

Action 122.4 – Laurels (OSC 6th December 2010)

Dear Councillor Winskill,

Thank you for your email of 9th December enquiring why internal non-structural works were ordered to cease and what sections of the leases PCT breached when the works were commenced. My response to your enquiry is as set out.

The internal works that the leases allow without any consent are purely in connection with the erection, alteration and removal of demountable partitioning. As part of such permitted works, adjustments of associated ducting, ceiling tiles, lights and wiring are allowed. However, a pre-condition of the permitted consent is that details of the partitioning works must be deposited with the Council and Circle 33. Additionally, permitted associated adjustments purely relate to existing items and not the removal or replacement of the items.

In relation to the works ordered to cease, these are extensive and include the following as set out.

1. Conversion of the kitchen to a pharmacy involving complete strip out of kitchen equipments, fixtures and fittings, creation of an external door and new street access.
2. Complete transformation of three existing rooms to form operation, treatment, consultation and utility rooms with new drainage connection to each room.
3. Installation of new A/C units involving drilling, ducting and balcony location of condensers.
4. Removal of solid wall where necessary.

The above are a large portion of the works and these are extensive as you will appreciate. Although I acknowledge that partitioning forms part of the whole works, partitioning is an integral part and cannot be set aside to determine whether it is permitted partitioning in accordance with the leases.

If one were to assume that partitioning could be separated, the fact would still remain that PCT did not submit details of the partitioning which is a pre-condition of permitted consent. Additionally, permitted consent would not apply to the associated adjustments of ducting, ceiling tiles, lights and wiring as these involve removal and replacement of the items.

In starting the works without prior consents from the Council and Circle 33, the PCT breached the alteration clauses of the leases and the cessation of the works was ordered to ensure that there were no adverse effects to the assets of the Council and Circle 33. Also, cessation was ordered so that the Council did not experience any other loss, liability and legal action.

I end by saying that largely due to the efforts of the Council, Circle 33 have now given their conditional consent to the works and this should allow the works to recommence immediately.

The above as set out is my response to your enquiry and I hope that you are satisfied with my response.

Yours sincerely

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Valuer

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