

application bundle for judicial review,
I trust no documentation will be 105
suppressed or tampered with. In
particular, we would like a copy of the
letter dated 19 February from the
applicants to Llanelli Lampiran. I
am enclosing our cheque for £2.50 which
I hope will cover the cost of photocopying
and postage.

Yours sincerely,

M. O. Brougham.

34, Lancaster Place
W85RN

20 Sept '0

106

Dear Miss Salmon

33, Lancaster Place

Our letter dated 18 September sent by Special Delivery to Mr. French, Reference EOPC / MJF / PP/2980 has been intercepted by you. It is an absurd position. We are taking the matter up with the Local Government Ombudsman. We have informed the Council's legal Service's Department of our intention.

Yours sincerely,

M. O. Brougham

(Mrs. Mary Brougham LHB
Solicitor)

21 SEP 2000

C/DC

20th September

Christopher Bringham QC
Mary Bringham LLB
Solicitors
34, Laurenceston Place
W8 5RN

Mr. Alan Taylor
Town Clerk and Chief Executive
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street, London, W8 7HX

(107)

M advised MJF
+ PRD
+ DS

Dear Mr. Taylor

33, Laurenceston Place

Ref No DPS/DCC/PP/99/022480/LAS

I recently read the Planning Services Department's file to verify information given to me by the Case Officer and the agents for the owners of the above property. I discovered the implicit embargo of silence placed on the department and others which would explain your Council's inability to respond to our letter dated 29th February addressed to Councillor Lampson with copies to the Council and others. I understand the legal implications of your wish to protect the Council's employees.

By chance, I also read the Council's Customer Charter displayed on an external Notice Board at the Town Hall. If you had wanted to wind us up, you could not have done better!

Our main concern is a feeling of

● injustice which no-one has attempted to assuage. No effort has been made to deal with the points raised in our 108 letter of 29 February. It took us some time to analyse and distill our thoughts and your Council has shown no respect to us. All those concerned with this Planning Application must realise that two residents, both qualified lawyers, are quite convinced they have suffered an injustice and that the principle that all parties should be heard has been ignored.

Is it that the Council is not really equipped to deal "root and branch" in residential planning applications. We would have much preferred that you dealt with us honestly, rather than wasting hours, money and manpower in this matter.

end of Part 1

cont'd overleaf

We have "mugged up" the law in Planning matters, during the past nine and half months. Previously we had no specialisation or expertise. We are able to compose persuasive and articulate letters to the Council. We are now preparing for publication, at our own cost "A Guide to Residential Permitted Building Planning Applications in the Royal Borough of Kensington and Chelsea" similar in layout to the Council's "Guide to the Proceedings of the Planning Services Committee in the Royal Borough of Kensington and Chelsea". It will be an even-handed guide for applicants and objectors alike!

We are obtaining Case Officers Reports to compare their individual styles and overall quality. We are attending Committee hearings to collect anecdotal evidence.

We have done what everyone else does nowadays, and gone to the press.

Yours sincerely,

Mr. D. Collinge
Committee Services Administrator

M. O. Brougham.

(Mrs. Christopher Brougham)

110

MEMORANDUM

Chief Executive's Department - Committee Services Section

To: EDPC, Head of Press and PR
and DLS (c/o LeVerne Parker)

From: Daniel Collinge
Committee Section

Date: 21/9/00

Extn: 2303

33 LAUNCESTION PLACE, W8

The Chief Executive has requested that the attached letter be passed on to you for information. If you feel that a response is necessary please pass this to me as Mr Taylor would want it to go out in his name. I have copies of previous correspondence if you want to refer to it.

Many thanks



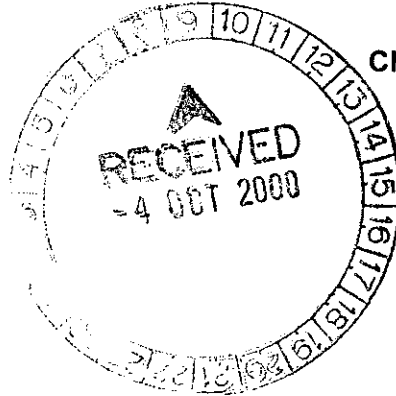
Committee Section

CRP

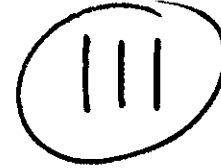
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DT - for info.

Ms LeVerne Parker
Legal Services
The Town Hall
Hornton Street
London W8 7NX



Christopher Brougham Q.C.
34 Launceston Place
London W8 5RN



3 October 2000

Your reference: LP/10021626

Dear Ms Parker,

33 Launceston Place

I refer to your two letters dated 25 September 2000.

First, I shall deal with your request to know precisely which points in my letter of 29 February have not been addressed in subsequent letters from the Executive Director. The answer is: all of them. No letter from the Executive Director has addressed any of them. I summarise the points, in the form of questions, as follows:

1. **Why, as soon as it was known that I wished to address the Planning Services Committee, was I not sent a copy of the *Guide to the Proceedings of the Planning Services Committee*?**
2. **Did the members of the Committee have the opportunity to read, and did they actually read, the four letters of objection from our expert, Mr Bruce Bond ARICS MRTPI, and the letters of objection from Mrs Brougham and myself, or did they simply rely upon the summary of objections contained in the Executive Director's Report?**

In the context of this Question, I refer you to the following confusing evidence on the point:

Standard letter of acknowledgment: "The ... Committee will consider your views very carefully when deciding this application".

Councillor Champion's opening question to myself at the Committee meeting on 23 February: "Why shouldn't we grant planning permission?"
2000.

Letter from Councillor Champion 26.02.00: "Members of the committee get their agendas a minimum of three working days in advance of the meetings and in any case have them over the weekend preceding

each meeting; they are therefore fully briefed on the applications and the objections that have been made as a result of public consultation. Any last minute letters are tabled at the meeting but this is not really fair on members ... who then have little or no time to properly consider such late contributions; it is much better if they are sent letters by post so they can be considered over the weekend before the meeting".

Guide to the Proceedings of the ... Committee: "3.3 Members of the Committee will have received their reports on each application about 4 days prior to the meeting and so will have had a good opportunity to consider details of the proposals. It may be the case, therefore, that applications are not extensively debated at the meeting, though this does not mean that they have not been the subject of careful consideration by the Members".

Second letter from yourself 25.09.00: "your letters dated 12th January and 18th January 2000 and Mr Bond's letters dated 6th and 9th January and 4th and 14th February and the outline of your proposed submissions to Committee [delivered by Mrs Brougham by hand on 23 February] were all given to each Member of the ... Committee prior to the consideration of the application".

The information contained in your second letter, which we should have been given months ago, gives rise to the following further question:

3. **How long prior to the meeting of 23 February were our two letters and Mr Bond's four letters given to each member of the Committee?**

4. **Why did the Executive Director's Report not address the contraventions of CDs 25, 26, 41(i), 48, 52 and 56 alleged in Mr Bond's letter of 6 January, or his reference to PPG1 (para 40: " ... applications which are not in accordance with relevant policies in the plan should not be allowed unless considerations justify granting a planning permission ...")?**

5. **What advice, if any, did the Council's planning officers give the Committee members concerning these contraventions alleged?**

6. **What were the Committee's reasons for rejecting each of these allegations of contravention of the UDP Policies?**

In the context of Questions 4 to 6 I refer you to Councillor Campion's letter of 26 February:

"I have to disregard my professional qualifications [as an architect] in taking decisions as a councillor because we employ our planning officers to offer any professional guidance needed ... [The Committee] has to bear in mind that it is required to approve applications unless there are good planning reasons for not doing so".

Secondly, I shall deal with the other points raised in your first letter of 25 September.

Undisclosed material. This was a reference to the letter to Councillor Campion dated 19 February, which you copied to us. Councillor Campion, as Chairman of the Committee, did not disclose to me that he had received a late personal letter from the applicants addressed to his home. I had no opportunity to deal with its contents. For instance, it contains the statement that "Peter Dixon, the Chairman of the Victoria Road Area Residents Association ... has assured us that the VRARA has no objections to our plans". This statement was untrue, and Mr Dixon (who lives next door to the applicants' previous address in Victoria Grove) has since reprimanded the applicants for it. Further, if it be the case that Councillor Campion did not personally read any of our letters or those of Mr Bond, but did read the applicants' letter, it was incumbent upon him, as a matter of procedural fairness, to say so.

Miss Salmon. From your perusal of the file you will be well aware that we have in previous letters expressed our lack of confidence in Miss Salmon. The last such letter, dated 18 September and sent by "special delivery" to Mr French and headed with Mr French's personal reference, was acknowledged by a postcard with the words "YOUR COMMUNICATION ... HAS BEEN PASSED TO/IS BEING DEALT WITH BY *Anne Salmon*". Was this calculated provocation? As regards what Miss Salmon may have meant when she spoke to Mrs Brougham on the telephone, I will only say that the whole point of the phone call was to ascertain whether the applicants' more recent drawings had been submitted by a qualified architect – this was the sole subject matter of the conversation. However, Mrs Brougham has never suggested that this example of Miss Salmon's conduct could be a cause of complaint to the Ombudsman or an application to the Court.

Tampering with the file. Contrary to your assertion, we were not "well aware" that the file is open to inspection by members of the public. Mrs Brougham attended at the Town Hall and asked to be shown revised plans supposedly lodged by the applicants. The young woman she spoke to, being unable to locate the plans, handed the whole file over to Mrs Brougham, apologising for its messy state (the pink wallet was torn and the contents in disorder), and invited her to find the plans for herself. It was during her search for the plans that Mrs Brougham came across the applicants' letter of 19 February, and also your Department's embargo precluding the

114

Planning and Conservation Department from dealing with the points raised in my letter of 29 February.

We look forward to the answers to the Questions posed in this letter. It is not our intention to seek judicial review – the work on 33 Launceston Place is, after almost nine months, nearing completion. A judicial review of the grant of planning and listed building permission would serve no useful purpose. However, whether we decide to take proceedings under the Human Rights Act, or complain to the Ombudsman, will depend upon your answers to the Questions. I very much hope that there is a satisfactory answer to each one. But if there is, it is a great pity that our questions were not dealt with six months ago. The Council's continued silence concerning the points raised in my letter of 29 February has distressed us very greatly.

Yours sincerely,

Christopher Brougham

Christopher Brougham QC

115

LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

DIRECTOR OF LEGAL SERVICES A.G.PHILLIPS LLB, SOLICITOR

Mr and Mrs C J Brougham QC
34 Launceston Place
London W8 5RN

TELEPHONE 020 7361-2180
FACSIMILE 020 7361-3843
DX 84015 Kensington High Street 2
E-MAIL tellsp@rbkc.gov.uk

25 September, 2000

My reference:
LP/10021626

Your reference:

Please ask for:
LeVerne Parker

Dear Mr and Mrs Brougham,

33 LAUNCESTON PLACE

I refer to your letter dated 20th September 2000 enclosing a copy of your later dated 18th September to Mr French. I also acknowledge receipt of your cheque in the sum of £2.50. A copy of your letter dated 21 September addressed to Mr Taylor has been passed to me.

I am surprised by your letters in view of your letter of 6th May 2000 when you advised that you would not be proceeding with an application for judicial review. As the planning application was considered by the Planning Services Committee more than seven months ago, the period within which an application for permission should be made to the Court has long since expired. In any event, you have given no justification for your change of mind.

As requested, I enclose a copy of the letter to Councillor Campion dated 19th February 2000.

I am not sure what you mean by "undisclosed material" in the planning file. Please explain precisely to what you are referring.

Since your letter to Councillor Campion on the 29th February 2000, the Executive Director has written to you a number of times. Please let me know precisely which points in your letter of 29th February 2000 have not been addressed.

The agent dealing with the planning application has indeed changed from Alex Michaelis Associates to Pelican Properties. The drawings submitted in connection with the matters reserved by conditions were submitted by Pelican Properties. Those drawings were considered to be quite acceptable albeit that they do not appear to have been drawn by a qualified architect. When speaking to Mrs Brougham on the telephone, Miss Salmon did not mean to indicate that the drawings had been prepared by a qualified architect but was merely explaining that the firm instructed on the application had changed. I apologise if you feel that you were misled but cannot see that this is cause for complaint to the Ombudsman or an application to the Court.

I appreciate from your letters that you feel you have suffered an injustice. However, I do not accept that this application has not been dealt with properly. Whilst you may not agree with the Council's decision to grant planning permission no justification for either an application for judicial review, an application under the

Human Rights Act nor a complaint to the Ombudsman by reason of the decision or the way in which it was arrived at. Any such applications or complaint will be vigorously defended.

As you are well aware, having inspected the file yourself, the planning file is open to inspection by members of the public. I strongly object to the implication in your letter to Mr French that the Council might in some way tamper with it.

Yours sincerely,

116

LeVerne Parker
for Director of Legal Services

c.c. Planning and Conservation - Paul Kelsey

LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

117

DIRECTOR OF LEGAL SERVICES A.G.PHILLIPS LLB, SOLICITOR

Mr and Mrs C J Brougham QC
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TELEPHONE 020 7361-2180
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DX 84015 Kensington High Street 2
E-MAIL tellsp@rbkc.gov.uk

SECOND LETTER

25 September, 2000

My reference:
LP/10021626

Your reference:

Please ask for:
LeVerne Parker

Dear Mr and Mrs Brougham,

33 LAUNCESTON PLACE

I refer to your letter dated 21st September 2000 enclosing a copy of your letter to Councillor Campion.

I have spoken to Mr Collinge who was at the Planning Services Committee on 23rd February 2000. He confirms that your letters dated 12th January and 18th January 2000 and Mr Bond's letters dated 6th and 9th January and 4th and 14th February and the outline of your proposed submissions to Committee were all given to each Member of the Planning Services Committee prior to the consideration of the application.

Yours sincerely,

LeVerne Parker
for Director of Legal Services

c.c. Planning and Conservation - Paul Kelsey

Your Ref LP
21 Sept

Mary Brigham
LCB Sdr.
34, Launceston Place
W & S RIX

Dear Mr. Phillips

118

33, Launceston Place

Herewith, for your file, a copy of
our letter to Mr. Campion sent
today to his personal address, by
Special Delivery.

Your reply per Mr. Campion's,
is expected shortly.

Yours sincerely,

M. O. Brigham.



21st Sept 2000

Christopher Bringham QC
Mary Bringham LLB
Solicitors,
34, Launceston Place
W8 5RN

Dear Mr. Campion

33, Launceston Place

119

We are reviving our complaints in the above matter. Copies of recent correspondence to Mr. French, Mr. Phillips and Mr. Taylor are enclosed herewith. A copy of this letter is also being sent to Mr. Phillips, and, in due course, to the latest planning "Tzop" and Corruptor, Moylan. We are still awaiting a response from you, or at least, someone at the Town Hall, who will grapple with the general, and substantive points made in our letter to you dated 29 February.

There is a specific matter that only you can deal with. In the Planning Services file there is a personal letter ^{to your home address,} from the Owners of 33, Launceston Place, dated 19 February, in support of their application, a few days before the Planning Services Committee was to meet which you were to chair, to hear their application. We consider the Owners acted in breach of all protocol when there are well laid down precedences based on notions of fair play.

Firstly there is no record of their letter in the Agenda or reference to it in the Minutes. If you received and read the letter why did you not reveal it? If it should turn

out that the only letter you personally read was from the Owners and that you never read those from our Town Planning Consultant, Mr. Bruce Bond, A.R.I.C.S., M.R.T.P.L., it may well tip the balance and we will contemplate reviving an application to the High Court for a judicial review, as well as under the Human Rights legislation coming into force on 2 October, though we had basically decided not to take proceedings.

Did you read anything apart from Miss Salmon's Report and the Owners/applicants' letters? Only Miss Salmon read our experts' letters, or ignored them, or alternatively nobody read them. Miss Salmon's report does not refer to the technical and legal objections, as outlined by ourselves. T

Did you ever know there were planning letters from an expert, or, was their existence concealed from you? Or, were you satisfied that the Report dealt with our legal and technical points satisfactorily?

We received two identical standard reply letters from Miss Salmon which state

"I thank you for recent letter giving your comments on the application recently submitted

"to the Council ----- The Council's Planning
 Services Committee will consider your
 views very carefully when deciding this
 application".

(121)

Secondly, we were taken aback by your
 opening question to my husband.

"Why shouldn't we grant planning permission?"

If you had read the "pleadings" why were
 you asking for our "deference" and we only
 had five minutes to respond. With respect,
 you have not judicial training, and as
 a lay person, would not be able to put out
 of your mind what you read, from the
 Owners. It seems as if you were doing the
 Owners a favour trying to "quagge" our
 objections based on vague "stylistic details"
 as contoured in their letter. I am sure
 you disregarded the hearsay evidence concerning
 the Chairman of the Victoria Road
 Residents Association comments, who was the
 Owners next door neighbour at the time.

Thirdly, I question now your role as
 Chairman. It was pathetic to read in

your letter to me dated 26th February, paragraph nine that in effect you have to "dumb-down" to your 122 subordinates. As an objector, you would have looked more favourably on me, if I had presented myself a sobbing housewife denied the future of watering her begonias in privacy than as an articulate and persuasive lawyer, who was also a resident.

Fourthly, what is the role of the Committee if the only person allowed to read objections is the Case Officer, and objectors are only allowed five minutes?

Fifthly, we are left with the suspicion that in the Council's desire to encourage rich people to the Borough, the Councillors give lip service to the philosophy of listed Buildings. As regards Councillor Penningham's discourteous behaviour to my husband when he was addressing you, I doubt he would have been quite so rude if we had lived in his Ward and lost our vote. His

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● subsequent letter has not mollified us. I am sorry to have to write to you again but the discovery of the owner's letter to you, has revived our complaints about the unfairness of the proceedings. (123)

Yours sincerely,

M. O. Bingham.