



# The Chelsea Society

*Registered Charity 276264*

## SUBMISSION TO THE INDEPENDENT REVIEW BY THE CENTRE FOR PUBLIC SCRUTINY ON HOW THE COUNCIL OF RBKC MAKES DECISIONS

Sent by email to [info@cfps.org.uk](mailto:info@cfps.org.uk), and [egw10@demsoc.org](mailto:egw10@demsoc.org)

### THE CHELSEA SOCIETY

Was founded in 1927, and today it has more than a thousand members.

Its objects are to preserve and improve the amenities of Chelsea for the public benefit, particularly by:

- stimulating interest in the history, character and traditions of Chelsea;
- encouraging and promoting good architecture, town planning and civic design, the planting and care of trees, and the conservation and proper maintenance of its buildings the public realm and open spaces and other features of historic or public interest;
- seeking the abatement of nuisances;
- making representations to the proper authorities on these subjects.

For the purposes of the Society's activities Chelsea comprises the four Chelsea Wards of the Royal Borough of Kensington & Chelsea (RBKC), namely Royal Hospital, Chelsea Riverside, Stanley, and Brompton-Hans.

The statutory body with responsibility for most subjects of interest to the Society is the Council of RBKC, although the Society does deal with The Mayor of London, TfL, The Port of London Authority, departments of national Government, public utilities and others.

Town Planning issues form the most important part of the Society's relationship with RBKC, and the Society has delegated its planning function to a Planning Committee comprising a Chairman and four other members with responsibility for each of the four Wards. See

<http://chelseasociety.org.uk/planning-environment/>

### COUNCILLORS

Each of the Chelsea Wards has three elected Councillors, and the Society has a good working relationship with all of them. We are generally in agreement with them, but where there is disagreement we are able to have an in-depth discussion, and to seek to persuade them to support our position, either on general policy, or on Ward-specific issues. We do not yet know



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who the Councillors will be after the May 2018 elections, but the Society will wish to meet with them all to consider the issues discussed in this submission.

Agreement may not always be possible, and we understand that the Council has a responsibility to govern in the best interests of the Borough as a whole, and not just Chelsea, or a particular Ward.

Perhaps the most important policy issue in the last five years has been whether a Crossrail 2 station should be built on the King's Road. The Council supported the station, and provoked a huge public protest movement, leading local people to believe that the Council was out of touch with them. Some members of the Society believe that there is still a sense of outrage about the way the Council has behaved, which they describe as "the cavalier disregard for local public opinion, the rejection of the petition, the use of ratepayer resources to publish propaganda material and the patronising and abusive language used by one Councillor to describe anyone who took a different view to his own."

The Chelsea Society opposed the Crossrail station after full public consultation, for the reasons set out at <http://chelseasociety.org.uk/crossrail-2/> . The Society has continued to argue its case and the leadership of the Council appears now to have adopted a more neutral position. This will be tested during the forthcoming election campaign.

The Society holds meetings open to all its members where it invites leading Councillors to explain what they do, and to answer questions. Recently the Society has met with the Leader of the Council, Cllr. Elizabeth Campbell, and her predecessor Cllr. Nicholas Paget-Brown, the former Cabinet-member for Planning & Highways, Cllr. Timothy Coleridge, and the former Cabinet-member for Finance, Cllr. Warwick Lightfoot. The Chairman of the Society's Planning Committee has also met with the new lead member for Planning and Highways, Cllr. Gerard Hargreaves, and the Deputy Leader, Cllr. Will Pascall.

The Society understands the limitations of the role of an elected Councillor. These limitations derive from time, support, and knowledge. Time, because being a Councillor is a part-time job for many Councillors, who have to earn their living sometimes in a demanding job or running their own business or with family commitments. Support, because - apart from the lead-members- the Councillors are not provided with secretarial support, and knowledge because in most cases Councillors do not have expert legal or technical knowledge.

Councillors are therefore very dependent upon advice and assistance from the paid officials of the Council, who do have the time, the support, and the expert knowledge. As they become more experienced, Councillors do acquire some of the necessary knowledge, but most will remain to a large extent dependent on the officials.

Although Councillors have a responsibility to serve all the people, whether they voted for them or not, Councillors are also rightly concerned to manage the Council so far as possible in accordance with the political manifesto on which they were elected.



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There is a case for reviewing whether the “Cabinet” or “Lead-member” system should be retained or whether the Council should revert to a committee-based form of decision-making. One view is that the Cabinet system puts too much power in the hands of one individual and that bringing power back to committees would help to ensure better transparency. There is however a danger that this might make decision-making slower and more cumbersome.

## OFFICIALS

These are the people who are paid to manage the day-to-day business of the Council, and they are employed as experts in the laws and technical issues with which they have to deal in their particular department, be it planning, highways, environment, education, or whatever.

The Chelsea Society has a good working relationship with the senior officials of the Council, and they are (almost) always available to listen to any issue we wish to raise.

Most of the officials are full-time employees, but they have a heavy workload and it may not be possible for them always to respond to requests from individual citizens. The professional head of each department is responsible for employing its staff efficiently, under the overall supervision of senior Councillors, but if it comes to the attention of the Chelsea Society that a member of the public is dissatisfied with the service provided we will raise the issue with the head of department, and if necessary with Councillors.

## RESIDENTS ASSOCIATIONS

In addition to the Chelsea Society, whose remit covers the whole of Chelsea, there are many residents’ associations established and supported by local people in Chelsea to safeguard their interests in a particular street or group of streets. The Chelsea Society values their detailed local knowledge, and the Ward members of the Society’s Planning Committee are encouraged to establish and maintain a good working relationship with them. Likewise if a residents’ association identifies an issue on which it needs help in dealing with the Council or with another authority, the Society is always willing to provide support if it can.

We are aware that some of the residents and residents’ associations do feel ignored by Council officials, and this needs to be remedied. The Society has recently supported the Cheyne Walk Trust on the issue of houseboats on Cadogan Pier, we have supported local residents who wanted to keep the Colombier Restaurant and the Queen’s Head pub open, and we have supported the Milner Street Area Resident’s Association in relation to Sloane Street, and in opposing a large basement development at 1A Walton Street. These are all cases where the Council have taken into account of the views of local residents.

## RESPONSIVENESS

We know that there are particular Councillors who are regarded by people in their Ward as remote and not sufficiently interested in them. However, we have never felt that the views of the Chelsea Society were being ignored, and we hope that our input helps the Council to deliver a better service to the public. Sometimes the Councillors or officials are accused of not listening,



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but there is of course a difference between not listening to a point of view and not agreeing with it.

The officials have to act in accordance with their own professional standards and within the relevant law, and within the policies set by the elected Councillors. They are not therefore always able to do what an individual citizen or group of citizens, or even the Councillors or The Chelsea Society, would like them to do. This is particularly the case for the Director of Planning & Borough Development and his staff.

Many of us would wish them to advise the Council to refuse planning permission for basements, ugly buildings, or undesirable changes of use, and to redress the balance between developers and the local people whose quality of life is so often damaged by development. National law does not however allow them to refuse permission except on solid legal and policy grounds, and if they do so they will be overruled on appeal by an inspector appointed by national government. Changes in planning law are therefore needed, as to which see the Chelsea Society's submission to the Raynsford Review of Planning Law at <http://chelseasociety.org.uk/planning-law-review/>

For the impact of construction works on local people in Chelsea, see also <http://chelseasociety.org.uk/the-cost-of-development/> Basement developments are matters of particular local concern, by reason of their disproportionate impact on the lives of local people in Chelsea's narrow streets and densely populated areas, and The Chelsea Society campaigned for an Article 4 Direction, which has now been made.

We agree with the Milner St Residents' Association that "Until recently the Council had a policy of granting CLOPUDs (Certificates of Lawfulness of Proposed Use or Development) for new basement developments, thus avoiding the need for planning permission. We and many others explained to the Council that a CLOPUD could not lawfully be issued for a basement development where the required engineering works amount to a separate activity of substance (as will usually be the case) - such developments require planning permission. At least three legal opinions were furnished in support of this argument, but the Council took no notice. Our view of the law was eventually shown to be correct in the High Court case of Eatherley v London Borough of Camden in December 2016. We will never know how many basements have been built in RBK&C as a result of CLOPUDs unlawfully issued by the Council prior to April 2016 when its Article 4 Direction, requiring planning permission for all such developments, came into effect. Had the Council listened properly in the first place, the whole problem - and a great deal of misery for neighbours - could have been avoided."

The Chelsea Society has proposed to the Government that there should be further restrictions on basement developments. See <http://chelseasociety.org.uk/wp-content/uploads/2015/03/TCS-to-DCLG-re-Basements-6.12.16.pdf> and the Council should publish on its website its own response to the Government consultation on this issue (and on all other issues). It should also publish on its website its definition of a "basement" as distinct from a "lower ground floor."

The Sutton Estate on Cale St., Chelsea is an important provider of social housing, and is a case



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where the Council has refused permission for redevelopment of the site as requested by the owner. The owner has appealed and The Chelsea Society has been granted Rule 6 status in the appeal. However, the limitations of planning law are clearly apparent in this case, for whilst the Council can refuse planning permission for unsuitable redevelopment, they cannot compel the owner to maintain or refurbish the existing buildings in accordance with the wishes of local action groups.

One important factor about the Planning Dept. of the Council is that many of the planning officers have never lived in Chelsea, and do not have a natural feel for what local people would find acceptable. There are cases where a degree of subjectivity is inevitable, and officials are sometimes thought to substitute their own opinions for those of local people. This should never be done unless there are special reasons, which should be clearly stated.

The officials and Councillors will also rely on architectural advisory panels, but many of the architects do not have a natural feel for Chelsea either. Also, architects are artists, but Chelsea is not a blank canvas on which they can paint as they wish. To some of them a beautiful building which will stand for generations as an example of their skill and creativity is an end in itself, but it may not be suitable for Chelsea. Number 37 Burnsall Street is a good example of this. See before

<https://www.dropbox.com/s/ypn76i6wmhjevvy/37%20Burnsall%20Street%20before.jpg?dl=0> and after <https://www.dropbox.com/s/licdzasbkakeoap/37%20Burnsall%20Street%20after.jpg?dl=0>

It is therefore particularly important for organisations like the Chelsea Society and the Chelsea residents' associations to have a much stronger role in the appraisal of the designs, before they reach the stage when only minor amendments would be acceptable. This is already happening in Chelsea on an informal basis, as the Chelsea Society does engage with some of the better developers and their architects, with beneficial results. See eg

<http://chelseasociety.org.uk/curzon-cinema-2/> See however the case of the former Harrod's car showroom on Sloane Avenue. <http://chelseasociety.org.uk/60-sloane-avenue/>

Inadequate enforcement in RBKC of planning laws (including Construction Management Statements and Construction Traffic Management Plans), highway laws, environmental laws and other laws is a source of many complaints. The Chelsea Society has addressed this in cooperation with the Deputy Leader of the Council and the relevant senior officers, See <http://chelseasociety.org.uk/enforcement/> A pilot enforcement scheme has been established in the four Chelsea Wards <https://www.rbkc.gov.uk/planning-and-building-control/chelsea-enforcement-pilot> and we are seeking a follow-up meeting to assess what has been achieved and what may need to be changed.

Sometimes the Council does not know that development works have started and is not therefore able to satisfy itself that the CMS and CTMP are understood by the personnel on site. We consider that all permissions to carry out works should require at least 14 days notice to be given to the Planning, Environment, and Highways departments of the Council.



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Enforcement issues are particularly acute in the Lots Road area, and the Society's planning committee member for Riverside Ward is engaging with Councillors and senior officials to mitigate the effects on local people of the major developments taking place in that part of Chelsea. This is work in progress and has not yet been satisfactorily resolved.

The Council needs to ensure adequate cooperation between the planning, and environment and highways departments, especially where noise and pollution and traffic issues may be involved.

### **INDEPENDENCE**

It is vital that the Councillors and officials are serving the Borough with integrity and independence, but this must also be seen to be the case by all the people. This is particularly important for the Council's planning officers, because huge sums of money may be made or lost depending on how they interpret planning law and policy. The Council should therefore strictly prohibit the acceptance of any invitations, or attendance at any social events, by its planning officials at which developers or their representatives will be present. Similar rules should be established as appropriate for key personnel in other departments of the Council.

The position is different for the elected Councillors, because it is important that they are active in the social life of their Wards. Nevertheless members of the Council's Planning Applications Committee, and other Councillors with an influential role in the decision making process, particularly in planning, should avoid social contact with developers and their representatives.

### **COMMUNICATION**

Many people feel that Councillors ought to hold "surgeries" at convenient locations in their Ward at least once a month so that residents can meet them and discuss matters of local concern. As there are three Councillors for each Ward they could share this responsibility.

It is important that the workings of the Council are transparent, and that it can be seen to be serving the interests of local people efficiently and with due regard to their wishes. In the age of the internet and the mobile phone, the best way for the Council to do this is through its website and apps and social media. The Council should convene a working group to examine how these modern methods of communication could be better used and be more inter-active. The Chelsea Society would be willing to participate in this.

The Council's own newspaper has a role to play, but some people see it as propaganda. It is important that local groups such as The Chelsea Society, residents' associations, and other groups should have space in the newspaper to express their views on matters for which the Council is responsible.

Some of our members feel that the Council and some developers have a tendency to engage in consultations whose purpose is not assessment of people's views but simply so that the Council or the developer can claim that the public have been consulted. Worse, these consultations can be a manipulative exercise intended to provide justification for a course of action which the Council



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or the developer wishes to implement. Many people feel that the consultation on Crossrail was an example of this. The Council must be very careful to ensure that future consultations are not used for these purposes.

### **GRENFELL TOWER**

Grenfell Tower is not in Chelsea, but the Chelsea Society is nevertheless concerned to ensure that high-rise buildings in the Borough (whether public or private) are safely constructed and managed. A public enquiry is in progress in which all the evidence relevant to the Grenfell disaster will be scrutinised by a High Court Judge, but until the enquiry is complete it would be wrong to draw any conclusions about the causes or consequences of the fire, nor to allocate blame to anyone. One important factor to be considered is whether the Tenants' Management Organisation (TMO) was fit for purpose.

Chairman of the Planning Committee

The Chelsea Society

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