

(63)

(63)

Additionally:

Provide copies of drawing showing relationship of sight lines to trellis re Ferguson.

- a) Five copies of site survey drawing.
- b) Photographs.
- c) Confirm, apart from windows, all other exposed timbers will be finished with stain.

Once amendments have been made could you also send four copies of Drawing Nos. P1, P2, P3, E3, E6, E7, S1, S2 (12.10.98) S2 (18.5.98), S3 and S4.

We shall require a cheque made out to Kensington & Chelsea Planning Department for the sum of £95.

Many thanks.

Yours sincerely

D Harding BSc ARICS

To SL

17a Premier Place

re meeting with Mrs S Wilder 31/3/99

(64)



Please amend drawings as follows and provide 5 copies of each one.

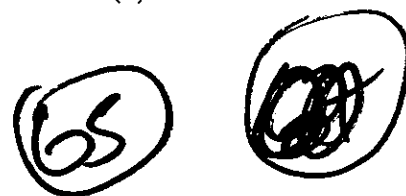
draw N°
Axonometry
sketch

Revisions Required

- 1/ Show extent of hollow blocks which will allow grass to grow.
- 2/ Show position of reclaimed pavement slabs (York stone or similar).
- 3/ Show extent of grass.
- 4/ Cripple raised brick walls to stay lights of basement will match house wall.
- 5/ Cripple stay lights to basement will be timber framed and glazed as per house (you decide if you want clear or opaque glass).

E1

- 1/ Amend drawing to show rendered pier on north side finishing short of the original eaves partition.
- 2/ Shade drawing to differentiate between wood and glass.
- 3/ Show / cripple ridge and hips to be finished with traditional lead flashing & weatherings.



Councillor Richard WALKER-ARNOTT
27 Finstock Road
London W10 6LU

Paris, April 12th 1999

Ref: 17A Princes Place Development, for Ms. Viktoria Mullova.

Councillor,

We satisfied long ago the conditions for the approved development in reference.

But the Kensington and Chelsea Planning services, under some kind of pressure, are deliberately holding us back from starting works on site, which causes major damage to the owner.

The owner, who is an internationally acclaimed musician, had a third child and needs her new house badly.

Although we submitted all particulars and precise description of materials in February 1998, samples were required from us only in September 1998.

And now, at the end of March 1999, we are suddenly, after 13 months, requested to submit a lot more particulars, and extra samples, while the previous samples have not yet been objected to in any way.

This is all very strange, since:

- we are going to use only the best materials, like natural slates, carefully chosen London Stock bricks, of which we offer to present to the Planning Officers a 1m² trial panel on site, before construction of the brick facing, etc.;

- and since the Design Officer, Ms. Joanna Parker, wrote in 1996, about our proposal: *the detailing is small scale and appropriate to the general elements of style in Princes Place...*

The contractor is ready to start, and available, but we are stuck in a bureaucratic maze: we are not allowed to start work on site.

Foundations and basement construction are time consuming: now is the right season for these works.

66

~~66~~

Why have us wait still for months, just for a decision about glazings and trellis, while we offer:

- not to place any glazing whatsoever in the house, wether clear or opaque,
- or build any trellis

without a written consent from Mr. French?

Included is a self explanatory letter to Mr. French, the Executive Director of Planning and Conservation.

Could I please meet you, so as to discuss this situation ?

Sincere thanks,

Jean-Loup Msika

FAX FROM

67

69

NAME: Mrs S. Wilden

THE ROYAL
BOROUGH OF

THE DIRECTORATE OF PLANNING SERVICES

DATE: 13.4.99

MAIN TELEPHONE NUMBER: 0171 937 5464

DIRECT LINE: 0171 361 2082



KENSINGTON
AND CHELSEA

FAX NUMBER (if different from below): 1

TO

NAME: Mr J. Msika

OF: ATELIER D'ARCHITECTURE ET D'URBANISME

ADDRESS: 65 BLD. ARAGO 750 13 - F
PARIS FRANCE

POSTAL CODE

FAX NUMBER: 33 (1) 45 35 87 75

NUMBER OF PAGES TO FOLLOW: 0

COMMENTS AND/OR INSTRUCTIONS (if any)

Regarding 17 A Princes Place, W11

I am not in the office tomorrow and cannot meet you as requested. Mr Harding is aware that the advice I gave him concerning starting work on site followed consultation with the Council's solicitor, and I am afraid that the planning conditions do not allow work to start until the scheme is fully approved.

Sincerely,

OUR FAX NUMBER IS 0171 361 2082

FACSIMILE

To: Ms. Sara WILDEN
Kensington and Chelsea Planning Services

N°: 0171 361 3463

From: Jean-Loup MSIKA

Paris, 14/04/99

Ref: 17A Princes Place, LONDON W 11

COPY FOR DAVID HARDING
OF A FAX SENT TODAY
TO MS. WILDEN
L.P.A.

Dear Ms. Wilden,

We received your fax of 13/04/99.

On 16th February 1998, we provided all the particulars required by condition 2 and agreed to follow strictly all the other conditions.

I would like to stress that we will not vary from any one of these conditions (like for instance conditions 8 and 10) without a prior written permission from the Executive Director of Planning and Conservation.

It was only in July 1998, after 4 and a half months, that we were asked to provide samples of materials, which we did immediately and completely.

Since then, we have not heard one single objection from the Kensington and Chelsea Planning Services in regard to the particulars and samples provided.

Therefore, we would think that they were considered as satisfactory.

Then, after another 9 months wait, we were recently asked for yet another round of particulars and samples. We provided them immediately again: however, we were very surprised by this erratic and incredibly time consuming procedure which consists in requiring, every 6 months or so, new rounds of particulars and samples.

This kind of procedure, which delays works beyond the reasonable and the acceptable is heavily detrimental to the owner and the people involved with the project.

Therefore, we would appreciate if you could please tell us today, by urgent fax, which, if any, is the condition that has not as yet been satisfied?

Sincere thanks,

Jean-Loup Msika

CC: Mr. David Harding

① PC + CB

vjn
2/1.

② SW

for reply

Mr. Michael J. FRENCH
Executive Director,
Planning and Conservation
The Town Hall, Horton street
London W8 7NX

Paris, 04/01/02

R.A.R.

Your ref: PP/99/00742/COTH/21/138

Sir,

The development in reference (17 a Princes Place, London w11) is now in process of completion.

However, I would like to mention two inaccuracies in the document you signed on 20/09/99 (copy included).

1/ The application date was wrongly mentioned as 15/04/99.
The real application date is in fact 12/03/96, as appears on the document referenced DPS/DCN/TP/96/0558 of which a copy is also included with this mail.

2/ The owner's representative is myself, as appears on the same document referenced DPS/DCN/TP/96/0558, and not David HARDING.

That is important, in order to establish clearly that the Permission for development in reference was for the exact same proposal (except for very minor changes relating to some windows and trellises...) for which we applied on 12/03/96, and that it took over three and a half years to obtain it, in spite of our diligent efforts.

Would you be willing to acknowledge the above inaccuracies and to modify consequently the Permission for development in reference ?

Sincerely yours,

Jean-Loup Msika, Dipl. arch (hons.) R.I.B.A.


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						FEE

(70)

atelier d'architecture et d'urbanisme Jean-Loup Msika

65 bld. Arago 75013 PARIS

Tel: 01 47 07 40 42 Fax: 01 45 35 87 75

Councillor Barry Phelps 
Cabinet Member.
Planning and Conservation Policy

22 April 2002.

—

Dear Councillor,

Included is a copy of our reply to Mr. French's response, dated 04/03/02, of which you received a copy.

Mr. French's response is not satisfactory, states inaccurate facts and is unfair.

Could we please obtain an investigation of that matter by an independent body, so as to establish the truth?

Sincerely thanks,



J.L. MSIKA Arch.D.P.L.G.
65, Bd Arago - 75013 PARIS
Inscrit à l'Ordre des Architectes
Paris-Ile-de-France n° 16846

existing quality of workmanship to ensure that the

71

DI/SW
I would welcome
some comment
Please file
23/4

How will this
be investigated
(cur Phelps +
cur W-A
agreed for
you to send yr letter

~~23~~

atelier d'architecture et d'urbanisme Jean-Loup Msika

65 bld. Arago 75013 PARIS

Tel: 01 47 07 40 42 Fax: 01 45 35 87 75

Handwritten signature: J. Msika

Mr. Michael J. FRENCH
Executive Director,
Planning and Conservation
The Town Hall , Horton street
London W8 7NX

72

Handwritten initials: MF

22 April 2002

EX	HDC	TP	CAC	AD	OLU	AS	AK
R.B.	28 APR 2002				PLANNING		
K.C.							
N	C	OW	SE	APP	IO	REC	
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Your ref: EDPC/MJF

Dear Mr. French,

Thank you for your letter dated 4 March 2002.

However, we are afraid we have to disagree with all the points you make:

1/ Wrong: The very unusual and disproportionate length of the planning process (3 and a half years!) had nothing to do with the legitimate need to "achieve a scheme that would be sympathetic to its conservation Area setting..."

It is indeed absolutely right for "the officers concerned... to do their professional best in trying to achieve a scheme that would be sympathetic to its conservation Area setting and to the amenities of residential properties nearby".

However, in that particular case, since:

- the original proposal dated 28/02/96 (copy included)
- the altered proposal dated 17/09/96 (copy included)
- and the scheme approved on 20/09/99 and now in the process of near completion (copy also included),

are all obviously identical, except for very minute details, we do not see any reason why it should have taken over three and a half years to achieve that result.

The original proposal was appropriate and already quite "sympathetic to its conservation Area setting".

Have we had to change our scheme in order to gain final approval, by removing one or several floors, or altering significantly the design? Certainly not!

And we do not see any reason why, as you write in your letter: "they could of course have recommended it for refusal in May 1996..."

On the contrary, the officer J. Parker established in her report dated 06/06/96 (copy included) that:

"there is an emphasis on creating a green building which we should definitely encourage...the detailing is small scale and appropriate to the general elements of style in Princes Place.....recommend: approve in design terms although I am aware of one outstanding concern regarding overdevelopment of site".

The "concern regarding overdevelopment" mentioned by J. Parker was expressed by a neighbour who endeavoured to prevent the approval of our scheme (or of any scheme, for that matter) at all cost, against all common sense, against even his own signed

agreement about details of the design, until the Council, on 16/09/99, ordered him at long last to keep quiet.

But for Kensington and Chelsea Planning and Conservation, the owner's rights to develop her property and the efforts of her architect, who had applied with a very appropriate scheme, weighted little in front of the nonsense expressed by that neighbour.

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2/ Wrong: David Harding was never "chosen by the clients as agent rather than yourself (i.e. myself)":

He was first appointed by the clients, on my advice, as party wall surveyor and then acted in connection with planning only at my request and as my representative, to help resolve some of the many hurdles you kept constantly putting in front of us, regardless of the obvious fact that our proposal was indeed appropriate.

3/ Unfair: The second application, dated 25 May 1999, was formally requested from us by your office, for no other reason than to conceal the fact that the processing of the first application had been delayed by maladministration, beyond the acceptable:

During one of his many visits to the Planning and Conservation offices, on my behalf, David Harding was made by your services to file a new application which was totally unnecessary, except to attempt to conceal the fact that you had been delaying the process to such an extent that it was strictly unlawful and had caused major loss and distress to the owner and her architect.

That application, formally requested by you, concerned only "glazing and trellis", i.e. very minor details which should of course have been considered as part of the original application, and did not really require a new application to be filed.

The only purpose of that second application, which was formally and abusively required from us, was to provide a convenient excuse to the unfair handling of our application by Planning and Conservation, which had delayed the process beyond the acceptable.

4/ Unfair: you do not explain why, during the same lengthy period during which "Pl. and Cons." was delaying the approval process under any conceivable pretext, the very same "Pl. and Cons." was, again and again (17/12/97; 08/07/98; 07/12/98...),

- complaining to us that the site with the derelict building was "still an eyesore..."



- and was threatening us : "Unless works commence on site in the immediate future, this matter will be reported to the Planning and Conservation Committee, were it is expected they will agree to acquire the property compulsorily under the Town and country Planning Act 1990..."

Neither do you explain why, as late as 13/04/99, "Pl. and Cons." was still forbidding us to commence work "until the scheme is fully approved".

We suspect that these contradictions, and the deliberate delays to the approval process were proof of a fraudulent scheme by "Pl. and Cons."

And since you were not able to explain these obvious contradictions in your letter dated 04/03/02, we will consider that, yes, there was a fraudulent scheme by "Pl. and Cons."

5/ Unfair: Our 12/03/96 application received a "Permission for development (conditional)" on 09/05/97, but then, although we endeavoured to satisfy these simple conditions without any delay, you did not answer before 14/08/98, and with a proposal to reconsult neighbours again, for no valid reason, except waste more time, prevent us from developing the site and achieve your stated goal (your letter dated 07/12/98, copy included) of reporting "to the Planning and Conservation Committee, were it is expected they will agree to acquire the property compulsorily under the Town and country Planning Act 1990..."

In your letter dated 14/08/98, you requested more samples (we had already provided many samples previously requested...) which were delivered to your office without delay. But, as late as 31/03/99, your officer S. Wilden was still requesting again a new and long list of details which we kept providing again without delay (see copy included of notes by D. Harding, at meeting on 31/03/99).

We therefore wrote to Councillor Richard Walker-Arnott, on 12/04/99 (copy included), to complain about that erratic and endless procedure, with new requests of more samples and particulars every 6 or 9 months, and to S. Wilden, on 14/04/99 (copy included), which letter remained of course without an answer!

Conclusion:

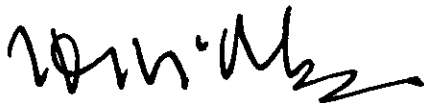
Looking at the original proposal and at the design approved three and a half years latter, which are identical, except for minute details, it is obvious that our original proposal was indeed appropriate from the start, did not imply "overdevelopment" in any way, and that there has been an abusive and unfair handling by "Pl. and Cons."

On 13/04/99, i.e. more than three years after our 12/03/96 application, your officer S. Wilden was still writing to us, by fax (copy included), that: "the planning conditions do not allow work to start until the scheme is fully approved".

You can certainly not prevent like that, for three and a half years, people with a very appropriate design, and with a "Permission for development" to develop their property.

We therefore would now require the handling of our application by Kensington and Chelsea Planning and Conservation to be fully investigated by an independant authority, and would expect adequate compensation to the owner and to myself for the losses and distress unfairly incurred.

Your sincerely,

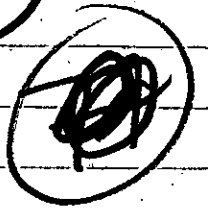


Jean-Loup Msika, Dipl. arch (hons.) R.I.B.A.

C.c. Councillor Richard Walker- Arnott
Councillor Barry Phelps, Cabinet Member, Planning and consevation Policy

17a Princess Place

75



Mike - I can't see that we can go any further with this one!

I cannot do a more thorough reply or response than that in my letter of 4th March - 6 years on we can't get any more info. without trying to contact the various Officers now long gone from our dept., and, moreover, I don't believe they could actually add anything to our existing response!

Derek 23/4/2

TAYLOR

I agree and have advised both City Help and Walker. Amost of this

le/p/h

175F

DRAFT

answer please

~~76~~
76

RP

M. J-L Msika
65 bld Arago
75013
Paris
France

24th April 2002'

Dear M. Msika

17a Princes Place

Thank you for your letter of 22nd April with its attachments. I would like to discuss the issue with Councillor Barry Phelps, to whom I see you have also copied the correspondence, and then I will see that you have a reply.

Yours sincerely

Richard

Councillor Richard Walker-Arnott

bcc Cllr Barry Phelps - I think you and I had better have a chat, after 2 May. I think I can recognise a serial correspondent when I see one. Incidentally, I have checked on M. Msika's letter to me of April 1999, and find that a chairmanial predecessor of yours had told me (after prompting) that he would follow it up for me!

R

French, Michael: PC-GrpSvc

From: Cllr-Phelps
Sent: 27 May 2002 16:02
To: A1 French, Michael (E-mail)
Subject: RE: 17A Princes Place London W11 4QA

77

~~77~~

When we meet let us discuss the RWA suggestions below. I assume that Derek Taylor has and/or will check the total accuracy of anything in my letter.

BP

Builds at this para:- inserted

-----Original Message-----

From: Richard Walker-Arnott [mailto:whatnots@lineone.net]
Sent: 27 May 2002 15:45
To: Cllr.Phelps@rbkc.gov.uk
Subject: Re: 17A Princes Place London W11 4QA

Dear Barry

1. I think that M. Msika's contention (para 1 of his 22 April 02 letter to French) that the three proposals of 2/96, 9/96 and 9/99 were all virtually identical should be disputed in even more specific terms than your draft. French's letter of 4 March 02 mentions revisions between the first two proposals, and revisions between numbers two and three.

2. Msika is cross about delay. But I do not think the delays which concern him are the eight months and five months leading up to the two grants of consent. He says that while in order to comply with the conditions attached to the May 97 consent he submitted details of all proposed materials in February 98 he got no response until a request for samples in September of that year. And as late as March 99 he was still not told either that those submissions satisfied the conditions, or if they did not why not. Instead, he was asked for more particulars and extra samples. I am not sure what period is meant by his "nine months of silence" (his letter of 15 January 02), as there seem to me to be two gaps when the planning dept were silent:- February to September 1998 (seven months) and September 1998 to March 1999 (six months). These gaps were after nine months (May 1997 to February 1998) of silence on Msika's part no doubt while he was choosing his materials. I think French should be asked if he can account for those delays (was there really no communication in either direction?)

3. What I think is significant about those delays is that in Msika's mind they are tied up with the department's pursuit of him to get on with the project, and with the ultimate threat of a CPO. I have to assume that there was an idiotically crossed wire in the department for that pursuit and threat to have happened. If that was cockup I see no reason why an apology should not be given for it. For if no apology, then Msika's conspiracy theory that the delay was on purpose, to enable the council to get its hands on the property (he does not know how financially burdensome CPOs can be), is allowed full rein.

4. And it is surely his readiness to embrace conspiracy theory which leads him to accuse the department of "covering up" the delay in processing the application by calling for the new application of April/May 1999, approved in September 1999. So I think that French's statement in his letter of 4 March 02, that the purpose of the April/May 1999 application was to enable amendments to the previously accepted application to be made, should be reinforced.

5. I know nothing of the bona fides of the neighbour's objection, but once Msika is in conspiracy theory mood that too seems to be tossed into the mix. I suspect there is nothing to be done to redress his irrationality on that issue, which anyway I think is peripheral.

To sum up, I think a fairly strong letter can be written, giving more detailed rebuttal than French's of 4 March 02. I think that an apology for the pursuit and threat mixup could be given, to disarm all his conspiracy theories and without opening the way to compensation. The reply this time round needs to be so authoritative that it squashes his wish for an independent review - the only source of such, without pointing him towards the Ombudsman, would be the Borough Solicitor.

So with some regret I think that the sally in your final paragraph is best left unused.

Regards

Richard

PS. I assume that Msika's letter to me of 12th April 1999, which I passed to DC and understood he had dealt with, was in the file you have just read. If not, I can fax it to you.

RWA

----- Original Message -----

From: <Cllr.Phelps@rbkc.gov.uk>

To: <whatnots@lineone.net>

Sent: Sunday, May 26, 2002 11:10 AM

Subject: 17A Princes Place London W11 4QA

> DRAFT ONE FOR RWA
>
> M. Jean-Loup Msika
> 65 Boulevard Arago
> 75013 PARIS France
>
> 26 May 2002
>
>
> 17A Princes Place W11
>
>
> Dear Monsieur Msika
>
> I have spent considerable time going through our file on 17a Princes Place
> including, of course, your latest letter of the 22nd ult.
>
> So far as I can judge the facts are as follows.
>
> 1. In March 1995 consent was given for a two storey plus basement family
> house on the site.
> 2. In February 1996 you applied for permission for a significantly larger
> house on the site which was to be recommended for refusal. You withdrew
> this
> application.
> 3. After discussions a new application was made on 17.09.96 and granted
> 09.05.97.
> 4. On 08.04.99 you applied to vary Conditions of the 1997 consent.
> 5. On 20.09.99 consent was given to vary conditions 2, 8 and 10 of the
> 1997
> consent was granted.
> 6. On 15 January this year you wrote to Cllr Richard Walker-Arnott making
> various allegations against our Planning officers. You have also made
> allegations of dishonesty against neighbours who objected to your

F
French, Michael: PC-GrpSvc

From: French, Michael: PC-GrpSvc
Sent: 28 May 2002 16:29 -
To: Cllr-Phelps
Subject: RE: 17A Princes Place London W11 4QA

Cabinet Member: I would confirm that this site was included on the Buildings at Risk list in September 1993; the building had been derelict since 1988 following fire damage and the roof had collapsed and the garden filled with rubbish. On 27 September 1993, the Planning and Conservation Committee agreed to make a CPO to acquire this derelict site as there appeared little chance of the owner bringing forward any development.

The result of the threatened CPO was to bring forward a planning application in late 1994 which was granted in March 1995. Following the grant of this permission, the owner, apparently a Mrs. Victoria Mullova, was given time to commence development. Subsequent applications were submitted and, in part, granted.

Had the Council wished to CPO the land urgently, it would have done so following the decision in September 1993. It did not, due partly to the difficulty of securing such an order, and to the fact that the owner did appear to be in the process of bringing forward an approved development.

There can be no truth in the argument that the left and right hand did not know what was happening; the truth is that throughout the period since 1993 there had been an agreed decision to CPO the site. If it was used to bring forward the development, then it worked.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

-----Original Message-----

From: Cllr-Phelps
Sent: 27 May 2002 16:02
To: Al French, Michael (E-mail)
Subject: RE: 17A Princes Place London W11 4QA

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Richard

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To: <whatnots@lineone.net>

Sent: Sunday, May 26, 2002 11:10 AM

Subject: 17A Princes Place London W11 4QA

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> 65 Boulevard Arago
> 75013 PARIS France

> 26 May 2002

> 17A Princes Place W11

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> application.

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> 5. On 20.09.99 consent was given to vary conditions 2, 8 and 10 of the
> 1997

> consent was granted.

> 6. On 15 January this year you wrote to Cllr Richard Walker-Arnott making
> various allegations against our Planning officers. You have also made
> allegations of dishonesty against neighbours who objected to your
> applications.

> 7. The Executive Director of Planning gave you a very full reply on
> 04.03.02.

> 8. On 22.04.02 you replied to the Executive Director at length copying me
> in.

> I see two issues here. Did my officers behave properly? Did they take too
> long to process the applications?

> Since you obtained both the consents you sought, with officers ultimate
> recommendations to grant, I do not believe you can claim they behaved
> improperly. In your letter to the Executive Director you make assertions
> that officers have been "Unfair" and impute dishonourable motives by them
> but offer only subjective views to support those allegations. You correct,
> perhaps, a few errors of degree but I consider it de minimis whether, for
> example, Mr Harding was "chosen by the clients as agent" or was appointed
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> your recommendation as your local subordinate. Either way his name, not
> yours, was on the application of 08.04.99 With every best wish

> Which leaves the question of the time the applications took to process.

> You argue that the scheme was submitted on 28.02.96 and not finally
> approved

> until 20.09.99 "over three-and-a-half years". You add that the scheme
> approved on 20.09.99 was "obviously identical, except for very minute
> detail" to that granted on 09.05.97 and so should have been approved in a
> very short time.

> This takes us deep into the arena of casuistry.

>

82

~~82~~

DT
French, Michael: PC-GrpSvc

From: French, Michael: PC-GrpSvc
Sent: 28 May 2002 16:29
To: Cllr-Phelps
Subject: RE: 17A Princes Place London W11 4QA

84

~~84~~

Cabinet Member: I would confirm that this site was included on the Buildings at Risk list in September 1993; the building had been derelict since 1988 following fire damage and the roof had collapsed and the garden filled with rubbish. On 27 September 1993, the Planning and Conservation Committee agreed to make a CPO to acquire this derelict site as there appeared little chance of the owner bringing forward any development.

The result of the threatened CPO was to bring forward a planning application in late 1994 which was granted in March 1995. Following the grant of this permission, the owner, apparently a Mrs. Victoria Mullova, was given time to commence development. Subsequent applications were submitted and, in part, granted.

Had the Council wished to CPO the land urgently, it would have done so following the decision in September 1993. It did not, due partly to the difficulty of securing such an order, and to the fact that the owner did appear to be in the process of bringing forward an approved development.

There can be no truth in the argument that the left and right hand did not know what was happening; the truth is that throughout the period since 1993 there had been an agreed decision to CPO the site. If it was used to bring forward the development, then it worked.

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

-----Original Message-----

From: Cllr-Phelps
Sent: 27 May 2002 16:02
To: Al French, Michael (E-mail)
Subject: RE: 17A Princes Place London W11 4QA

When we meet let us discuss the RWA suggestions below. I assume that Derek Taylor has and/or will check the total accuracy of anything in my letter.

BP

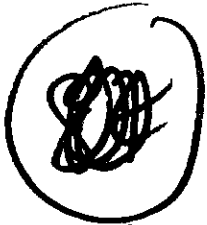
-----Original Message-----

From: Richard Walker-Arnott [mailto:whatnots@lineone.net]
Sent: 27 May 2002 15:45
To: Cllr.Phelps@rbkc.gov.uk
Subject: Re: 17A Princes Place London W11 4QA

Dear Barry

1. I think that M. Msika's contention (para 1 of his 22 April 02 letter to French) that the three proposals of 2/96, 9/96 and 9/99 were all virtually identical should be disputed in even more specific terms than your draft. French's letter of 4 March 02 mentions revisions between the first two proposals, and revisions between numbers two and three.

2. Msika is cross about delay. But I do not think the delays which concern him are the eight months and five months leading up to the two grants of consent. He says that while in order to comply with the conditions attached to the May 97 consent he submitted details of all proposed materials in February 98 he got no response until a request for samples in September of that year. And as late as March 99 he was still not told either that those submissions satisfied the conditions, or if they did not why not. Instead, he was asked for more particulars and extra samples. I am not sure what period is meant by his "nine months of silence" (his letter of 15 January 02), as there seem to me to be two gaps when the planning dept were silent:- February to September 1998 (seven months) and September 1998 to March 1999 (six months). These gaps were after nine months (May 1997 to February 1998) of silence on Msika's part no doubt while he was choosing his materials. I think French should be asked if he can account for those delays (was there really no communication in either direction?)




3. What I think is significant about those delays is that in Msika's mind they are tied up with the department's pursuit of him to get on with the project, and with the ultimate threat of a CPO. I have to assume that there was an idiotically crossed wire in the department for that pursuit and threat to have happened. If that was cockup I see no reason why an apology should not be given for it. For if no apology, then Msika's conspiracy theory that the delay was on purpose, to enable the council to get its hands on the property (he does not know how financially burdensome CPOs can be), is allowed full rein.

4. And it is surely his readiness to embrace conspiracy theory which leads him to accuse the department of "covering up" the delay in processing the application by calling for the new application of April/May 1999, approved in September 1999. So I think that French's statement in his letter of 4 March 02, that the purpose of the April/May 1999 application was to enable amendments to the previously accepted application to be made, should be reinforced.

5. I know nothing of the bona fides of the neighbour's objection, but once Msika is in conspiracy theory mood that too seems to be tossed into the mix. I suspect there is nothing to be done to redress his irrationality on that issue, which anyway I think is peripheral.

To sum up, I think a fairly strong letter can be written, giving more detailed rebuttal than French's of 4 March 02. I think that an apology for the pursuit and threat mixup could be given, to disarm all his conspiracy theories and without opening the way to compensation. The reply this time round needs to be so authoritative that it squashes his wish for an independent review - the only source of such, without pointing him towards the Ombudsman, would be the Borough Solicitor.

So with some regret I think that the sally in your final paragraph is best left unused.

Regards

Richard

PS. I assume that Msika's letter to me of 12th April 1999, which I passed to DC and understood he had dealt with, was in the file you have just read. If not, I can fax it to you.

RWA

----- Original Message -----

From: <Cllr.Phelps@rbkc.gov.uk>

To: <whatnots@lineone.net>

Sent: Sunday, May 26, 2002 11:10 AM

Subject: 17A Princes Place London W11 4QA

86

> DRAFT ONE FOR RWA
> .
> M. Jean-Loup Msika
> 65 Boulevard Arago
> 75013 PARIS France

> 26 May 2002

> 17A Princes Place W11

> Dear Monsieur Msika

> I have spent considerable time going through our file on 17a Princes Place
> including, of course, your latest letter of the 22nd ult.

> So far as I can judge the facts are as follows.

> 1. In March 1995 consent was given for a two storey plus basement family
> house on the site.

> 2. In February 1996 you applied for permission for a significantly larger
> house on the site which was to be recommended for refusal. You withdrew
> this
> application.

> 3. After discussions a new application was made on 17.09.96 and granted
> 09.05.97.

> 4. On 08.04.99 you applied to vary Conditions of the 1997 consent.

> 5. On 20.09.99 consent was given to vary conditions 2, 8 and 10 of the
> 1997
> consent was granted.

> 6. On 15 January this year you wrote to Cllr Richard Walker-Arnott making
> various allegations against our Planning officers. You have also made
> allegations of dishonesty against neighbours who objected to your
> applications.

> 7. The Executive Director of Planning gave you a very full reply on
> 04.03.02.

> 8. On 22.04.02 you replied to the Executive Director at length copying me
> in.

> I see two issues here. Did my officers behave properly? Did they take too
> long to process the applications?

> Since you obtained both the consents you sought, with officers ultimate
> recommendations to grant, I do not believe you can claim they behaved
> improperly. In your letter to the Executive Director you make assertions
> that officers have been "Unfair" and impute dishonourable motives by them
> but offer only subjective views to support those allegations. You correct,
> perhaps, a few errors of degree but I consider it de minimis whether, for
> example, Mr Harding was "chosen by the clients as agent" or was appointed
> on

> your recommendation as your local subordinate. Either way his name, not
> yours, was on the application of 08.04.99 With every best wish

> Which leaves the question of the time the applications took to process.

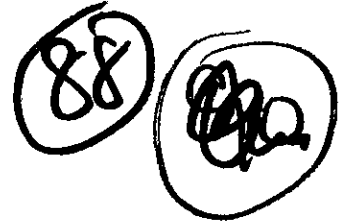
> You argue that the scheme was submitted on 28.02.96 and not finally
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> until 20.09.99 "over three-and-a-half years". You add that the scheme
> approved on 20.09.99 was "obviously identical, except for very minute
> detail" to that granted on 09.05.97 and so should have been approved in a
> very short time.

> This takes us deep into the arena of casuistry.

French, Michael: PC-GrpSvc

From: Richard Walker-Arnott [whatnots@lineone.net]
Sent: 29 May 2002 21:03 -
To: Cllr.Phelps@rbkc.gov.uk; Michael.French@rbkc.gov.uk
Subject: Re: 17A Princes Place London W11 4QA



Fine. Let's hope this is the end of the saga.

Regards

Richard

----- Original Message -----

From: <Cllr.Phelps@rbkc.gov.uk>
To: <whatnots@lineone.net>; <Michael.French@rbkc.gov.uk>
Sent: Wednesday, May 29, 2002 1:25 PM
Subject: FW: 17A Princes Place London W11 4QA

>
> > DRAFT TWO
> >
> Let us try and get this faxed to the man by the weekend. BP
>
>
> > M. Jean-Loup Msika
> > 65 Boulevard Arago
> > 75013 PARIS France
> >
> > 26 May 2002
> >
> >
> > 17A Princes Place W11
> >
> >
> > Dear Monsieur Msika
> >
> > I have spent considerable time going through our file on 17a Princes
Place
> > including, of course, your latest letter of the 22nd ult. So far as I
can
> > judge the facts are as follows.
> >
> > 1. On 27 September 1993 the Planning services Committee agreed to a CPO
on
> > this property which, earlier that month, had been placed on our
Buildings
> > At Risk Register.
> > 2. In March 1995 consent was given for a two storey plus basement family
> house on the site.
> > 3. On 12 March 1996 an application was made and later withdrawn.
> > 4. In February 1996 you applied for permission for a significantly larger
> house on the site which was to be recommended for refusal. You withdrew
this
> application.
> > 5. After discussions a new application was made on 17 September 1996 and
> granted 9 May 1997.
> > 6. On 8th April 1999 you applied to vary Conditions of the 1997 consent.
> > 7. On 20th September 1999 consent was given to vary conditions 2, 8 and
10
> of the 1997 consent was granted.
> > 8. On 15 January this year you wrote to Cllr Richard Walker-Arnott making
> various allegations against our Planning officers. You have also made

> allegations of dishonesty against neighbours who objected to your
> applications.
> 9. The Executive Director of Planning gave you a very full reply on 4
March
> 2002.
> 10. On 22 April 2002 you replied to the Executive Director at length
copying
> me in.
>
> > I see three issues here. Were you improperly threatened with a CPO? Did
> > my officers behave properly? Did they take too long to process the
> > applications?
> >
> This property was placed on the Buildings at Risk list in early September
> 1993 and on 27 September 1993, the Planning and Conservation Committee
> agreed to make a CPO to acquire this derelict site as there appeared
little
> chance of the owner bringing forward any development. Thus the
possibility
> of a CPO on the property existed since well before your involvement in the
> site. In this instance, as in others, the possibility of a CPO was
> successfully used to encourage an acceptable redevelopment. I do, of
> course, understand that our Planning law can be complex but you should
have
> been made aware of that possible CPO from the planning files which,
> presumably, you consulted as a matter of course upon undertaking this
> project. Thus nobody improperly threatened you with a CPO.
>
> > Since you obtained both the consents you sought, with officers ultimate
> > recommendations to grant, I do not believe you can claim they behaved
> > improperly. In your letter to the Executive Director you make assertions
> > that officers have been "Unfair" and impute dishonourable motives by
them
> > but offer only subjective views to support those allegations. You
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for
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> > on your recommendation as your local subordinate. Either way his name,
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> >
> > Which leaves the question of the time the applications took to process.
> >
> > You argue that the scheme was submitted on 28 February 1996 and not
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> > identical, except for very minute detail" to that granted on 09.05.97
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> >
> > Were I skilled in that art I would suggest that you are treating three
> > separate applications as one. First an application was made on 12 March
> > 1996 and then withdrawn. Then another application was made on 17
September
> > 1996 and granted 9 May 1997 - eight months later. A third application
was
> > made on 8 April 1999 and granted on 20 September 1999 - five months
later.
> > Both the latter application took time to see through as my officers
worked
> > hard to discuss the matter with you to reach acceptable designs. You may
> > consider the third application was "obviously identical" - which may or

89



Councillor BARRY PHELPS
Cabinet Member – Planning Policy
The Royal Borough of Kensington & Chelsea
11 Abingdon Mansions, Pater Street, W8 6AB
Tel 020 7938 2383 Fax 020 7368 0226
Email address: barry@barryphelps.com

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BP

30 May 2002

M. Jean-Loup Msika,
65 Boulevard Arago,
75013 PARIS, France.

Dear Monsieur Msika,

17A Princes Place, W.11.

I have spent considerable time going through our file on 17a Princes Place including, of course, your latest letter of the 22nd ult. So far as I can judge, the facts are as follows:

1. On 27 September 1993, the Planning Services Committee agreed to a Compulsory Purchase Order on this property which, earlier that month, had been placed on our Buildings At Risk Register.
2. In March 1995, consent was given for a two storey plus basement family house on the site.
3. On 12 March 1996, an application was made and later withdrawn.
4. In February 1996, you applied for permission for a significantly larger house on the site which was to be recommended for refusal. You withdrew this application.
5. After discussions, a new application was made on 17 September 1996 and granted 9 May 1997.
6. On 8th April 1999, you applied to vary Conditions of the 1997 consent.
7. On 20th September 1999, consent was given to vary conditions 2, 8 and 10 of the 1997 permission.
8. On 15 January this year you wrote to Cllr Richard Walker-Arnott making various allegations against our Planning officers. You have also made allegations of dishonesty against neighbours who objected to your applications.

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N'ôtez pas les bandes blanches

LA POSTE **X** AVIS DE RÉCEPTION D'UN ENVOI INTERNATIONAL
FRANCE **X** **X** AVIS DE PAIEMENT **X** INSCRIPTION D'UN MANDAT SUR CHEQUE CCP

CN 07
Service des Postes
PRIORITAIRE / PAR AVION

Bureau de dépôt: PARIS CORVISART
Date de dépôt: 04/01/2002

Timbre du bureau renvoyant l'avis

Destinataire de l'envoi (nom, adresse, pays de destination):
MICHAEL J. FRENCH Pl. and Cons.
TOWN HALL. HORTON ST.
A remplir par l'expéditeur **London W8 7NX**

A compléter par le bureau de dépôt

Service courrier

envoi standard colis postal livre sac M

PRIORITAIRE ÉCONOMIQUE

n° de l'envoi valeur déclarée montant :

05163

Services financiers

mandat n° montant :

Renvoyer à

A remplir par l'expéditeur

Nom ou raison sociale: **Jean Louis MSIKA**

Rue et n°: **65 Bd ARAGO**

Code postal et localité: **75013 Paris**

FRANCE

A compléter à destination

L'envoi mentionné ci-dessus a été dûment :

remis payé inscrit sur CCP

Date et signature *

* Cet avis pourra être signé par le destinataire ou, si les règlements du pays de destination le prévoient, par une autre personne autorisée ou par l'agent du bureau de destination.

9. The Executive Director of Planning gave you a very full reply on 4 March 2002.
10. On 22 April 2002, you replied to the Executive Director at length copying me in.



I see three issues here. Were you improperly threatened with a CPO? Did my officers behave properly? Did they take too long to process the applications?

This property was placed on the Buildings at Risk list in early September 1993 and on 27 September 1993, the Planning and Conservation Committee agreed to make a CPO to acquire this derelict site as there appeared little chance of the owner bringing forward any development. Thus, the possibility of a CPO on the property existed since well before your involvement in the site. In this instance, as in others, the possibility of a CPO was successfully used to encourage an acceptable redevelopment. I do, of course, understand that our Planning law can be complex but you should have been made aware of that possible CPO from the planning files which, presumably, you consulted as a matter of course upon undertaking this project. Thus nobody improperly threatened you with a CPO.

Since you obtained both the consents you sought, with officers' ultimate recommendations to grant, I do not believe you can claim they behaved improperly. In your letter to the Executive Director you make assertions that officers have been "Unfair" and impute dishonourable motives by them but offer only subjective views to support those allegations. You correct, perhaps, a few errors of degree but I consider it *de minimis* whether, for example, Mr Harding was "chosen by the clients as agent" or was appointed on your recommendation as your local subordinate. Either way his name, not yours, was on the application of 8 April 1999.

Which leaves the question of the time the applications took to process.

You argue that the scheme was submitted on 28 February 1996 and not finally approved until 20 September 1999 "over three-and-a-half years". You add that the scheme approved on 20 September 1999 was "obviously identical, except for very minute detail" to that granted on 09.05.97 and so should have been approved in a very short time.

This takes us deep into the realm of casuistry.

Were I skilled in that art, I would suggest that you are treating three separate applications as one. First, an application was made on 12 March 1996 and then withdrawn. Then another application was made on 17 September 1996 and granted 9 May 1997 - eight months later. A third application was made on 8 April 1999 and granted on 20 September 1999 - five months later. Both the latter application took time to see through as my officers worked hard to discuss the matter with you to reach acceptable designs. You may consider the third application was "obviously identical" - which may or may not be the case - but in British Planning law it still had to go through the full and proper planning process. The eight months and five months were both longer than any of us would have liked but, under the circumstances, not uncommon in such sensitive applications.

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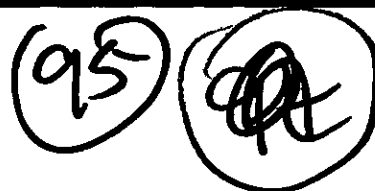
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Yours sincerely,

c.c. Councillor Richard Walker-Arnott

French, Michael: PC-GrpSvc

From: Cllr-Phelps ✓
Sent: 30 May 2002 05:48 ✓
To: A1 French, Michael (E-mail)
Subject: RE: 17A Princes Place London W11 4QA



Cllr RWA is also happy with this. Please type out, sign on my behalf and fax to the gentleman - hard copy by post.
Thanks

BP

M. Jean-Loup Msika
65 Boulevard Arago
75013 PARIS France

30 May 2002

17A Princes Place W11

Dear Monsieur Msika

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BLACK & WHITE

AO'S

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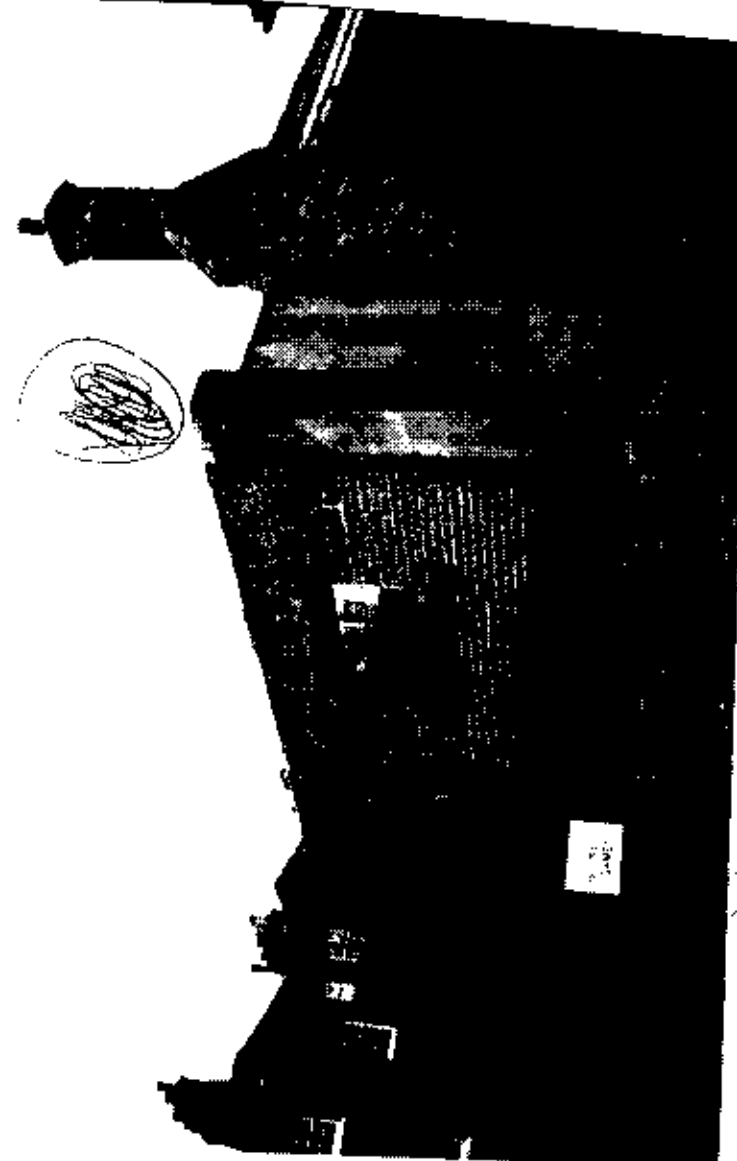
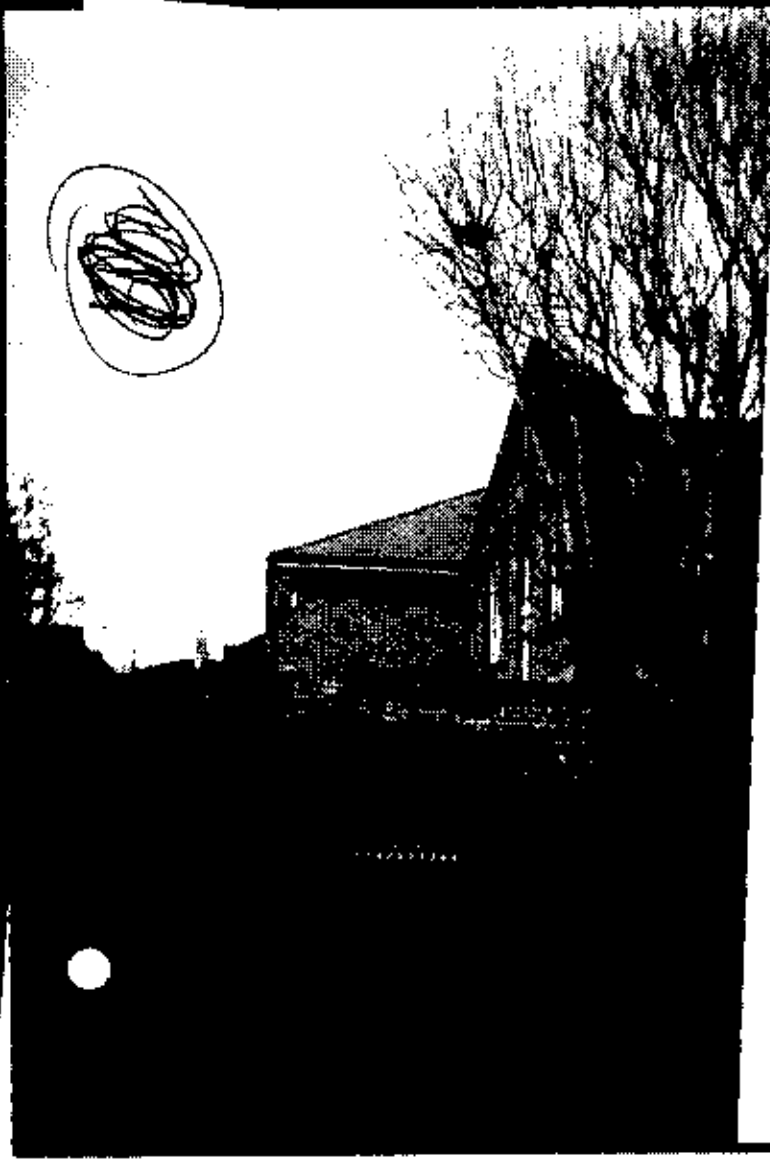
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Yours faithfully



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97

