

**PLANNING DECISION NOTICE**

Mr Jeff Gillett  
The Gillett Macleod Partnership  
1 High road  
Old Eastcote  
Pinner  
HA5 2EW

Development Management Service  
Planning and Development  
Islington Town Hall  
London, N1 2UD  
E [Planning@islington.gov.uk](mailto:Planning@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Case Officer: Andrew Jarratt  
E: [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**Issue Date:**  
**Application No: P2024/2318/COL**

(Please quote in all correspondence)

**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 the proposed 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):

**FIRST SCHEDULE**

Certificate of Lawful (Existing Development) for use as Office Space and Community Centre (E(g)(i) & auxiliary use of E(f))

PLAN NOS:

**SECOND SCHEDULE**

Location: **5 Elthorne Road, London**

Yours faithfully



**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](mailto: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 2032 or 020 7527 2245 E [address.management@islington.gov.uk](mailto:address.management@islington.gov.uk)

W <https://www.islington.gov.uk/planning/applications/street-naming-and-numbering>

## 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.

Commercial Environmental Health	T 020 7527 3816	E <a href="mailto:commercial.envh@islington.gov.uk">commercial.envh@islington.gov.uk</a>
Trading Standards		E <a href="mailto:trading.standards@islington.gov.uk">trading.standards@islington.gov.uk</a>
Residential Environmental Health	T 020 7527 3083	E <a href="mailto:Residential.envh@islington.gov.uk">Residential.envh@islington.gov.uk</a>
Licensing	T 020 7527 3031	E <a href="mailto:Licensing@islington.gov.uk">Licensing@islington.gov.uk</a>

## 4. Inclusive Design and Access for Disabled People

The London Plan, Islington's Local Plan 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

T 020 7527 2394 E [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

Other applicable standards and design guidance are set out in:

Inclusive Design in Islington SPD [www.islington.gov.uk/inclusivedesign](http://www.islington.gov.uk/inclusivedesign)

Streetbook SPD [www.islington.gov.uk/streetbook](http://www.islington.gov.uk/streetbook)

Islington's Inclusive Landscape Design SPD [www.islington.gov.uk/DownloadableDocuments/Environment/Pdf/ldf\\_pack/Inclusive\\_LandscapeDesign\\_SPD\\_January\\_2010.pdf](http://www.islington.gov.uk/DownloadableDocuments/Environment/Pdf/ldf_pack/Inclusive_LandscapeDesign_SPD_January_2010.pdf)

BS8300:2009 – Design of buildings and their approaches to meet the needs of disabled people

Inclusive Mobility [www.dft.gov.uk/publications/inclusive-mobility](http://www.dft.gov.uk/publications/inclusive-mobility)

Approved Document M – Access to and use of buildings (Volume 1 Dwellings and Volume 2 buildings other than dwelling) <https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

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 taking all reasonable steps to ensure a disabled person experiences no less

favourable treatment, which will have implications for the design and management of premises see:[https://www.equalityhumanrights.com/sites/default/files/what\\_equality\\_law\\_means\\_for\\_your\\_business.pdf](https://www.equalityhumanrights.com/sites/default/files/what_equality_law_means_for_your_business.pdf)

## 5. Highways

In order to comply with all provisions of the Traffic Management Act (2004), Highways Act (1980), New Roads and Streetworks Act (1991) and/or other Highways matters, you should contact:

T 020 7527 2000 E [public.realm@islington.gov.uk](mailto:public.realm@islington.gov.uk)

There are various standards, guidance and licenses:

Hoardings, scaffolding, skips, overhanging structures, temporary crossover licenses and haulage routes and the like are regulated by the Streetworks Team.

T 020 7527 2000 E [streetworks@islington.gov.uk](mailto:streetworks@islington.gov.uk)

Tables and chairs licensing are regulated by the Street Trading Team.

T 020 7527 2000 E [street.trading@islington.gov.uk](mailto:street.trading@islington.gov.uk)

Parking suspensions require a minimum of 2 weeks notice.

T 020 7527 2000 E [parkingsuspensions@islington.gov.uk](mailto:parkingsuspensions@islington.gov.uk)

Any joint conditions survey required between Islington Council Highways and interested parties before commencement of building work

T 020 7527 2000 E [public.realm@islington.gov.uk](mailto:public.realm@islington.gov.uk)

Please note any damage to the public highway, or, any asset forming part of the public highway (including lighting, drainage and street furniture), alterations to road markings or parking layouts (must be agreed by Traffic and Parking) will be paid for by the developer.

All works to the public highway, unless otherwise legally agreed, must be undertaken by London Borough of Islington Highways Service. Works to the public highway will not commence until hoarding and major works around the development has been removed/completed. Before works commence on the public highway, the planning applicant must provide Islington Council's Highways Service with six months notice. All new statutory services must be complete prior to footway and/or carriageway works commencing.

All lighting works to be conducted by Islington Council Highways Lighting (or the PFI contractor) and not a nominee of the developer. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. Consideration should be taken to protect the existing lighting equipment within and around the development site.

T 020 7527 2000 E [streetlights@islington.gov.uk](mailto:streetlights@islington.gov.uk)

Public highway, footway and carriageway crossfalls, will not be permitted to drain water onto private land or private drainage and vice versa.

**6. 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.

E [planning@islington.gov.uk](mailto:planning@islington.gov.uk)

**7. 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](mailto:contact@islington.gov.uk)

**8. Nuisance from Construction Work**

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR, or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

T 020 7527 3258 E [pollution@islington.gov.uk](mailto:pollution@islington.gov.uk)

**9. Fire Precautions**

If you require continued maintenance of fire precautions in existing buildings where no building work is planned contact the London Fire Brigade. Address: Hackney, Islington & City FRS Team, London Fire Brigade, 3rd Floor Shoreditch Fire Station, Old Street, London, EC1V 9EY.

## **Community Infrastructure Levy (CIL)**

### **Note Accompanying Planning Permission**

1. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), a development which has been granted planning permission becomes a CIL chargeable development if it proposes one or more new dwellings, or more than 100sqm of new build floorspace.
2. Islington Council is the CIL Collecting Authority for developments in Islington and collects both the London Borough of Islington CIL and the Mayor of London's CIL, which goes towards funding Crossrail 1 and
3. The Council will use the CIL Additional Information form submitted with the planning application, alongside other application documents, to determine whether the application is CIL chargeable and to calculate the CIL charge.
4. If your application is deemed to be CIL liable, the charges will be calculated in accordance with the Community Infrastructure Regulations 2010 (as amended) and the applicable CIL rates from the Islington CIL Charging Schedule and the Mayor of London's CIL Charging Schedule.
5. The CIL is charged in pounds per square metre and is calculated by multiplying the applicable CIL rate by the proposed gross internal area (GIA) proposed by the development. The floorspace of existing buildings to be retained or demolished as part of the development will be deducted from the CIL chargeable area if part of the existing building has been in its lawful use for at least six months in the three years prior to permission being granted.
6. After permission is granted, the Council will issue a CIL Liability Notice if CIL liability has been triggered, which will set out the combined Islington CIL and Mayor of London CIL charge payable on commencement of the development. The CIL charge will also be registered as a Local Land Charge against the relevant land.
7. **One (or more) of the development parties must assume liability to pay CIL for a CIL chargeable development by submitting an Assumption of Liability Notice.** In the absence of this form, liability will default to site owner(s).
8. A development may be eligible for relief or exemption from CIL if it includes affordable housing, is owned by a charity and will be used wholly or mainly for charitable purposes, or is a self-build project. Relief or exemption must be claimed prior to commencement by submitting the appropriate claim form. Further information can be found on the GOV.UK website at <https://www.gov.uk/guidance/community-infrastructure-levy>
9. Islington Council and the Mayor of London do not have a policy for granting discretionary charitable relief or exceptional circumstances relief and will not accept claims made on this basis.
10. **You must inform the Council when the development is going to start by submitting a Commencement Notice**
11. Once the Council has been notified that development works have commenced, a CIL Demand Notice will be issued setting out the total amount payable, how to pay, and when payment is due.
12. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed, and you will not benefit from the 60 day payment window.
13. Late payment interest and surcharges will be imposed if payment is not received by the due date.
14. Continued failure to pay CIL liabilities due will result in the Council initiating enforcement action, including serving a CIL stop notice prohibiting further development on the site, and applying to a magistrates' court for a Liability Order to recover the debt through the seizure of assets.

Further information on CIL and all CIL forms are available on the Islington website at [Islington.gov.uk](http://Islington.gov.uk) CIL-information, and the Planning Portal website at [www.https://www.planningportal.co.uk/cil](https://www.planningportal.co.uk/cil). Guidance on the Community Infrastructure Levy can be found on the GOV.UK website at [www.gov.uk/guidance/community-infrastructure-levy](http://www.gov.uk/guidance/community-infrastructure-levy).

For further information on CIL please contact the Developer Contributions Team at [cil@islington.gov.uk](mailto:cil@islington.gov.uk).

## **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, 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: you must appeal 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 can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000

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 special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by Inquiry then you must notify the Local Planning Authority ([planning@islington.gov.uk](mailto:planning@islington.gov.uk)) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK..

## 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

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, 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 provision of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.

#### **4. 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.

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 may 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.

5. **If you require further advice please visit our website at [www.islington.gov.uk](http://www.islington.gov.uk) or email [planning@islington.gov.uk](mailto:planning@islington.gov.uk)**