

# JS3

Emails from neighbours reporting works at the site

Emails dated 16<sup>th</sup> and 22<sup>nd</sup> of May 2017

**From:** Ellen Solomons [REDACTED]  
**Sent:** 22 May 2017 08:56  
**To:** Bakall, Gary [REDACTED]  
**Cc:** Watson, Ed (C&E directorate) [REDACTED] Thuaire, Charles  
[REDACTED] Khanum, Jusna [REDACTED] Sheehy, John  
[REDACTED]  
**Subject:** Re: south fairground site, vale of health, N.W.3

Dear Gary

Thank you for your prompt reply. I am grateful that John Sheehy will be looking into the works going on at the South Fairground Site.

In relation to the concrete blocks I am aware that the issue is not a planning issue under the Town and Country Act but an environmental issue under the Highways Act 1980. That is why I also addressed the email to Ed Stone and Camden's Legal Dept from whom I have not as yet had a reply. The issue does affect your department indirectly since we are about to see the start of works to The Garden House and Hillview and any blockage of access to the Vale could cause significant problems in the event of an emergency and should be address in the context of a Traffic Management plan.

For the avoidance of doubt I would refer Mr Stone and the Legal Department to S.130 (1) of the Highways Act 1980 which enacts the duty of a Highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority.

S130(2) gives the Highway Authority power to assert and protect the public's rights to such use and enjoyment of a highway in their area for which they are not the highway authority.

The road in question has been used as a highway by the public for at least 100 years. Use has included use by motor vehicles when no other access to the Vale of Health has been possible.

S130(3) of the Act refers to the duty of the highway authority to prevent as far as possible the stopping up or obstruction of any highway including a highway for which they are not the highway authority if in their opinion the stopping up or obstruction of that highway would be prejudicial to the interests of their area. Substantially blocking the road must be prejudicial to the interests of the area and indeed sets an appalling precedent..

I look forward to hearing from Mr Stone and Camden's Legal department as soon as possible.

Yours sincerely

Ellen Solomons

Chair Vale of Health Society

On 19 May 2017 at 19:03, Bakall, Gary [REDACTED] wrote:

Dear Ellen,

Thanks for the e-mail.

John will look into the works going on on the South Fairground Site.

I'm afraid the concrete blocks stopping access up the side road are permitted development and so are not controllable by the Town & Country Planning Act.

Regards

Gary Bakall  
Planning Enforcement Manager

[REDACTED]

**From:** Ellen Solomons [REDACTED]  
**Sent:** 16 May 2017 07:52  
**To:** Watson, Ed (C&E directorate) [REDACTED] Thuaire, Charles  
[REDACTED] Bakall, Gary [REDACTED]  
**Cc:** Khanum, Jusna [REDACTED]  
**Subject:** south fairground site, vale of health, N.W.3

Dear Sirs

I am writing formally to you regarding two matters which concern the South Fairground site and adjacent road in the Vale of Health.

The first concern is the concrete structures which have been constructed by or on behalf of the current owner Jita Lukka on the roadway between the north and south fairground sites leading from the Vale of Health on to the Heath. The first attachment to this email is a photo of the structures. The second attachment is a letter sent by me by email to Ms Lukka which sets out fully the problem that has arisen. I would ask you to read this letter to which I have not as yet even received an acknowledgement. Whilst I refer in the letter to the City of London I believe that this is a Camden issue.

In brief Ms Lukka has substantially/significantly obstructed a public right of way. I would refer you to the case of *Herrick v Kidner and Somerset County Council* [2010] EWHC 269

I have been advised that it is an offence to obstruct or block a public right of way and that

you as the relevant local authority have a duty to make sure that the public's rights to use a public right of way are protected and to make sure obstructions are removed. In the circumstances I would be grateful if you could act swiftly. I should add that residents of the Vale have serious concerns that the structures would prevent emergency vehicles entering the Vale from the Heath in the event of an obstruction in the direction of East Heath Rd.

Since I believe there are legal issues involved I have copied in Ms Khanum whom I believe is assistant to Andrew Maugham, head of Camden's legal department.

The second matter concerns works which are being carried out on the actual south fairground site on a daily basis involving heavy machinery. I believe drainage pipes are being constructed. It seems to us in the Vale that Ms Lukka is carrying out preliminary works with a view to developing the site, which she has made plain to residents to whom she has spoken, is her aim. She has also mentioned to residents that she will use the site for caravans, presumably as a preliminary use. As you know the site is Metropolitan Open Land. Ms Lukka is well aware that any development of the land is opposed by the City of London, The Heath and Hampstead Society and the Vale of Health.

I understand, and perhaps you can confirm this, that a caravan site requires planning and licensing consents and drainage requires Building Regulation consent.

We would all be grateful if Mr Bakall who has recently visited the area could attend, preferably one morning when vehicles are on site, to investigate the position.

Ms Lukka's address



Yours sincerely

Ellen Solomons

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# JS3

Emails from neighbours reporting works at the site

Emails dated 26<sup>th</sup> of May 2017

**From:** Ellen Solomons [REDACTED]

**Sent:** 26 May 2017 11:20

**To:** Sheehy, John [REDACTED]  
[REDACTED]

**Subject:** Fwd: re the land next to Spencer House

Dear Mr Sheehy

You will see the contents of the forwarded email. I noticed when I passed yesterday that work was being out on the wooden structure on the site which appears to be being built/extended no doubt with a view to being occupied.

As in the case of the concrete structures on the road which were placed even though a City employee said they should not be Ms Lukka seems to work on the basis of 'creating facts'.

I would be grateful if you would look into this latest development. What we would like to see if possible is a moratorium on any work till the planning position is clarified.

Best wishes

Ellen Solomons

----- Forwarded message -----  
[REDACTED]

Date: 26 May 2017 at 10:43

Subject: re the land next to Spencer House

To: Ellen Solomons [REDACTED]

Hello Ellen,

Thank you for your hospitality yesterday.

As you mentioned the fairground development, I thought I should pass on to you a message that I was copied in for the managing agents of Spencer house- from my tennant in Spencer House. ( May 11th)

*"I don't know if you are aware but there was some major digging this afternoon and a large hole has been dug directly next to Spencer House which is about 2 metres long by a meter wide and potentially about 2 metres deep. I thought I would let you know because I can see it out of our window "*

Best wishes,  
[REDACTED]

# JS3

Emails from neighbours reporting works at the site

Emails dated 31st of May 2017

**From:** Ellen Solomons [REDACTED]  
**Sent:** 31 May 2017 14:28  
**To:** Sheehy, John [REDACTED]  
**Subject:** Fwd: South Fairground

Sent from my iPad

Begin forwarded message:

**From:** Ellen Solomons [REDACTED]  
**Date:** 31 May 2017 13:59:58 BST

[REDACTED]  
**Subject: Fwd: South Fairground**

Gary

See message below.

Sorry to nag but I am being inundated with complaints and would welcome an early meeting on site.  
If you could drag along someone from Highways at the same time to discuss the concrete structures  
we could perhaps kill two birds with one stone

Best wishes

Ellen

Sent from my iPad

Begin forwarded message:

[REDACTED]  
**Date:** 31 May 2017 12:57:19 BST  
**To:** Ellen Solomons [REDACTED]  
**Subject:** Fwd: South Fairground

fyi

[REDACTED]



On 31 May 2017 at 12:28, [REDACTED] wrote:

[REDACTED] I just thought you should know that they have began to build a large wooden structure on the south fairground site. I imagine one or two other people will complain as it's quite noisy but if the council really are doing anything about her building without permission, this will surely be the only evidence they need.

Hope all is well with you,

[REDACTED]

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On Thu, 25/5/17, [REDACTED] wrote:

Subject: South Fairground

[REDACTED]

Date: Thursday, 25 May, 2017, 16:25

# JS3

Emails from neighbours reporting works at the site

Email dated 5<sup>th</sup> of July 2017

**From:** Ellen Solomons [REDACTED]

**Sent:** 05 July 2017 12:51

**To:** Bakall, Gary [REDACTED] Sheehy, John [REDACTED]

**Subject:** south fairground site

Dear Both

Further to my previous email I have just seen a letter from the Spencer House managing agents to the owner of the South Fairground site which I have copied below. Could you please follow this up urgently.

Ellen Solomons

Dear Jita,

It has been brought to my attention that you asked a BT Openreach engineer to try and access out building yesterday to secure a connection for a telephone/broadband line.

One of the owner occupiers turned him away and report this to me.

We consider this is a trespass and any further attempts by you to direct workmen on to our property without due authority will be considered a trespass and may result in legal action being taken against you.

You had indicated when I met you that the land was being developed into garden, and it is now quote obvious this is not the case, as you have made connection to the mains water, foul sewer and now attempted a telephone/broadband connection.

I will report this to the Directors of Spencer House and they may wish the planning authorities to investigate the true intended use of this plot of land, and to ensure the correct planning and building control regulations are not being breached.

Kind regards.

[REDACTED]

[REDACTED]

## JS3

Emails from neighbours reporting works at the site

Emails dated 14<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> and 25<sup>th</sup> of July 2017

**From:** Ellen Solomons [REDACTED]  
**Sent:** 25 July 2017 14:30  
**To:** Sheehy, John [REDACTED]  
**Subject:** Re: south fairground site

Dear John

Further to our chance meeting outside the South Fairground site I noticed on my walk this morning that sounds of building were coming from the site. I understand that morning works are happening on a daily basis.

I believe that some sort of drainage system may have been laid. I know that Bob Warnock at the City of London is concerned at the moment about what is being washed into the VOH pond and it maybe something you can check when you get access.

Best wishes

Ellen

Sent from my iPad

On 17 Jul 2017, at 16:27, Sheehy, John [REDACTED] wrote:

Dear Ellen,

Thank you. That's great to hear. Most of the credit for removal of these structures must go to my highways colleague Elliott Della.

Are the 4 upright poles new additions? There were previous bollard-type structures at the heath end of the road.

Hopefully I can meet you on the day that Ms Lukka is able to provide me with access to the site. I am expecting to be able to visit this week; I will confirm arrangements in due course.

Regards,

John Sheehy  
Senior Planning Officer  
Regeneration and Planning  
Supporting Communities  
London Borough of Camden



Please consider the environment before printing this email.

**From:** Ellen Solomons [REDACTED]  
**Sent:** 17 July 2017 14:32  
**To:** Sheehy, John [REDACTED]  
**Cc:** Stephen Stark [REDACTED]  
**Subject:** Re: south fairground site

Dear John

I was absolutely delighted to day to see that the concrete structures had been removed. I have no doubt we have you to thank for that.

I notice that in their place there are 4 upright polls at the Heath end of the road which appear to have rather rusty locks. Do you know what the arrangement will be for access to the keys in the event of an emergency? This is of course an important issue for us and we have little trust in Ms Lukka.

I look forward to hearing your views on the development on the south fairground site itself.

Best wishes and thanks

Ellen

On 16 July 2017 at 12:26, Ellen Solomons [REDACTED] wrote:

Dear John

I appreciate how busy you must be at the moment.

Could you let me know when you carry out your site meeting since I would welcome the opportunity to discuss the case.

Best wishes

Ellen

Sent from my iPad

On 14 Jul 2017, at 19:07, Sheehy, John [REDACTED] wrote:

Dear Ellen Solomons,

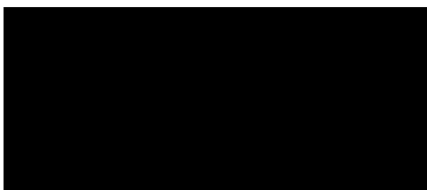
Thank you for your email.

Apologies for the delay in updating you. We have been working on this case intensively in between other pressing matters (- I had a deadline for a Proof of Evidence for an upcoming Public Inquiry this week and Chalcot Emergency response has left us a little stretched at times over the past weeks).

Please bear with me and I will be able to update you in more detail next week. I also aim to carry out a site visit next week in which case I would be able to meet you to discuss the case in person – if you are available.

Regards,

John Sheehy  
Senior Planning Officer  
Regeneration and Planning  
Supporting Communities  
London Borough of Camden



Please consider the environment before printing this email.

**From:** Ellen Solomons [REDACTED]

**Sent:** 14 July 2017 12:38

**To:** Sheehy, John [REDACTED]

**Cc:** Stephen Stark [REDACTED]

**Subject:** south fairground site



Dear John

I write and write about the above site and seem to get nowhere.

Today I looked at the site from the south east side of the pond on the path that runs up from the dog swimming area to the Vale and also from the balcony of the top floor of Spencer House. At present the whole area is boarded up.

From the Heath you can clearly see the cabin which has been constructed which looks like a small house since the vegetation in front has been cut away, From the balcony you can see that what amounts to a shanty town is being constructed. The site will become more visible to Heath users when the owner cuts down more vegetation from heath land which I have no doubt she will do.

I would like to meet you on site to view and discuss the matter. Can you suggest a date and time?

The land is now owned by a company called Polar Bren Ltd. One address for the company which appears on the Land Registry Title document is Spencer House which of course adjoins the site but which otherwise has no connection with it. Since the company paid £700,000 for the land they are obviously anxious to exploit it as much as possible and are relying on the fact that they will get away with anything they do.

Best wishes

Ellen

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