

PLANNING DECISION NOTICE

Drawing and Planning Ltd -Mr David Mansoor
Mercham House
25-27 The Borroughs
Hendon
NW4 4AR

Development Management Service
Planning and Development Division
Environment & Regeneration Department
PO Box 3333
222 Upper Street
LONDON N1 1YA
Case Officer: Pedro Rizo
T: 02075275514
E: planning@islington.gov.uk
Issue Date: 20 January 2015
Application No: P2014/0954/FUL
(Please quote in all correspondence)

Dear Sir or Madam

TOWN AND COUNTRY PLANNING ACTS**BOROUGH COUNCIL'S DECISION: Approve with conditions**

Notice is hereby given of the above stated decision of Islington Borough Council, the Local Planning Authority, in pursuance of its powers under the above mentioned Acts and Rules, Orders and Regulations made thereunder, relating to the application / development referred to below, at the location indicated, subject to the condition(s) listed and in accordance with the plans submitted, save insofar as may be otherwise required by the condition(s).

Location:	8 - 9 Tilney Court, London, EC1V 9BQ
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Application Type:	Full Planning Application		
Date of Application:	05 March 2014	Application Received:	05 March 2014
Application Valid:	05 March 2014	Application Target:	30 April 2014

DEVELOPMENT:

Erection of a five storey side extension, roof extension and lower ground floor basement level to create 4 two-bedroom flats and 1 one-bedroom flat (increase of 4 units overall)

PLAN NOS:

Energy Strategy Report (dated 08th January 2014), Daylight, Sunlight and Overshadowing Report (dated January 2014), Internal Daylight Analysis (dated January 2014), Planning Statement (dated March 2014) and Drawing Numbers TLNCR-L000, TLNCR-L001, TLNCR-E002, TLNCR-E001, TLNCR-P001, TLNCR-P002, TLNCR-S001, TLNCR-P003, TLNCR-L-101, TLNCR-P100, TLNCR-P101, TLNCR-P102, TLNCR-P103, TLNCR-P104, TLNCR-P105, TLNCR-E101, TLNCR-E102 and RLNCR-S101.

CONDITIONS:

1	3 YEAR CONSENT PERIOD: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission. REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter
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5).

- 2 DRAWING AND DOCUMENT NUMBERS: The development hereby approved shall be carried out in accordance with the following approved drawing numbers:

TLNCR-L000, TLNCR-L001, TLNCR-E002, TLNCR-E001, TLNCR-P001, TLNCR-P002, TLNCR-S001, TLNCR-P003, TLNCR-L-101, TLNCR-P100, TLNCR-P101, TLNCR-P102, TLNCR-P103, TLNCR-P104, TLNCR-P105, TLNCR-E101, TLNCR-E102 and RLNCR-S101.

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

- 3 MATERIALS TO MATCH (COMPLIANCE): The facing materials of the roof extension and side extension hereby approved shall match the existing building in terms of colour, texture, appearance and architectural detailing and shall be maintained as such thereafter.

REASON: To ensure that the appearance of the building is acceptable.

- 4 LAYOUT IN ACCORDANCE WITH PLANS OR AS REVISED: The ground floor/lower ground floor flat shall be laid out in accordance with the plans hereby approved. The development shall be carried out strictly in accordance with the approved plans and shall be maintained as such thereafter.

REASON: In the interest of sustainability, accessibility and to ensure that the resulting standard of accommodation is to a high standard, and is suitable and functional.

- 5 ACCESSIBLE HOMES STANDARDS - (COMPLIANCE): The residential dwellings, in accordance with the Access Statement and plans hereby approved, shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards.

REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.

- 6 Car-Free Development: All future occupiers of the residential unit hereby approved shall not be eligible to obtain an on street residents parking permit except:

i) In the case of disabled persons;

ii) In the case of units designated in this planning permission as non car free; or

iii) In the case of the resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

REASON: In order to secure car free development in the borough and mitigate the impact of the development on the borough's road network.

- 7 CONDITION: A Construction Management Plan assessing the environmental and transport impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In order to mitigate the impact of the development to nearby residents and businesses.

8 **CONDITION:** No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation, which has been submitted by the applicant and approved by the Local Planning Authority in writing. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of the results and archive disposition has been secured.

Reason: Heritage Assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.

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

To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website.

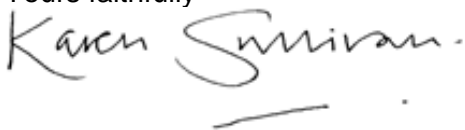
A pre-application advice service is also offered and encouraged.

Whilst no pre-application discussions were entered into, the policy advice and guidance available on the website was followed by the applicant.

The applicant therefore worked in a proactive manner taking into consideration the policies and guidance available to them, and therefore the LPA delivered a positive decision. The application was not determined in a timely manner in accordance with the requirements of the NPPF, by reason that the S106 agreement was not signed in time.

Certified that this document contains a true record of a decision of the Council

Yours faithfully



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

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 visit our website at www.islington.gov.uk or contact the Planning Enquiries team on 020 7527 2000.