

Bernard Works, Bernard Road, N15 4NX

Legal Opinion

Robert Walton KC, Landmark Chambers

15th November 2022

Introduction

1. GCAP Developments Ltd ("GCAP") is applying to Haringey Council ("the Council") for a certificate of lawfulness confirming that planning permission reference HGY/2017/3584 ("the Planning Permission") has been lawfully implemented on the above site ("the Site").
2. I am instructed that the Planning Permission had to be implemented by 9th July 2022 ("the Expiry Date").
3. GCAP's certificate application is to be accompanied by a report dated 2nd November 2022 prepared by CMP Construct ("the CMP Report") detailing the works that were done on the Site ("the Works") prior to the Expiry Date.
4. I am instructed by Urbanissta to advise GCAP whether the Works lawfully implemented the Planning Permission. In my view they did, for the reasons set out below.

Analysis

5. I am instructed that all relevant conditions were discharged before the Works were carried out, as set out in Table 1 in the covering letter prepared by Urbanissta in support of the certificate application.
6. As the CMP Report explains, the Works comprise the demolition of some of the structures on the Site and the construction of part of the foundations of units 3 and 4 in Block A of the

scheme approved by the Planning Permission. The foundations comprised an 8m x 8m slab, together with the steelworks as shown in the photos at section 4.3 of the CMP Report.

7. As set out in s.56 of the Town and Country Planning Act 1990, it is possible to implement a planning permission by carrying out demolition works and / or by “the digging of a trench which is to contain the foundations, or part of the foundations, of a building”. As set out in the CMP Report, demolition works were carried out and the foundation works went much further than simply digging a trench, with a very substantial amount of concrete being poured and steelworks being placed in situ.
8. I am instructed that further works have been carried out on site after the Expiry Date in accordance with the Planning Permission, as confirmed in Urbanista’s covering letter.
9. As set out above:
 - the Works were carried out in accordance with the approved drawings (as per the CMP Report);
 - the Works were carried out in accordance with the conditions attached to the Planning Permission (as per Table 1 of Urbanista’s letter); and
 - works have subsequently been carried on site after the Expiry Date, again in accordance with the Planning Permission.
10. On this basis I am very strongly of the view the Works were sufficient to implement the Planning Permission.
11. It follows that in my opinion the Council should issue the certificate as per GCAP’s application.

Robert Walton KC

15th November 2022