

## **GROUNDS OF APPEAL**

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**Planning Appeal in relation to the failure of London Borough of Camden Council to give notice of its decision on Application Ref. 2018/3316/P within the appropriate period (8 weeks) (Non-Determination)**

**APPELLANT: Redcourt Ltd (Mr Leo Kaufman)**

**APPELLANT ADDRESS: c/o Basement Flat, 275A Eversholt Street  
Camden  
London  
NW1 1BA**

**November 2018**

**DOCUMENT REF. 1124.3.RCL.AJO.Fn**



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## **1. INTRODUCTION & BACKGROUND**

- 1.1 These Grounds of Appeal are submitted in relation to an appeal submission made by the Appellant, following the failure of London Borough of Camden Council to give notice of its decision on Application Ref. 2018/3316/P within the appropriate period (8 weeks), which sought the following;

*‘Continued use of one bedroom flat which was previously an illegal Sui Generis brothel.’*

- 1.2 The proposal relates to the property identified as Basement Flat, 275A Eversholt Street, Camden, London, NW1 1BA.

- 1.3 The Local Planning Authority (LPA) has confirmed that subject to the signing of a S106 Agreement to secure a car-free arrangement, the submitted planning application will be recommended for approval. This was confirmed in e-mail correspondence received from the LPA on 27<sup>th</sup> July 2018 (**Appendix 1**).

### **Planning History**

- 1.4 Application Ref. 2014/5391/P was REFUSED by London Borough of Camden Council on 10<sup>th</sup> July 2015, for the change of use of lower ground floor from Sauna (Sui Generis) to a 1-bed flat.
- 1.5 Notwithstanding the description of development stated by the LPA, there is a documented police history that prior to the current residential occupation of the premises, it was actually being used as a brothel and not as a sauna.
- 1.6 The reason for refusing application ref. 2014/5391/P stated;

*“In the absence of a legal agreement to secure the development as car-free housing, it would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11: Promoting sustainable and efficient travel; CS19: Delivering and Monitoring the Core*

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***Strategy; and DP18: Parking Standards and Limiting the Availability of Car Parking; of the London Borough of Camden Core Strategy and Development Policies 2010.”***

- 1.7 A copy of the decision notice for application ref. 2014/5391/P is enclosed at **Appendix 2**.
- 1.8 Prior to the refusal of application ref. 2014/5391/P, the LPA had been minded to grant planning permission, subject to a section 106 agreement entering into a car-free agreement associated with the occupation of the premises. This was reflected in the Officer’s initial delegated report. A copy of this report is enclosed at **Appendix 3**. A section 106 agreement was subsequently signed and e-mailed to the LPA, who still proceeded to refuse planning permission given the applicants refusal to meet the Council’s legal fees for the preparation of the legal agreement and its monitoring.
- 1.9 Following refusal of application ref. 2014/5391/P on 10<sup>th</sup> July 2015, there has been no further communication from the LPA in respect of this matter until June 2018, notwithstanding that the London Borough of Camden Council has had knowledge of the residential occupation of the flat in the intervening period. This is evidenced by the fact that the unit has had a Council Tax banding and the Council has collected Council Tax on the premises since February 2015.
- 1.10 Communication was received from the LPA’s enforcement officer during June and July 2018, which culminated in an invitation to the applicant to submit a retrospective application to regularise the matter (see **Appendix 4**). A retrospective application was subsequently submitted on 12<sup>th</sup> July 2018 and has been confirmed as valid by the LPA. Notwithstanding this and despite the communication of 4<sup>th</sup> July from the LPA’s Enforcement Officer (**Appendix 4**) an enforcement notice was issued on 16<sup>th</sup> July 2018. This is the subject of a separate appeal already submitted to the Planning Inspectorate (Ref. APP/X5210/C/18/3209863).
- 1.11 A draft S106 Agreement has been issued by the LPA in relation to the appeal proposal. A copy of this is submitted with the appeal papers.

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- 1.12 The draft legal agreement issued by the LPA includes five signatories. These are Richard Frank Wilson; Redcourt Ltd; Day Lewis Plc; The Royal Bank of Scotland; and The Mayor and Burgesses of the London Borough of Camden.
- 1.13 The Appellant has informed the LPA that Day Lewis Plc and The Royal Bank of Scotland relate only to the leasehold property at Ground Floor level and are not relevant to the S106 Agreement.
- 1.14 It has also been advised that the location of the freeholder (Richard Frank Wilson) is not known, despite previous efforts to make contact with him.
- 1.15 This was also the case at the time of application ref. 2014/5391/P, when the LPA was prepared to accept that the freeholder of the property could not be signatory to the legal agreement.
- 1.16 Notwithstanding this, the Council's solicitor is currently advising that the LPA cannot approve a legal agreement for a car-free arrangement associated with the appeal site, without the agreement and signature of the freeholder. It is alleged that if the freeholder is not party to the agreement, but is the party to implement the planning permission, then they will obtain the benefit of the permission without being subject to the car-free obligation. It is the position of the LPA that the development is only acceptable to the Council, subject to the car-free obligation, therefore the absence of the freeholder signature is not an acceptable outcome to the Council.
- 1.17 The LPA has gone on to serve a 14 day warning notice on the Appellant, requiring that the S106 Agreement be settled, otherwise the Council will treat the application as withdrawn. A copy of the 14 day warning notice is enclosed at **Appendix 5**.

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## **2. THE CASE FOR THE APPELLANT**

- 2.1 The LPA primarily contends that the breach of planning control has occurred within the last 4 years and that the creation of a residential flat without a suitable mechanism to secure the development as car-free housing would contribute to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising Walking, Cycling and Public Transport); and T2 (Parking and Car-Free Development) of the Camden Local Plan 2017.
- 2.2 Policy T1 (Prioritising Walking, Cycling and Public Transport) primarily states that the Council will promote sustainable transport by promoting walking, cycling and public transport in the Borough. This policy makes no explicit reference to requiring car-free agreements in relation to residential development proposals.
- 2.3 Policy T2 (Parking and Car-Free Development) primarily states that the Council will limit the availability of parking and require all new developments in the Borough to be car-free. It is confirmed that the Council will not issue on-street or on-site parking permits in connection with new developments and will use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits
- 2.4 A retrospective application to regularise the residential use of the basement flat at 275A Eversholt Street, Camden was submitted on 12<sup>th</sup> July 2018 and has been confirmed as valid by the LPA. The submission of the application followed an invitation from the LPA to do so and also followed confirmation that enforcement action could be avoided if a retrospective application was made (see **Appendix 4**).
- 2.5 The Appellant has agreed to signing the Council's standard car-free section 106 agreement. The standard agreement document was issued to the Appellant on 8<sup>th</sup> August 2018 and discussion was underway with the LPA and legal colleagues to progress the completion of the agreement. A copy of the draft agreement is enclosed with the submitted appeal papers.

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- 2.6 Furthermore, the LPA has confirmed that subject to the completion of the s106 agreement, the application will be recommended for approval. There are no other matters of objection relating to the application proposal.
- 2.7 It is also significant to note that to date, there has been no residential occupation of the premises that has been accompanied by car ownership and therefore whilst a technical breach of planning has occurred insofar as planning permission has not been granted for the residential use of the premises, there has been no breach of planning policy insofar as adopted policy T2 is concerned, given that the premises has been occupied as a car-free development and is therefore not contributing to any issue of parking stress and/ or congestion in the surrounding area. It is also relevant to note that a Freedom of Information request has been submitted to the Council enquiring how many applications have been made for car permits associated with the occupation of 275 Eversholt Street. A formal response to this enquiry is still awaited.
- 2.8 The appeal premises itself has been occupied by a person who is disabled, with mobility issues and ongoing health concerns. A primary decision-making factor for the tenant in taking occupancy of the premises was the close proximity to public transport services, providing them with convenient and accessible travel to work.
- 2.9 It is also a significant factor to note therefore that the occupation of the premises has assisted in meeting a local housing need and increasing the range of housing choice in the surrounding area.

**Against the assertion that the LPA cannot approve a legal agreement for a car-free arrangement associated with the appeal site, without the agreement and signature of the freeholder.**

- 2.10 Planning obligations secured under S106 of The Town and Country Planning Act are legally-binding agreements associated with the granting of planning permission. They are explicitly tied to a grant of planning permission and are legally binding on the land to which the grant of planning permission relates. As such, a S106 legal agreement passes to subsequent successors in title.

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- 2.11 In this case the freeholder of the land is an absent entity. The Appellant has made effort to contact the freeholder to no avail. Confirmation of correspondence sent to the only known address of the freeholder is enclosed at **Appendix 6**. Delivery of the correspondence to the freeholder was unsuccessful and is being returned to the Appellant. It is also understood that the LPA has made its own efforts to contact the freeholder of the land in serving an enforcement notice relating to the unlawful use of the basement property as a residential dwelling. The Appellant has also made contact with other leaseholders of 275 Eversholt Street to confirm that they also have no way on making contact with the absentee freeholder. It should also be noted that prior to the refusal of application ref. 2014/5391/P (Jan 2015) the Council was happy to accept a Solicitor's Certificate certifying that all had been done to trace the Freeholder (see **Appendix 7**). Insofar as the current appeal is concerned the Council have not confirmed why this would not continue to be an acceptable position.
- 2.12 The LPA can take assurance from the fact that the agreement entered into by the Appellant will be legally binding on the land in question and that the obligations will therefore pass to any future successors in title. This further provides comfort to the LPA that the requirement for the obligation can be fulfilled in perpetuity. The current leasehold for the premises is held for 999 years, with 964 years remaining. As such, and in the absence of the freeholder, the leasehold arrangement almost has the effect of a freehold.
- 2.13 On this basis, there are no reasonable grounds upon which the LPA should refuse to complete the legal agreement. As current leaseholder, the Appellant is a willing signatory to the legal agreement. If the LPA continue to assert that planning permission cannot be granted in the absence of the freeholder being a signatory to the S106 legal agreement, the Appellant will submit a Unilateral Undertaking to confirm its commitment to agreeing the required planning obligation.

# APPENDICES

**APPENDIX 1: Copy e-mail correspondence from London Borough of  
Camden Council dated 27<sup>th</sup> July 2018**

**Subject:** S106 Agreement  
**Date:** Friday, 27 July 2018 at 11:42:21 British Summer Time  
**From:** Lawlor, Josh  
**To:** amandaolley@summitassociates.co.uk  
**CC:** leo kaufman  
**Attachments:** image001.png, image002.png, image003.png, image004.jpg

Dear Amanda Olley

The main concern for this applications is the S106 legal agreement for car free development.

Can you confirm that this can be agreed?

Kind regards

Josh Lawlor  
Junior Planner  
Supporting Communities  
London Borough of Camden

Web: [camden.gov.uk](http://camden.gov.uk)  
5 Pancras Square  
5 Pancras Square  
London N1C 4AG



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**Appendix 2: Decision Notice – Application Ref. 2014/5391/P**

Mr Yakov Levy  
42 Olinda Road  
London  
N16 6TL

Application Ref: **2014/5391/P**  
Please ask for: **Olivier Nelson**  
Telephone: 020 7974 **5142**

10 July 2015

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Refused

Address:  
**275 Eversholt Street**  
**London**  
**NW1 1BA**

Proposal:  
Change of use of lower ground floor from Sauna ( Sui Generis) to a 1 bed flat.

Drawing Nos: ES.275.EX\_PR, ES.275.LP & Life Time Home Statement

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

1 Reason for Refusal:

In the absence of a legal agreement to secure the development as car-free housing, it would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy) and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Core Strategy and Development Policies 2010.



Informative(s):

- 1 Without prejudice to any future application or appeal, the applicant is advised that the reasons for refusal could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', written in a cursive style.

Ed Watson  
Director of Culture & Environment

**Appendix 3: Copy Officer Delegated Report (recommending  
planning permission, subject to S106 agreement)**

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>04/11/2014</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>09/10/2014</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Olivier Nelson				2014/5391/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
275 Eversholt Street London NW1 1BA				See attached			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use of lower ground floor from Sauna (Sui Generis) to residential (C3).							
<b>Recommendation(s):</b>		Grant planning permission subject to section 106 agreement					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>20</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		Site notice: 17/09/2014 – 08/10/2014 Press notice: 18/09/2014 – 09/10/2014  No responses were received.					
<b>Camden Town CAAC</b>		One comment was received:  We do not object to the change of use but should point out that the proposed flat will be dark with a cramped kitchen. The basement entrance area in reality is much narrower than the area on the drawing so the outlook onto the proposed staircase will be unattractive and dark.					

## Site Description

The application relates to a massage parlour/ sauna premises on the ground floor of a four-storey mid terrace building with basement, situated on the west side of Eversholt Street. The site is within a shopping frontage of the Eversholt Street neighbourhood centre. The property is identified as making a positive contribution to the Camden Town Conservation Area.

## Relevant History

2011/3718/P - Erection of rear basement and ground floor level extension (following demolition of existing timber shed) and relocation of rear external stairway to garden. **Withdrawn 28/09/2011**  
2012/0736/P - Erection of rear basement and ground floor level extension (following demolition of existing timber shed) and relocation of rear external stairway to garden. **Granted and warning of enforcement action 09/05/2012**

## Relevant policies

### National Planning Policy Framework 2012

### London Plan 2011

### Camden LDF Core Strategy 2010

CS1 Distribution of growth  
CS4 Areas of more limited change  
CS5 Managing the impact of growth and development  
CS6 Providing quality homes  
CS11 Promoting sustainable and efficient travel  
CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high quality places and conserving our heritage

### Camden Development Policies 2010

DP2 Making full use of Camden's capacity for housing  
DP5 Homes of different sizes  
DP6 Lifetime homes and wheelchair homes  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and limiting the availability of car parking  
DP19 Managing the impact of parking  
DP22 Promoting sustainable design and construction  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP29 Improving access

### Camden Planning Guidance (updated 2013)

CPG1 Design  
CPG2 Housing  
CPG3 Sustainability  
CPG6 Amenity  
CPG7 Transport

### Camden Town Conservation Area Statement

## Assessment

### Proposal

Permission is sought for the conversion of the existing lower ground floor unit to a 1 bed residential unit. The shop would remain at ground floor level.

### Policy

The property has been operating as massage parlour/ sauna within the ground floor and basement for over 10 years and is considered to be the established use. There are no council policies to protect the use. The council consider housing to be a priority land-use and the Council will make housing its top priority when considering the future of unused and underused buildings. As such the provision of new residential accommodation is compliant with policies CS6 and DP2 as long as it meets the Council's residential development standards and does not harm local amenity.

The principle of this change of use is therefore considered to be acceptable.

### Standard of accommodation

Camden Planning Guidance 2 states that new self-contained dwellings should satisfy the following minimum areas for overall floorspace (excluding communal lobbies and staircases):

Number of persons	1	2	3	4	5	6
Minimum floorspace (m <sup>2</sup> )	32	48	61	75	84	93

The proposed self-contained unit would meet the minimum standards the floorspace would be 57 sqm which is above the minimum space standard in the London Plan which is 50 sqm for a 1 bed 2 person flat. The bedroom and living room meet the standard room sizes in CPG 2, the bedroom would have an area of 18.7 sqm which is considered to be acceptable. In order to access the bedroom you would have to go via the living room due to the constraints of the original site it has not been possible to have one lobby area for each habitable room to lead off from.

Development policy DP5 seeks to ensure that all new housing provided is in line with the housing priorities for the borough. The proposal is to provide 1 x 1 bed unit. The one bed unit would be in line with the dwelling size priority table and would be an acceptable dwelling.

### *Lifetimes Homes*

Policy DP6 requires all new residential accommodation, including conversions, to meet Lifetime Homes Standards. It is acknowledged that conversions may not be able to meet all of the criteria due to existing physical constraints, and the applicants have provided a Lifetime Homes Statement which indicates that the proposal will comply with the criteria where relevant. A condition will specify that the features denoted to be met shall be implemented on site.

### Design

There are no alterations to the external appearance of the building. The main changes are internal and consist of reconfigurations to the rooms at lower ground floor level.

### Amenity

The proposals are considered to provide an adequate level of amenity for future occupants of the site; bedroom and living areas are all adequate in size and well-proportioned and would have access to natural light and ventilation. There are a number of properties with flats at lower ground floor levels on

this same stretch as 275 Eversholt Street.

### **Sustainability**

LDF Policy DP22 requires developments to incorporate sustainable design and construction measures. The proposed internal alterations to the building would be built to modern insulation and energy use requirements. This is considered to adequately respond to the issue of sustainability given the nature of the existing building and the scale of works.

### **Transport**

Camden's Parking Standards for cycles states that 1 storage or parking space is required per residential unit. The proposal is for 1 residential unit therefore 1 cycle storage/parking spaces are required. No details have been provided to show that storage of cycles would be safe and secure which is why a condition has been added in order to ensure these details are provided prior to occupation of the unit.

The site falls within an area which is currently experiencing parking stress and has a Ptal rating of 6b (excellent), it is in close proximity to Mornington Crescent underground station and is on a TFL red route. Therefore not making the development car-free would increase the demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. Given the limited nature of parking availability within the area, in order to be acceptable in transport terms, the new residential unit is recommended to be designated car-free, in that future occupiers will not be eligible for on-street parking permits. This shall be secured via a S.106 agreement. The proposal would be in line with DP18.

### **Recommendation**

Grant planning permission subject to section 106 legal agreement.

**Appendix 4: Copy e-mail correspondence from LPA to Appellant  
(4<sup>th</sup> July 2018)**

**Subject:** RE: 275 Eversholt St NW1 1BA - EN18/0386  
**Date:** Wednesday, 4 July 2018 at 12:26:06 British Summer Time  
**From:** Yeung, Raymond  
**To:** leo kaufman  
**CC:** Amanda Olley

Dear Leo,

Thank you for your email.

Yes you did mention this in your email, my apologies.

We would be serving an enforcement notice, to at least cease the use, not necessarily to revert is back.

However this can be avoided if you submitted a planning application, we can determine the application straight after the 3 week consultation period.

The s106 legal agreement for car free would only go via the mechanism of the application so it can be attached to our records and can be traced, also it gives neighbours a chance for consultaiton, proper legal paper work for the property and avoid any judicial review should that come in the future, so it would not be just a 'tick box excecise'.

Therefore a planning application shall be submitted to go through the right processess, it should not be too much different than the previous app, albeit we have a new camden local plan since.

Please let me know your decision by the end of this week.

Thank you.

Raymond

**From:** leo kaufman <landpkaufman@gmail.com>  
**Sent:** 04 July 2018 12:16  
**To:** Yeung, Raymond <Raymond.Yeung@camden.gov.uk>  
**Cc:** Amanda Olley <amandaolley@summitassociates.co.uk>  
**Subject:** Re: 275 Eversholt St NW1 1BA - EN18/0386

Dear Raymond

Thank you for your email of 29th June.

The previous use of this property was not ancillary storage for A1 use.

As previously advised for over ten years these premises was used as a brothal, which was closed down by the police in 2014.

Are you serious that your Council would serve an Enforcement notice for the property to be reverted to its previous established use?

If your only concern is the lack of a car-free agreement, may I suggest that you send me a standard

car-free agreement for me to sign.

This would be much quicker than submitting another planning application.

Yours Sincerely

Leo Kaufman

On 29 June 2018 at 11:57, Yeung, Raymond <[Raymond.Yeung@camden.gov.uk](mailto:Raymond.Yeung@camden.gov.uk)> wrote:

Dear Leo,

Thank you for your response.

The use was a commercial use, and I believe the authorised use is ancillary storage for the A1 above.

You applied for permission in 2014/2015 with it being refused due to lack of car-free agreement.

I'm not saying it is not viable to be a flat, I'm stating that you need to regularise it, please confirm whether you are able to submit a planning application with accompanying s106 for car-free, please can you get back to me by end of today/next week to confirm whether or not you can do this.

Many thanks.

Regards

Raymond Yeung MRTPI  
Planning Enforcement Officer  
Regeneration and Planning  
Supporting Communities  
London Borough of Camden

Telephone: 020 7974 4546

Web: [camden.gov.uk](http://camden.gov.uk)

[5 Pancras Square](#)  
[London N1C 4AG](#)

**From:** leo kaufman <[landpkaufman@gmail.com](mailto:landpkaufman@gmail.com)>

**Sent:** 29 June 2018 11:42 AM

**To:** Yeung, Raymond <[Raymond.Yeung@camden.gov.uk](mailto:Raymond.Yeung@camden.gov.uk)>

**Subject:** Re: [275 Eversholt St NW1 1BA](#) - EN18/0386

Dear Raymond

Your email of yesterday has come to me as a complete surprise.

I am not sure if I understand your concerns.

For over ten years until 2014 this premises was used as a brothel, which was closed down by the police.

If necessary I could try and dig up old documents with contact numbers of the police

In the circumstances, if you are not happy for this to be used as a flat what use would you prefer this premises to be used for?

Yours Sincerely

Leo Kaufman

On 28 June 2018 at 13:48, Yeung, Raymond <[Raymond.Yeung@camden.gov.uk](mailto:Raymond.Yeung@camden.gov.uk)> wrote:

Dear Leo,

Town and Country Planning Acts 1990 (as amended)

Location: [275 Eversholt St NW1 1BA](#)

Re: change of use to basement flat without permission

No: RS/PE/ EN18/0386

Following my email to you other email address [landpkaufman@gmail.com](mailto:landpkaufman@gmail.com) on the 15<sup>th</sup> June, I've still not had any response.

Our initial investigations suggest that potentially the main problems are:

- Material change of use
- Lack of car-free agreement

Please contact me on the by the end of this week to advice of your intentions or should you wish to discuss this matter further. Failure to make contact or advice of your intentions within the above time period and non-compliance with my request can lead to Enforcement action. This may result in the service of an enforcement notice, failure to comply can lead to prosecution.

We look forward to your co-operation.

Regards

Raymond Yeung MRTPI  
Planning Enforcement Officer  
Regeneration and Planning  
Supporting Communities  
London Borough of Camden

Telephone: 020 7974 4546

Web: [camden.gov.uk](http://camden.gov.uk)

[5 Pancras Square](#)  
[London N1C 4AG](#)

**From:** leo kaufman <[landpkaufman@gmail.com](mailto:landpkaufman@gmail.com)>  
**Sent:** 15 March 2018 13:37  
**To:** Yeung, Raymond <[Raymond.Yeung@camden.gov.uk](mailto:Raymond.Yeung@camden.gov.uk)>  
**Subject:** [84 CAMDEN HIGH STREET](#) - Your Ref: EN18/0116

Dear Sir

Please see attached.

--

**LEO KAUFMAN**

**TEL 0208 209 0197**

**EMAIL: [landpkaufman@gmail.com](mailto:landpkaufman@gmail.com)**

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**LEO KAUFMAN**

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**LEO KAUFMAN**

**TEL 0208 209 0197**

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**Appendix 5: Copy Correspondence from LPA - 4<sup>th</sup> July 2018 (14  
day warning notice)**



**Legal Services**  
Law and Governance  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Direct 020 7974 5826  
e-mail [laura.neale@camden.gov.uk](mailto:laura.neale@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

**Date:** 15 November 2018  
**Our Reference:** CLS/LN57/1800.825  
**Enquiries to:** Laura Neale

Redcourt Ltd  
275A Eversholt Street  
London  
NW1 1BA  
FAO: Leo Kaufman

By email only: [landpkaufman@gmail.com](mailto:landpkaufman@gmail.com)

Dear Sirs

**RE: SECTION 106 AGREEMENT  
GROUND FLOOR AND BASEMENT 275 EVERSOLT STREET 2018/3316/P**

**WARNING OF  
NOTICE OF CLOSURE OF FILE**

My client Department is concerned by the lack of progress in completing the above matter. Consequently it requires that the Agreement is settled within 14 days of the date of this letter.

The purpose of this letter is to put you on notice that if the s106 Agreement is not settled within the above time scale, Legal Services will be instructed to close its file in relation to the same. The planning application will then be treated as withdrawn for the purposes of our records and our client Department's records.

Please note our costs are payable whether or not this matter proceeds to completion

Yours faithfully

**Laura Neale  
for the Borough Solicitor**

**Borough Solicitor  
Andrew Maughan**

## **Appendix 6: Copy correspondence sent to Freeholder**

Richard Frank Wilson  
16 Christchurch Avenue  
London  
N12 0DE

16/11/2018

Dear Mr Wilson

**275 Eversholt Street, London NW1 1BA**

I am your leaseholder of the shop at the above address.

Could you please contact me urgently.

Yours sincerely

Leo Kaufman

02082090197  
landpkaufman@gmail.com

**08:50pm**

**Item Despatched to 'dispatchToLocation'**

Greenford Mail Centre

Friday 16 November

**08:10pm**

**Item received at**

Greenford Mail Centre

Friday 16 November

**12:21pm**

**Sender preparing item**

Friday 16 November

**11:17am**

**Accepted at Post Office**

Temple Fortune Post Office [NW11 0AD]

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**Appendix 7: Copy e-mail correspondence from Council – January  
2015**

**Subject:** Fwd: 275 Eversholt Street, London NW1 1BA  
**Date:** Thursday, 25 October 2018 at 19:59:14 British Summer Time  
**From:** leo kaufman  
**To:** Amanda Olley  
**Attachments:** Final S106 Agreement CF 12.1.2015.doc, appendix 5 - example decision.pdf, Gondor Garden DECISION.pdf, Inspector's Decision.pdf

Please see below  
Leo

----- Forwarded message -----

From: **Pierre, Frances** <[Frances.Pierre@camden.gov.uk](mailto:Frances.Pierre@camden.gov.uk)>  
Date: Mon, 12 Jan 2015 at 12:40  
Subject: RE: 275 Eversholt Street, London NW1 1BA  
To: leo kaufman <[landpkaufman@googlemail.com](mailto:landpkaufman@googlemail.com)>

Dear Mr Kaufman,

Please see the attached appeal decisions from the Planning Inspectorate which relate to car free obligations.

Following on from my previous email dated 19<sup>th</sup> November 2014, I have provided a clean copy of the Agreement for ease of reference (attached). Please confirm approval of this Agreement which is now substantially in the form which you initially requested, reflecting the main amendments you made.

However, please note that I will still require a Solicitor's Certificate from your solicitor which certifies that all has been done to trace the Freeholder and certifies this as a Solicitor of the Supreme Court of Judicature for England & Wales.

If you approve the version of the draft (attached), I will issue engrossments to you directly for signature as soon as possible.

Regards,

Frances Pierre  
Legal Assistant

Telephone: 0207 974 2063

**From:** leo kaufman [mailto:[landpkaufman@googlemail.com](mailto:landpkaufman@googlemail.com)]  
**Sent:** 26 November 2014 11:34  
**To:** Pierre, Frances  
**Subject:** Re: 275 Eversholt Street, London NW1 1BA

Dear Ms Pierre

Thank you for your recent email.

I find you fees of £275.00 per hour, very unreasonable, in fact rather excessive, especially seeing that you are only a legal assistant.

Please therefore, provide the information requested under Freedom of Information. I would like the addresses or case numbers and I can look these up myself on line.

I have just been advised by a surveyor acting for Camden Council who have requested from Redcourt Limited a license for a matter that they require, who have advised me that Camden Council would never pay more than £150.00 per hour even for fully qualified surveyors or solicitors.

I notice that your draft decision refers to the previous use being a sauna. This is incorrect, as the premises were not being used as a sauna. They were advertising that they were running a sauna but in fact it was not. The police have advised me that the premises were in fact being used as a brothel, until they closed it down and arrested the previous tenant. The premises are now in fact vacant as your planning officer will have seen, and is not being used as a brothel. I was only pointing out this matter so that you should be pleased and more encouraging with the change of use.

It would seem that your officers delegated report is therefore, incorrect. Could you please send me under Freedom of Information a copy of the delegated report.

Also could you please explain how you can change the description regarding previous use on the decision to what was put on the application form.

Regarding tracing the freeholder I will confer with my solicitor with regard to obtaining a certificate that all has been done to trace him/her.

Your amended Section 106 Agreement, at the bottom still refers to New Experience and Frank Wilson. This should have been deleted.

Yours sincerely

Leo Kaufman

for Redcourt Limited

This e-mail may contain information which is confidential, legally privileged and/or copyright protected. This e-mail is intended for the addressee only. If you receive this in error, please contact the sender and delete the material from your computer.

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**LEO KAUFMAN**

**TEL 0208 209 0197**

**EMAIL: [landpkaufman@gmail.com](mailto:landpkaufman@gmail.com)**



4<sup>th</sup> Floor,  
No. 1 St Ann Street  
Manchester  
M2 7LG

Clifton Square  
Clifton Street  
Alderley Edge  
Cheshire  
SK9 7NW

