

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>10 - 12 Bourlet Close, London, W1W 7BR</b>		
<b>Proposal</b>	Erection of a 4 <sup>th</sup> floor mansard roof extension at No's 10 and 11 and a 3 <sup>rd</sup> floor mansard at No 12, excavation of a sub-basement level, installation of plant within acoustic enclosure at rear first floor level at No's 11 and 12 in connection with continued use of the buildings as offices (Class B1).		
<b>Agent</b>	Leith Planning Limited		
<b>On behalf of</b>	Bourlet Close Properties Limited		
<b>Registered Number</b>	16/12196/FULL	<b>Date amended/ completed</b>	22 December 2016
<b>Date Application Received</b>	22 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	East Marylebone		

## 1. RECOMMENDATION

1. Grant conditional permission.

## 2. SUMMARY

The application relates to three buildings in office use (Class B1) on the eastern side of Bourlet Close, which is a short cul-de-sac located on the southern side of Riding House street. The buildings are unlisted within the East Marylebone Conservation Area.

Permission is sought for erection of mansard roof extensions and the excavation of a sub- basement providing additional office floorspace.

The key issues for consideration are :

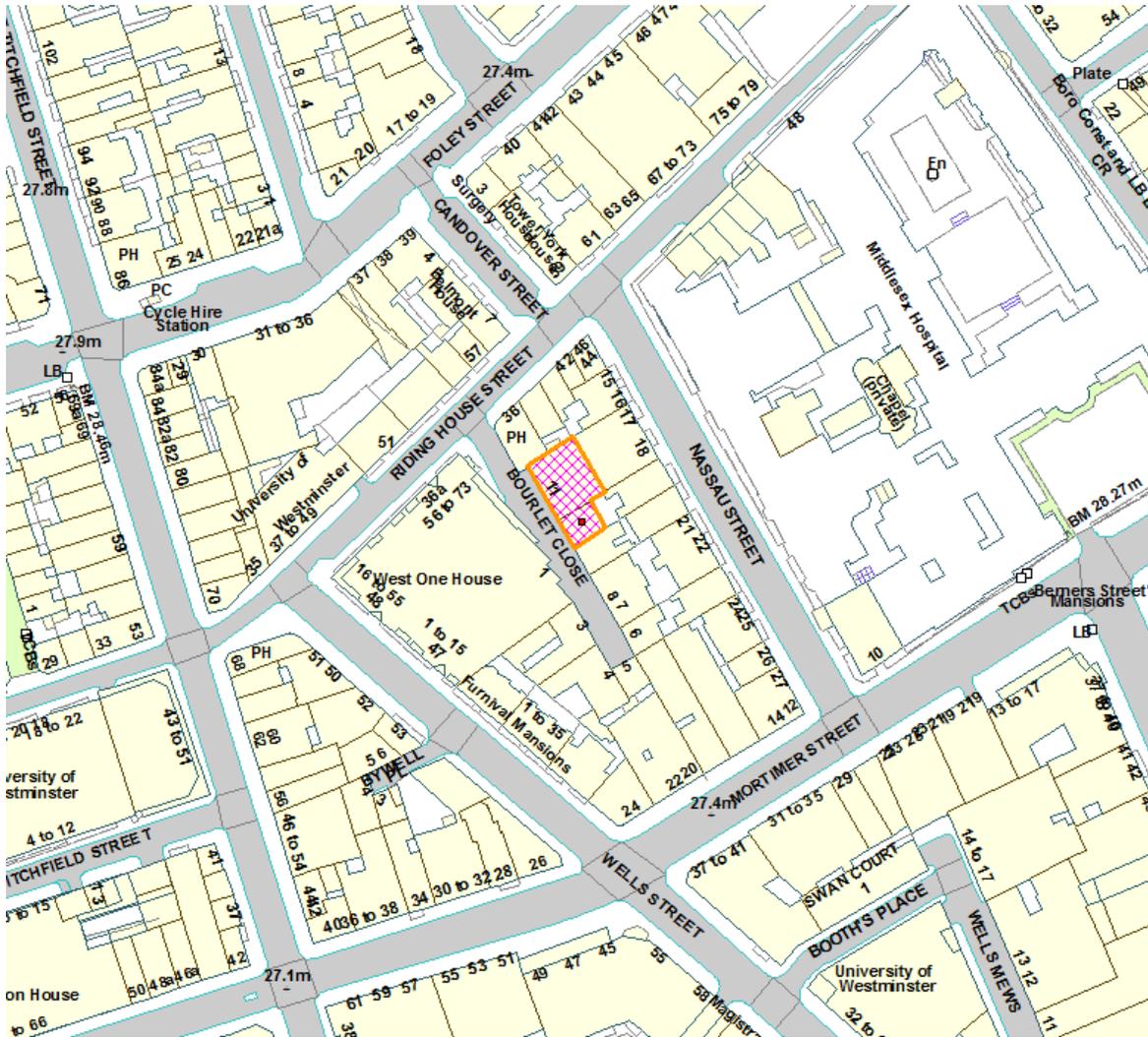
- The impact in design terms on the townscape and the conservation area
- The impact on residential amenities

The planning history is particularly relevant. On 3<sup>rd</sup> October 2016 permission was granted for mansard roof extensions across all three properties. This scheme includes two main changes to the previous approval:

- i) Raising the mansard roof and gable walls by 200mm to enable the provision of a lift and ;
- ii) excavation of a sub-basement

The proposed works are relatively modest alterations to the previously permitted scheme. The application is considered acceptable in land use, amenity, design and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Existing front elevation



## 5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION:  
Any response will be reported verbally.

BUILDING CONTROL:  
No objection, structural report is acceptable.

ENVIRONMENTAL HEALTH:  
No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 67  
Total No. of replies: 6  
6 objections from 4 respondents raising some or all of the following issues;

Amenity  
Loss of light and views  
Loss of privacy  
Noise and disturbance during construction

Design  
Roof addition too bulky

Highways  
Increased vehicular and pedestrian activity  
The Cul De Sac cannot successfully accommodate construction traffic  
A construction transport management plan is required

Other  
Overdevelopment  
Additional waste collection  
Potential structural damage

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

10, 11 and 12 Bourlet Close are unlisted buildings located in the East Marylebone Conservation Area. No 10 and 11 comprise of lower ground, ground and three upper floors, No 12 comprises lower ground, ground and two upper floors. All three buildings are in use as offices (Class B1).

Bourlet Close is a short cul-de-sac accessed from the southern side of Riding House Street. It is mixed use in character, comprising both commercial offices and residential and a Public House immediately to the north of the application premises. The site lies within the Core Central Activities Zone (CAZ),

## 6.2 Recent Relevant History

On 22.12.2015 a lawful development certificate was granted confirming the use of the property as office accommodation (Class B1) 15/09973/CLEUD.

On 3.10.2016 an appeal was allowed against non-determination for the following development: Erection of mansard roof extensions across all three buildings and associated internal and external works in connection with the continued use as offices (Class B1). Installation of plant within acoustic enclosure at rear first floor level 16/01025/FULL

On 16.11.2016 changes to the front and rear elevations were agreed as non-material amendments to the permission granted on 3.10.2016 (16/01025/FULL) – 16/10331/NMA.

## 7. THE PROPOSAL

Permission is sought for the erection of a 4<sup>th</sup> floor mansard roof extension at No's 10 and 11 and a 3<sup>rd</sup> floor mansard at No 12, excavation of a sub-basement level, installation of plant within acoustic enclosure at rear first floor level at No's 11 and 12 in connection with continued use of the buildings as offices (Class B1).

The current application seeks to raise the mansard roof extensions permitted in October 2016 by 200mm, in order to accommodate an internal lift overrun. The alterations include raising the heads of the dormer windows by 410mm, and raising the parapet.

A sub- basement is also proposed which will provide additional storage and plant for the lawful offices (Class B1).

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The principle of the provision of additional office space was established when permission was granted for mansard roof extensions in October last year. The increase in office floorspace in this location within the Core CAZ. is again considered acceptable.

Policy S1 of the City Plan promotes a mix of uses within the Core CAZ. For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:

- A) Where the net additional floorspace (of all uses) is;
- i. less than 30% of the existing building floorspace, or
  - ii. less than 400sqm; (whichever is the greater),

or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.

The buildings have an existing gross internal area of 804 (GIA) and the proposal seeks an increase in office floorspace by 232 m<sup>2</sup> (92 roof + 140 basement), resulting in 1285m<sup>2</sup> (GIA). The additional 232m<sup>2</sup> of office floorspace is a 28% increase to the existing building. Accordingly the proposal does trigger a requirement to provide residential under City Plan policy S1, and complies with land use policies.

## **8.2 Townscape and Design**

The existing buildings are considered to make a positive contribution to the street and surrounding area, and have simple facades of an industrial appearance. None of the windows facing the street are original (dating from a late twentieth century refurbishment) and their alteration is acceptable in principle. In design terms the alterations proposed in this application are minor namely: the mansard roof and gable walls have been raised by 200mm; the dormer window heads have been raised slightly; the parapet has been raised by 300mm (4 courses) at Number 11 Bourlet Close and 525mm (7 courses) at Number 10 Bourlet Close. A plant enclosure at rear first floor level is acceptable and the basement has no appreciable external manifestation.

The amendments are considered minor and acceptable in design terms and accord with the City Councils UDP adopted in 2007 and City Plan adopted in July 1016. A condition is recommended requiring the mansards to be constructed in their entirety to ensure the unity of the buildings is maintained.

## **8.3 Residential Amenity**

A daylight and sunlight report was submitted in support of the earlier permitted scheme. In granting permission it was considered that the mansard roof extensions would not adversely impact on levels of daylight and sunlight to neighbouring properties. An updated daylight and sunlight report has been submitted as part of the current application to take into account the proposed 200mm increase in height of the mansard roof extensions. The report demonstrates that there are no material changes to daylight and sunlight levels experienced by neighbouring properties over and above the previously approved scheme.

Objections that the application would result in the overdevelopment of the site and a loss of daylight and sunlight to residential properties in the vicinity are not considered sustainable.

There is no significant change to the approved window arrangement and it is considered that the current scheme would not result in overlooking or any material increased sense of enclosure to neighbouring buildings. The proposal accords with UDP policy ENV13 and City Plan policy S29.

## **8.4 Transportation/Parking**

There is no dedicated cycle parking indicated on the proposed plans, however the London Plan requires 1 space per additional 90m<sup>2</sup>. In accordance with cycle parking standards two spaces should be provided. There is adequate space within the sub-basement or lower ground floor to accommodate the two required cycle parking spaces. It is recommended that this is secured by condition.

## **8.5 Economic Considerations**

Any economic benefits of an extension to an existing office building are welcomed.

## **8.6 Access**

Access to the building will be unchanged and the building will be serviced from Bourlet Close.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Plant**

The proposed plant within an acoustic enclosure at rear 1<sup>st</sup> floor level has been previously permitted. The applicant has confirmed that no new additional external plant would be required. Environmental Health have confirmed that they have no objection to the application subject to the imposition of standard conditions which control the operation of plant.

## **8.8 London Plan**

The application raises no strategic issues.

## **8.9 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.

## **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment is: £39,351.06

Mayoral CIL- £9,169.51

Westminster CIL- £30,181.55

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

## **8.11 Environmental Impact Assessment**

There are no environmental impacts associated with this proposed development.

## **8.12 Other Issues**

### **Basement**

Basement developments need to be assessed against City Plan Policy CM28.1

As the site is a commercial premises within the Core Caz the policy does not restrict the depth or extent of the basement excavation provides it adheres to a number of criteria relating to landscaping, sustainable urban drainage, trees, ecology, energy efficiency, heritage considerations and a requirement that the basement is not visible. In this case the single storey basement wholly contained under the footprint of the existing buildings complies with the basement policy.

### **Structural issues**

With regards to basement structural impact, objections have been received from adjoining occupiers in relation to potential risk of subsidence and movement as a result of basement works. To address this and the requirements of the basement SPD and policy, the applicant has provided a structural engineer's report and supporting geotechnical survey 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 level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Building Control officers have reviewed the submitted details and raised no concerns. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is located outside the surface water flood risk hotspot.

### **Construction impact**

Concerns from adjoining occupiers have been expressed regarding construction related disturbances. Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma setting out an obligation on behalf of the applicant to undertake the works in accordance with the Councils Code of Construction Practice. This is a provision of the adopted basement policy revision to provide the Council with greater monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. A condition is recommended that prior to commencement of development, the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice.

## **9 BACKGROUND PAPERS**

1. Application form
2. Response from Environmental Health, dated 30 January 2017

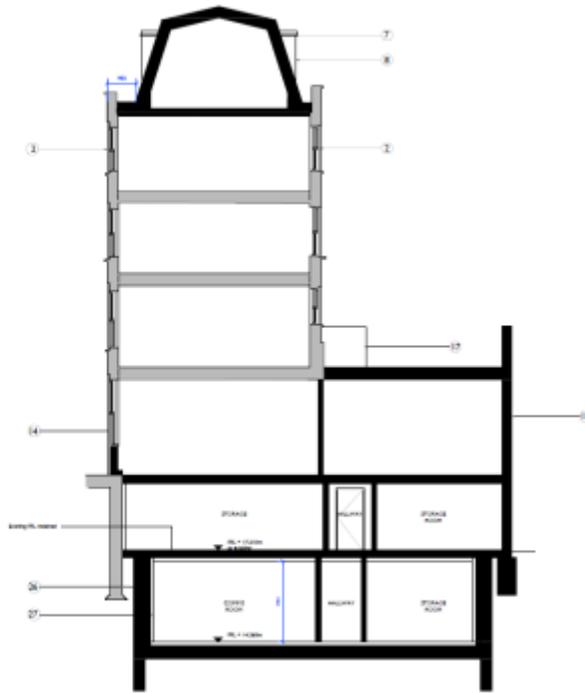
3. Letter from occupier of 1B , Bourlet Close, London, dated 16 January 2017
4. Letter from occupier of 9a Bourlet Close, London, dated 12 January 2017
5. Letter from occupier of 9B Bourlet Close, London, dated 26 January 2017
6. Letter from occupier of 9 Bourlet Close, London, dated 26 January and 7 February 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: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)



Drawing 3. Proposed Section A-A



1 Proposed Section AA - LOP Level Retained  
1/50 (A) 1/100 (A) 2

- Drawing Key**
1. Proposed window and window treatment with additional vertical window panel shall not meet criteria to maintain the historic massing character of the building. Window details shall only be modified to provide thermal performance requirements called for in the Building Regulations.
  2. Floor level extension window subject with additional window panel shall not meet criteria with existing double window unit.
  3. Existing window opening retained. Floor-to-ceiling window shall be modified to meet the new window size and height.
  4. Existing window opening retained. Floor-to-ceiling window shall be modified to meet the new window size and height.
  5. Window opening shall be modified to meet the new window size and height.
  6. Floor shall extend to suit new window profile. Existing case retained as per detail.
  7. New window extension between units only with vertical case shall not meet Building Regulations. Floor and slab shall be modified to maintain column spacing distance to meet Building Regulations.
  8. Floor structure to be left with existing window unit window with existing double window unit.
  9. New floor shall be modified between new window openings.
  10. Existing floor shall be modified to meet new window unit window.
  11. New window extension with hatched roof and use back from floor slabs to retain sub-structure in the historic form character of the building.
  12. Existing window opening retained and modified.
  13. Existing floor opening retained with additional window panel with existing and new window unit window.
  14. Existing window opening and shall retain as existing. The historic massing character.
  15. Existing window opening and shall retain as existing. The historic massing character.
  16. Existing window opening and shall retain as existing. The historic massing character.
  17. Existing window opening and shall retain as existing. The historic massing character.
  18. Existing window opening and shall retain as existing. The historic massing character.
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  25. Existing window opening and shall retain as existing. The historic massing character.
  26. Existing window opening and shall retain as existing. The historic massing character.
  27. Existing window opening and shall retain as existing. The historic massing character.
- Existing structure  
 New structure

**Notes**

Drawings are based on current data and may not accurately represent current conditions.

Do not scale from this drawing. All dimensions are to the centerline unless otherwise noted.

All dimensions are in millimeters unless otherwise stated.

Partial and full sections are indicated as follows:

Partial section  
 Full section

NO.	DATE	REVISION	DESCRIPTION
1	10/20/20	01	ISSUE FOR PERMITTING
2	10/20/20	02	ISSUE FOR PERMITTING
3	10/20/20	03	ISSUE FOR PERMITTING
4	10/20/20	04	ISSUE FOR PERMITTING

**CLIENT:** Purcell  
**PROJECT:** 1515 Market Street - Rehabilitation  
**DRAWING TITLE:** Proposed Section AA - LOP Level Retained  
**SCALE:** 1/50 - 1/100  
**DRAWING NUMBER:** 1515-01-01-01  
**DATE:** 10/20/20  
**DESIGNER:** J. [Name]  
**CHECKER:** [Name]  
**DATE:** 10/20/20  
**PROJECT:** 1515 Market Street - Rehabilitation  
**SCALE:** 1/50 - 1/100  
**DRAWING NUMBER:** 1515-01-01-01  
**DATE:** 10/20/20  
**DESIGNER:** J. [Name]  
**CHECKER:** [Name]  
**DATE:** 10/20/20



**DRAFT DECISION LETTER**

**Address:** 10 - 12 Bourlet Close, London, W1W 7BR,

**Proposal:** Erection of mansard roof extensions across all three buildings and the excavation of a sub-basement level and associated internal and external works in connection with an office use (Class B1). Installation of plant within acoustic enclosure at rear first floor level.

**Reference:** 16/12196/FULL

**Plan Nos:** 236799/200, 201B, 202B, 203A, 204A, 205A, 206B, 207B, 210D, 211E, 212D, 220D, 225.

**Case Officer:** Lindsay Jenkins

**Direct Tel. No.** 020 7641 5707

**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 All three mansard roof extensions shall be constructed in their entirety as set out in the approved drawings.

Reason:

To maintain the character of the East Marylebone Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007.

- 3 No development shall commence until details of the materials and finishes to be used in the construction of the external surfaces of the extensions and alterations hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 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)

- 5 The 'A' weighted sound pressure level from all non-construction related plant and machinery (including non-emergency auxiliary plant and generators) operated at the site shall not at any time exceed a value of 10 dB below the minimum external background noise and shall not exceed 15 dB below the minimum external background noise where the noise contains tones or is intermittent. Measurement shall be at a point 1 metre outside any window of any residential or other noise sensitive property. The background level shall be expressed in terms of the lowest LA90, 15 minutes during hours of operation. The plant-specific noise level shall be expressed as LAeqTm and shall be representative of the plant operating at its maximum.

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.

- 6 All non-construction related plant and machinery (including non-emergency auxiliary plant and generators) operated at the site shall not at any time cause vibrations to be transmitted to adjoining or other premises and structures through the building structure and fabric of this development so 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 or 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.

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 8 You must apply to us for approval of details of 2 secure cycle parking space for the extended office use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 10 The roof slates shall be natural welsh slate

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 11 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 12 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:

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 East Marylebone Association Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 With reference to condition 7 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies,

including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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.