

PLANNING DECISION NOTICE

Drawing and Planning Ltd
Mercham House
25-27 The Burroughs
Hendon
Greater London
NW4 4AR
United Kingdom



ISLINGTON

Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA

Case Officer: Joe Aggar

T: 020 7527 2449

E: planning@islington.gov.uk

Issue Date: 14 December 2015

Application No: P2015/4404/COL

(Please quote in all correspondence)

Dear Sir or Madam

Article 39 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (EXISTING DEVELOPMENT)

The Council of the London Borough of Islington hereby certifies that on **14 December 2015** the existing development described in the First Schedule below ("the proposal") in respect of the land specified in the Second Schedule below, ("the land") would have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

The Local Planning Authority is satisfied, on the basis of the evidence submitted, that it has been adequately established through this application that the premises at 38 Brecknock Road London N7 0DD has been in use as three self contained residential flats (Use Class C3) for a continuous period of 4 years prior to the date of this application and so it has been established under the Town and Country Planning Act 1990 as amended in section 171(b) (1).

FIRST SCHEDULE

Use as three self-contained residential flats.

PLAN NOS:

Planning Statement dated October 2015 with appendices comprising supporting evidence;
Photographs of Site dated October 2015; BCKRD-E001; BCKRD-L000; BCKRD-P001; BCKRD-L001; BCKRD-E002; BCKRD-P002; BCKRD-S001; BCKRD-P004; BCKRD-P003; BCKRD-P005.

SECOND SCHEDULE

Location: 38 Brecknock Road London N7 0DD

Yours faithfully

A handwritten signature in black ink that reads "Karen Sullivan". The signature is written in a cursive style with a horizontal line underneath.

**KAREN SULLIVAN
SERVICE DIRECTOR - PLANNING AND DEVELOPMENT
AND PROPER OFFICER**

Your attention is drawn to any **INFORMATIVES** that may be listed below.

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the development specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule. Any development which is materially different from that which already has planning permission or which differs from that described or which relates to other land may render the owner liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

SUBSEQUENT REQUIREMENTS FOLLOWING THE GRANT OF PERMISSION

1. The Building Acts and Building Regulations

To ensure compliance with the Building Acts and Building Regulations, you should contact the Building Control Service regarding the development and any intended works.

T: 020 7527 5999

E: building.control@islington.gov.uk

2. Street Naming and Numbering

If the development results in changes to any postal address or addresses on the site you should contact the Street Naming and Numbering section. Failure to do so can result in delays to conveyancing, the connection of services or the initiation of postal deliveries.

T: 020 7527 2245 / 2611

E: addressmanagement@islington.gov.uk

3. Environmental Health, Trading Standards and Licensing

You may need to comply with various Acts and therefore you should contact Commercial and/or Residential Environmental Health and/or Trading Standards and/or Licensing. The Licensing Team deal with premises that sell alcohol, provide entertainment, late night refreshment, gambling and special treatments such as beauty therapies, tattoos and saunas.

T: 020 7527 3186 (Commercial/Residential/Trading Standards)

T: 020 7527 3031 (Licensing)

E: Street.Trading@islington.gov.uk

Licensing@islington.gov.uk

Residential.Envh@islington.gov.uk

Commercial.Envh@islington.gov.uk

4. Inclusive Design and Access for Disabled People

The London Plan, Islington's Core Strategy and relevant Supplementary Planning Documents and Part M of the Building Regulations require the creation/maintenance of an Inclusive Environment. If you require any further information or advice on the application of the principles of Inclusive Design contact the Inclusive Design officers. Other applicable standards and design guidance are set out in:

- Inclusive Mobility – www.dft.gov.uk/publications/inclusive-mobility
- Approved Document M – Access to and use of buildings
- Islington's Accessible Housing SPD – [http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Public-consultation/2011-2012/\(2012-03-03\)-Accessible-Housing-SPD-Adopted-March-09.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Publicity/Public-consultation/2011-2012/(2012-03-03)-Accessible-Housing-SPD-Adopted-March-09.pdf)
- Islington's Inclusive Landscape Design SPD - [http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/\(2012-03-03\)-Inclusive-Landscape-Design-SPD-January-2010.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/(2012-03-03)-Inclusive-Landscape-Design-SPD-January-2010.pdf)
- BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people.

Regardless of any Planning or Building Regulations approval your client and or future occupant may have duties under the Equalities Act 2010 (which supersedes the Disability Discrimination Act). Those duties include to take all reasonable steps to ensure that disabled person experiences no less favourable treatment, which will involve the elimination of obstructive physical features.

T: 020 7527 2394
E: planning@islington.gov.uk

5. Highways

In order to comply with the provisions of the Highways Act, and/or other Highways matters, you should contact Highways Services. Hoardings, scaffolding, skips, overhanging structures, anything on the public highway (tables and chairs for example) are regulated by the Streetworks Team.

T: 020 7527 2000
E: streetworks@islington.gov.uk

6. Parking Suspensions

In order to secure parking bays for the sole use of contractors on site, you should contact Parking and CCTV Services.

T: 020 7527 1377/6262/6129
E: parkingsuspensions@islington.gov.uk

7. Trees

Any trees which are the subject of a Tree Preservation Order or within a conservation area may not be lopped, felled, uprooted or wilfully damaged without permission. Should you wish to undertake any such works contact the Tree Service.

T: 020 7527 2417/2150
E: treeservice@islington.gov.uk

8. Storage and Collection of Refuse

In order to ensure the intended approach/strategy to refuse, recycling, waste removal is acceptable, you should contact Street Environment Services.

T: 020 7527 2000
E: contact@islington.gov.uk

9. Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under the Control of Pollution Act. The normal approved noisy working hours are:

- 08:00 to 18:00 Monday to Friday
- 08:00 to 13:00 Saturday
- No work on Sundays and Public Holidays

If you anticipate any difficulty in carrying out construction works other than within normal working hours (above) and by means that would minimise disturbance to adjoining properties then you should contact the Pollution Project Team.

T: 020 7527 7272
E: pollution@islington.gov.uk

10. Fire Precautions

If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade.

T: 020 8555 1200 (ext: 59163)
A: Eastern Command, Fire Safety Department
Units 5-6 City Forum
City Road,
LONDON EC1V 2FB

11. Petrol Storage

To ensure compliance with the Petroleum (Consolidation) Act and for advice on the storage of petroleum spirit or petroleum mixture, you should contact the London Fire and Civil Defence Authority.

T: 020 8555 1200 (ext: 59163)
A: Eastern Command, Fire Safety Department
Units 5-6 City Forum
City Road,
LONDON EC1V 2FB

**APPLICANT'S RIGHTS FOLLOWING THE
GRANT OR REFUSAL OF PERMISSION**

1. Appeals to the Secretary of State

Should you (an applicant/agent) feel aggrieved by the decision of the council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Section 78 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning from the date of the decision notice (unless an extended period has been agreed in writing with the council):

- **Six months:** Full (excluding Householder and Minor Commercial applications), listed building, conservation area consent, Section 73 'variation/removal', Section 73 'minor-material amendment', extension of time, and prior approval applications.
- **12 weeks:** Householder planning, Householder prior approval and Minor Commercial applications.
- **8 weeks:** Advertisement consent applications.
- **No timescale:** Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued the appeal period may be significantly reduced, subject to the following criteria:

- The development proposed by your application is the same or substantially the same as development that is currently the subject of an enforcement notice: **28 days of the date of the application decision.**
- An enforcement notice is served **after the decision on your application** relating to the same or substantially the same land and development as in your application and if you want to appeal against the council's decision you are advised to appeal against the Enforcement Notice and to do so before the Effective Date stated on the Enforcement Notice..

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the council (attn: Planning Appeals Officer).

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional/special circumstances. The Secretary of State can refuse to consider an appeal if the council could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements and provisions of the Development Order and to any direction given under the Order. In practice, it is uncommon for the Secretary of State to refuse to consider appeals solely because the council based its decision on a 'direction given by the Secretary of State'.

2. Subsequent Application Fees

No planning fee would be payable should a revised application be submitted within 12 months of the decision. This 'fee waiver' is permitted only where the new application meets the following criteria:

- the applicant is the same as the applicant of the original application
- site boundary is the same as the site boundary of the original application
- the nature of development remains the same.

3. Purchase Notices

Should either the council or the Secretary of State refuse permission or to grant permission subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state nor through carrying out of any development which has been or could be permitted. In such a case, the owner may serve a purchase notice on the council. This notice will require the council to purchase the owner's interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990 and Section 32 of the Planning (Listed Buildings Conservation Areas) Act 1990.

4. Compensation

In certain circumstances compensation may be claimed from the council if permission is refused or granted subject to condition(s) by the Secretary of State on appeal or on reference to the Secretary of State. These circumstances are set out in Section 114 and related

provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. General Information

A planning permission does not constitute a listed building consent. Listed building consent is required before any works of development or alteration (internal or external) are undertaken to a building included on the Statutory List of Buildings of Architectural or Historic Interest.

A planning permission does not constitute a conservation area consent. Conservation area consent is required before any demolition works are undertaken to a building/structure within a designated conservation area – being the substantial demolition of a building/structure and/or demolition wall/fence fronting a public highway.

The grant of a permission does not relieve the applicant/developer of the necessity of complying with any local Acts, Regulations, Building By-laws, private legislation, and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements etc., applying to or affecting either the land to which the permission relates or any other land or the rights or any person(s) or authority(s) entitled to benefit thereof or holding an interest in the property.

A development for which permission is granted require new rights over other people's land such as: rights to receive light and air, rights of way, access, freeholder consent, party wall award. In such situations it is appropriate to seek professional advice – please be aware that as such matters relate are private law matters, the council cannot advise you. If planning permission is given in respect of land adjoining land belonging to the council or another public authority, you are advised to consult that authority in its capacity as landowner about your proposals. Examples of land belonging to the council include: Public Parks, Gardens, Housing Estates, Estate Roads and Public Buildings such as Council Offices, Libraries and Swimming Pools.

6. If you require further advice please visits our website at www.islington.gov.uk or contact the Planning Enquiries team on 020 7527 2000.