wagamama to 21.00 and to require Wagamama to place barriers from the top of the escalator to the entrance of the restaurant to prevent customers accessing the roof terrace area after 21.00.

12 Cardinal Walk

Planning permission was granted on 1 March 2013 (12/06154/FULL) for a temporary change of use of the SW1 Gallery (Class D1) to marketing suite (sui generis) for a period of five years. This permission was subject to a S106 legal agreement securing the payment of £115,000 per annum towards community projects run by the St James's Theatre on Palace Street and the marketing suite to be made available for community use for a minimum of 25 occasions per annum.

This permission expires on 31 December 2017 after which the unit must revert back to exhibition/community space (Class D1).

7. THE PROPOSAL

| | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|---|--------------------|--------------------|------------|
| Exhibition/community space (Class D1) | 228 | 0 | -228 |
| Estate management ancillary space (sui generis) | 167 | 0 | -167 |
| Restaurant (Class A3) | 0 | 395 | +395 |
| TOTAL | 395 | 395 | 395 |

The current application is for a change of use from exhibition/community space (Class D1) and ancillary estate management accommodation (sui generis) to Class A3 restaurant use with associated external alterations including the setting out of external tables and chairs for use as an outdoor dining area. The proposed number of covers within the restaurant is 160 and a further 84 covers outside.

The external alterations include the introduction of two vertical louvres to replace glazing panels in the curtain wall in the south elevation of the unit and 'refreshing' of the planting on the existing green roof. The additional mechanical plant required by the new restaurant will be located within existing plant enclosure on the roof and within the unit itself.

LS Cardinal Limited (Landsec) are proposing that the loss of the existing Class D1 social and community space be off-set by the provision of a commuted payment in lieu (£2,875,000) of physical provision to be spent on social and community facilities and identified projects in the St James's Ward. Thus committee approval is also sought for the existing S106 obligation (Clause 4 of the 2002 S106) which requires the provision of exhibition and community space on site within the Cardinal Place development to be replaced with a new obligation securing a financial in lieu payment of £2,875,000 index linked.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of exhibition/community space

UDP Policy SOC1 states that proposals which involve the change of use of community facilities will be required to include adequate replacement facilities. City Plan Policy S34 seeks to protect existing social and community floorspace, except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.

Within this policy context, Landsec consider the following to be material planning considerations: 1) the long and short term sustainability and appropriateness of 12 Cardinal Walk for exhibition/gallery or community use and 2) the provision of a financial in lieu payment directed to satisfy the needs of the local community across a range of identified projects within the St James's Ward.

During its 6 year operation, the SW1 Gallery was unable to attract a quality curator as the location and the space were deemed unsuitable. According to Landsec, factors which limited the SW1 Gallery's success include: 1) location at top of escalator with no street presence, 2) excessive glazing and thus limited hanging space, 3) utilitarian character, 4) low ceiling height and 5) the difficulty of having two uses (exhibition/gallery and community use) co-existing in one space. There has also been very little demand for use of the space by the local community.

Landsec therefore consider that a commuted payment in lieu (£2,875,000 index linked) of physical provision, will achieve a more beneficial and wider reaching impact on local

community services and identified projects within the St James's Ward. Landsec have calculated this capital figure in lieu by applying a capitalisation rate (yield) to value the annual sum currently paid (£115,000 per annum) to the community projects run by the St James's Theatre into perpetuity. This produces a sum in lieu payment of £2,875,000.

Whilst the proposed change of use to a restaurant would result in the loss of exhibition/community (Class D1) floorspace, the provision of a commuted payment in lieu would meet the policy objectives of City Plan S34 by helping to improve services and meet identified community needs. Thus, the planning obligation offered by Landsec would satisfy all three tests under Regulation 122 (CIL Regulations 2010) namely: 1) necessary to make the development acceptable in planning terms, 2) directly related to the development and 3) fairly and reasonably related in scale and kind to the development.

Restaurant use

The site is located within the Core CAZ but outside a Stress Area and would measure less than 500sqm GEA therefore Policy TACE8 applies. Under TACE8, permission will generally be granted for proposals where the City Council is satisfied that the development would not have an adverse impact on residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, parking/traffic and no adverse effect on the character or function of an area.

Objections have been received from two residents of The View, 20 Palace Street; a large block of flats immediately adjacent to the site to the east, on the following amenity grounds: evening noise nuisance and loss of privacy due to the proposed outdoor seating area and potential smell and noise nuisance from the restaurant plant equipment.

Landsec state that the proposed restaurant use will be similar in nature and operation to Wagamama who occupy the adjacent unit. The restaurant is proposed as an all-day dining use with up to 244 covers (160 inside and 84 outside) with an ancillary bar area. Like Wagamama, the proposed opening hours are 09.00 until 22.30 daily and also like Wagamama, the outdoor seating area would not be used after 21.00 daily. The amount of outdoor seating has been reduced slightly from 100 to 84 covers to pull the outdoor dining area further away from the adjacent flats in The View and, in order to minimise nuisance to residential neighbours, the external seating would only be moved for cleaning between 09.00 and 11.00 the following day and not after closing (as is the case with Wagamama). In addition, because public access to the roof garden is prohibited after 21.00, barriers will be placed from the top of the escalator to the restaurant entrance; again this is the case with Wagamama and the same style of barriers will be used and moved into place by estate management security staff each night. It is recommended that all the above is secured by condition, as is the case with the planning permission for Wagamama (06/10271/FULL).

All the mechanical plant required by the proposed restaurant will be located within the existing louvred plant enclosure at roof level and within the building itself. The two new vertical louvres proposed in the curtain wall of the south elevation are for air supply (intake) only. The restaurant kitchen extract will be routed internally and discharge at roof level adjacent to the kitchen extract for Wagamama on the west side of the building

away from The View. Environmental Health are satisfied with the plant equipment noise emission levels and kitchen extract arrangements subject to conditions.

The Design and Access Statement and Operational Management Strategy submitted with the application outline the general principles of the waste strategy for the Cardinal Place estate as a whole. Dedicated waste and recycling storage will be provided in the basement; the Cleansing manager has requested that further details of this are secured by condition. All deliveries will be carried out via the Cardinal Place estate loading bay on Palace Street and moved to the unit via the goods lift.

8.2 Townscape and Design

The two new, vertical louvred panels in the south elevation will match the material, colour and profile of the existing louvres at roof level. These and the re-planting of the existing green roof will have minimal impact on the character and appearance of the building and the surrounding area.

8.3 Economic Considerations

The economic benefits associated with the new restaurant and the financial contribution towards social and community facilities and projects within the St James's Ward are welcomed.

8.4 London Plan

This application raises no strategic issues.

8.5 National Policy/Guidance Considerations

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

8.6 Planning Obligations

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

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

A deed of variation is required to the S106 legal agreement dated 31 May 2002 (00/01841/FULL) to remove the obligation which requires the provision of exhibition and community space on site within the Cardinal Place development and to replace it with a new obligation securing a financial in lieu payment of £2,875,000 index linked towards social and community facilities and identified projects with the St James's Ward.

The planning obligation offered by Landsec is considered to meet all three tests of the CIL Regulations 2010 for the reasons outlined above in section 8.1 of this report.

The proposal does not generate an additional Mayoral or Westminster CIL payment.

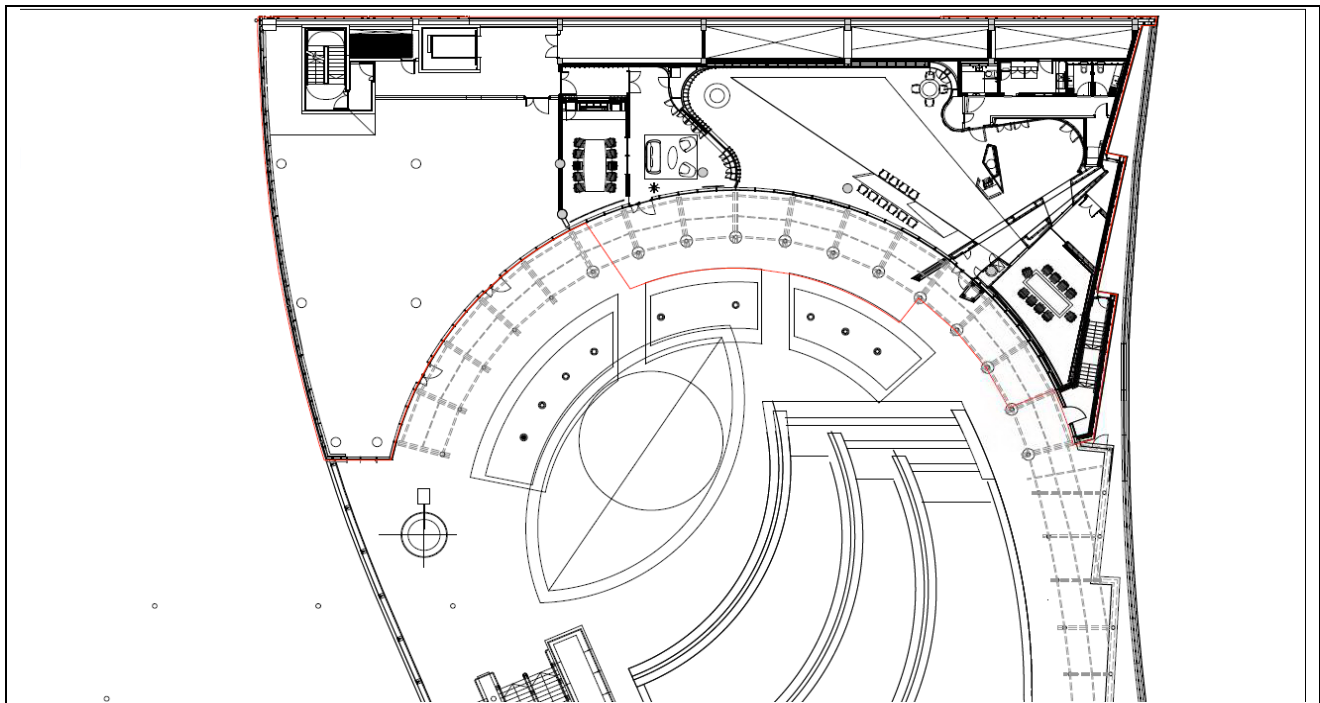
9. BACKGROUND PAPERS

1. Application form and Gerald Eve letter dated 25 August 2017
2. Westminster Society online comments dated 14 September 2017
3. Environmental Health memorandum dated 2 October 2017
4. Cleansing memorandum dated 19 September 2017
5. Flat 206, 20 Palace Street online comment dated 10 October 2017
6. Apartment 306, 20 Palace Street online comment dated 25 September 2017

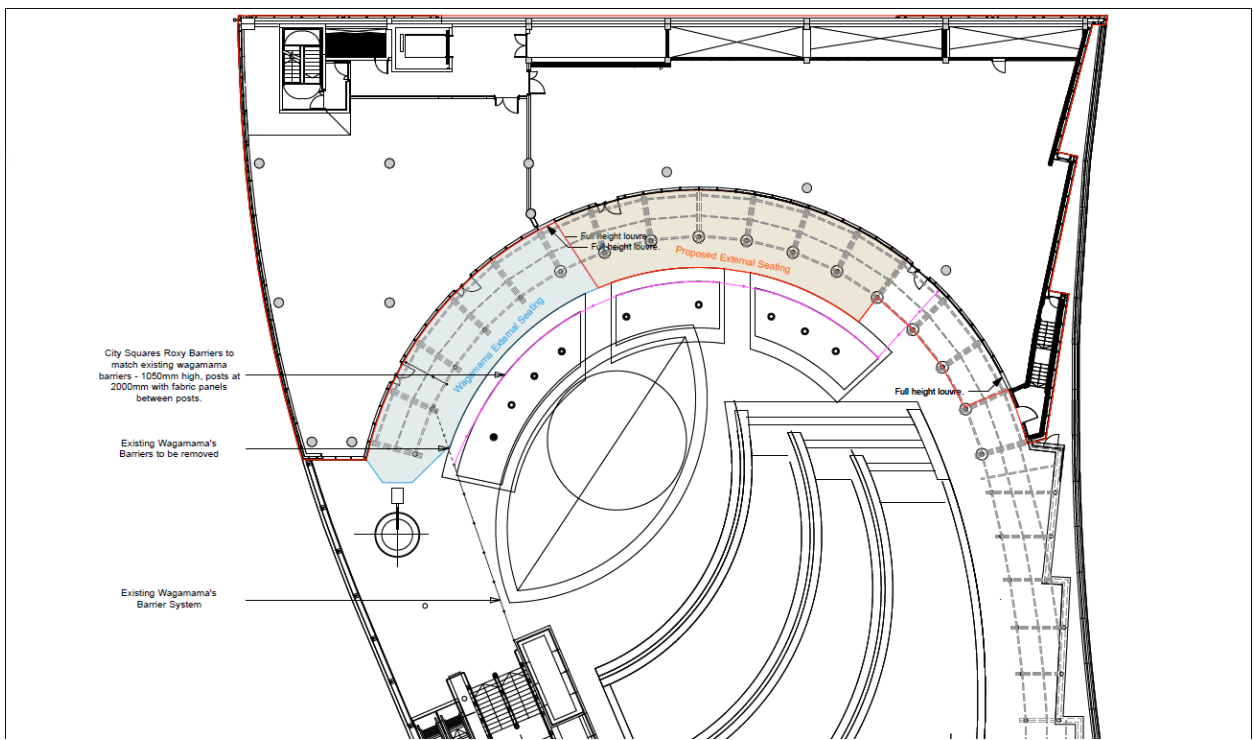
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS



Existing floor plan

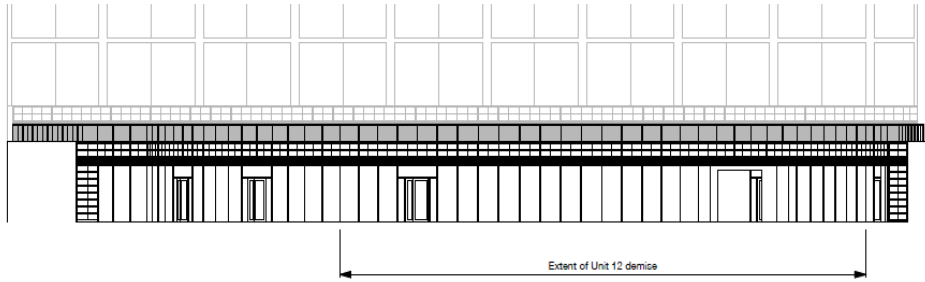


City Squares Roxey Barriers to match existing wagamama barriers - 1050mm high, posts at 2000mm with fabric panels between posts.

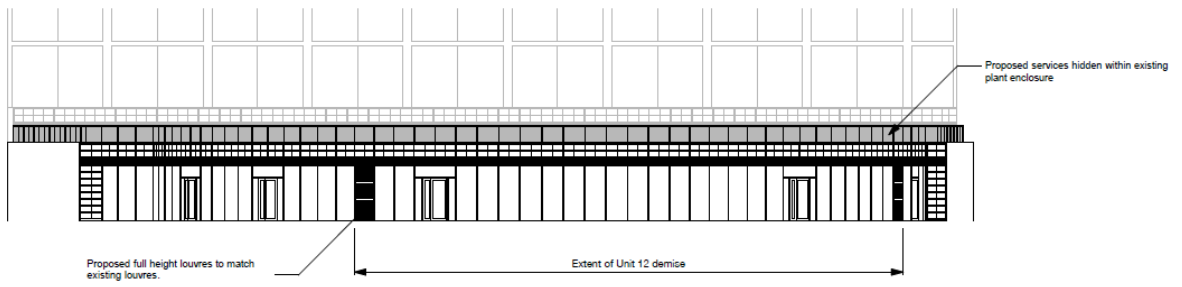
Existing Wagamama's Barriers to be removed

Existing Wagamama's Barrier System

Proposed floor plan



Existing South elevation



Proposed South elevation

DRAFT DECISION LETTER

Address: 12 Cardinal Walk, London, SW1E 5JE

Proposal: Use of 12 Cardinal Walk as restaurant (Class A3), and associated external alterations including the setting out of external tables and chairs.

Reference: 17/07672/FULL

Plan Nos: Gerald Eve letter dated 25 August 2017; Henley Halebrown Design and Access Statement dated August 2017; Hann Tucker Associates Environmental Noise Survey and Plant Noise Assessment Report dated 22 August 2017; Operational Management Strategy dated August 2017; Plans:- 9_1614_P_001 I, P_002 I, P_003 P, P_004 I, SK_103 I, P_102 I, P_103 I; 60491367-M-SK001, SK002 and SK003.

Case Officer: Amanda Jackson

Direct Tel. No. 020 7641 2934

Recommended Condition(s) and Reason(s)

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

Reason:

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

2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

4 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

5 You must not allow more than 160 customers within the restaurant and no more than 84 customers in the outside dining area at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

6 Customers shall not be permitted within the restaurant premises before 09.00 or after 21.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

7 You must not allow customers to use the tables and chairs outside the restaurant after 21.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

8 The tables and chairs outside the restaurant shall only be moved for cleaning purposes between 09.00 and 11.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

9 You must apply to us for approval of detailed drawings of the barriers to be erected from the top of the escalator to the entrance of the restaurant; and a scaled plan showing their location. You must not open the restaurant unit until we have approved what you have sent us. You must then put up the barriers between 21.00 and 22.30 hours daily, according to these details.

Reason:

To protect the environment of people in neighbouring properties; and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, TACE 8, DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

10 (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 (November 2016), 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.

11 The plant/machinery hereby permitted shall not be operated except between 09.00 hours and 00.00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

12 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.

13 The restaurant kitchen extract ventilation equipment shall be installed and operated in accordance with the design specifications detailed in Section 8 of the Design and Access Statement by Henley Halebrown dated August 2017.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

14 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the restaurant. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

15 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant 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

(November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

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 (November 2016), 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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

4 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

5 Conditions 10, 11 & 12 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)

6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

7 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the payment of a financial contribution towards social and community facilities in the St James's Ward. (I55AA)

8 You are advised to submit a S96a application to remove Condition 19 (which requires the provision of exhibition and community space within Cardinal Place) of planning permission dated 31 May 2002 (00/01841/FULL).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.