THE CHELSEA SOCIETY

SUBMISSION OF THE CHELSEA SOCIETY
-on -

CLUED APPLICATION CL/17/02823 – CADOGAN PIER

The Chelsea Society was formed in 1927 to preserve and improve the amenities of Chelsea for the public benefit, and the Chelsea riverside is of particular importance.

The origins of Chelsea were in a few dwellings for fishermen, boatmen, and market-gardeners on the north bank of the Thames with a manor house, and a church which still stands today, having been substantially rebuilt after bomb-damage in the Second World War. In 1520 or thereabouts Sir Thomas More built a country house on a site close to the junction of the present-day Beaufort Street with the Embankment, and later other people of distinction, including King Henry VIII, established residences nearby.

In the Victorian period, the embankment and the Albert Bridge were built, and over the centuries, the Chelsea riverside has acquired a very special character, and the people of Chelsea wish to preserve it. Cadogan Pier and the whole of the riverside is covered by the Thames Conservation Area, which was designated in 1981, and adjoins the Cheyne and the Royal Hospital Conservation Areas.

The Pier was built in 1841 and then rebuilt in 1875 to accommodate the Albert Bridge. The Pier has always been used by vessels navigating the river for leisure and commercial purposes and being berthed there for varying periods of time. One of the charms of the Chelsea riverside is that its appearance is not static, so the Pier should not become, a floating residential caravan park. Moreover, boats should have the appearance of rivergoing or seagoing vessels and should not have any of the attributes of dwellings, eg flowers, shrubs, box-like structures, picture-windows, satellite dishes etc.

The Chelsea Society is very concerned that permanently moored vessels of an inappropriate size or appearance should not be allowed to become a visual intrusion in the Conservation Area and in the curtilage of the Albert Bridge, which is now a Grade II* listed building.

A CLEUD application was made by the owners of Cadogan Pier on 27th April 2017. We are aware that this is not a planning application, and that the Council does not therefore have the discretion which it has when dealing with such applications. Instead, the Council must be satisfied under section 191 of the Town and Country Planning Act 1990 that the use of the planning unit claimed in the CLEUD application was a lawful use as at the date of the application, and if not satisfied they must refuse the application. The burden of proof is on the Applicants.

The Applicants maintain that the planning unit is the whole of Cadogan Pier except for two berths which they have themselves excluded.

We do not agree that the planning unit is Cadogan Pier less the two excluded berths, even though the whole Pier is currently in single ownership. See Church Commissioners v Secretary of State for the Environment (1995) 71 P & CR 73.

We do not think it is possible to have a planning unit with a multiplicity of uses, residential, leisure or commercial, at the discretion of the owner, and if the CLUED application were granted, the Council would in future have no control over the use to which each of the other berths is put within the general uses for which the Applicants contend. Further, as the boats are not buildings, the Council would have no control over their appearance.

It seems to us that the river bed and the superjacent water under each mooring berth is a separate planning unit, and that is why applications were made in the past for planning permission in respect of each of the two excluded berths, and why planning permission was applied for and granted for the mooring of a lightship in a particular place in 1998. The planning history shows that the Pier has never been treated as a single planning unit.

Condition 3 of the 1997 Planning Permission for the western extension of the Pier required full particulars to be submitted and agreed by the local planning authority of *"the design and external appearance of all new moored vessels".*

Further, the 2002 planning permission for the construction of the west pier provided that*: "5. A specific planning application will be required for any permanently moored vessels at the Pier extension which will include details of design.*

Reference has been made by the Applicants to Kew Marina, but the facts do not seem to be the same as in this case, and even if they were, a decision by one local planning authority is not binding on another.

As the CLEUD application does not relate to a planning unit it must be rejected ab initio.

Even if the Pier were a planning unit as the Applicants contend, the evidence does not show continuous use of berths for residential purposes for upwards of ten years.

The 2002 permission provided that *"No permanently moored vessels at the pier shall be utilised for residential sleeping accommodation. This would be subject to a specific planning application and permission may not be forthcoming."* Even some of the witnesses who claim residential use admit that their vessels made leisure voyages from time to time, as recently as 2013. Further, there is little evidence of payment of Council Tax by users of the berths. The owner of "Zwerver" says that he is on the electoral roll but only since about May 2016, which falls far short of the ten years required by 171B(3) of the 1990 Act.

The Port of London Authority did not permit residential moorings until 1st April 2016, and it is not to be presumed that the owner of the Pier permitted unlawful use of the Pier before that date. Indeed, the evidence of the Pier Master is *"at no point between 2003 and 2012 was I aware of any boat being used for residential purposes."*

The CLUED application should be refused.