

Sam Kamleh-Chapman

13th January 2022

Secretary of State for Levelling Up,
Housing and Communities, Planning Casework Unit,
23 Stephenson Street
Birmingham
B2 4BH

by email to
pcu@communities.gov.uk

Dear Sir,

RE: THE LONDON BOROUGH OF RICHMOND UPON THAMES (TWICKENHAM RIVERSIDE) COMPULSORY PURCHASE ORDER 2021

I am one of the Trustees and the Treasurer of the Twickenham Riverside Trust ("TRT") which acts in respect of a 125 year leasehold of the Diamond Jubilee Gardens ("DJG"), one key section of land in respect of which the above CPO is sought, and I write in support of the CPO in my capacity as a long-term resident and architect in the London Borough of Richmond upon Thames.

The Twickenham Riverside Proposal and The Trust

The TRT's Charitable Objects are as follows:

- To Preserve, Protect and Improve, for the benefit of the public, **the Riverside and its Environs at Twickenham** in the London Borough of Richmond upon Thames (and such other areas as the Trustees may from time to time decide).
- To provide charitable facilities there for public recreation and community activities; and
- To Advance the education of the public in the history and environment of the area

I note that the first of the abovementioned is a duty to improve etc the Riverside and its Environs for the benefit of the general public, rather than improve etc the DJG.

The offer of the exchange land/reprovision to the TRT represented both in some documents published by Richmond Council online, and as indicated on the planning

application is not the same as that which is set out in the CPO¹ for legal technicality reasons. In simple terms, the reprovion actually being offered to the TRT is formed of open spaces, an events area, stepped seating and a playground, all with access to public toilets, a café, a restaurant/bar and services to cater for events.

It is my view that the actual reprovion offering, when considered as part of the wider Riverside area enhancement which the CPO is intended to enable, incontestably meets the Charitable Objects of the Trust because it improves the Riverside and its Environs as a whole and provides facilities for public recreation. It is worth noting:

- While alternative improvements of the Riverside, of different character, might of course be possible, this is not currently the issue. Any proposal for the site would need to include the DJG to deliver a cohesive and inclusive design. I note that the Architects, Landscape Architects and Structural Engineers leading the proposed scheme (Hopkins Architects, LDA Design and Webb Yates respectively) are all world class and that, of all proposals made for this very locally significant site over a period of 30 or 40 years, the competition winning entry now being brought forward has gathered the most popular support and, this is the betterment on offer.
- More importantly, and critically, the proposal will
 - Clean up the area as a whole, removing the derelict or underused structures and blank facades that are an integral feature of the environs at present,
 - Provide key places within the public realm with a direct connection to the river. Essentially the proposed scheme involves a shift of the main existing public realm provision, from the area currently forming the present DJG, which is detached from the river and makes no meaningful use of the unique opportunity represented by the riverside location and, in essence, might as well be anywhere in the Borough
 - Provide a lively connection between the high street and the public open space and the river, so that the scheme also connects with and enhances the town centre,
 - Provide much needed housing so helping meet the requirements of both the Local, London wide and National Planning Policy.
 - Improve accessibility to the gardens for all from various locations of the site and will offer a diversity of facilities to appeal to all residents of the Borough not just the few who currently use the DJG,
 - Address the constraints of the flood defence requirements set by the Environment Agency. The Council and the TRT can organise events around flood timetables; cars parked on the river are often caught out by the tides.

¹ https://www.richmond.gov.uk/council/regeneration_projects/twickenham_redevelopment/compulsory_purchase_order

- The current proposal is widely supported by the residents of the borough. The planning application has 225 letters of support and 311 letters of objection. In my experience as an architect, the majority of those who support a scheme do not write to support it. Most of those who object will make the effort.

The Involvement of the Trust in the development of the Riverside design;

- The CPO proceedings were issued to ensure that an agreement can be reached, in a timely manner, between Richmond Council, the Trust and others with affected property rights, and that it provides a backstop for the Council. It is being contested by the TRT to protect its fiduciary duty and to strengthen its position in respect of any negotiations.
- The former Trustees of Twickenham Riverside Trust were involved in writing the brief² for the RIBA run competition for the site and the winning proposal was selected by residents of the borough as well as the Trustees and other Stakeholder Groups. The Council have consulted widely on the proposals before the submission of the planning application.
- There was a change of several of the Trustees, due to expiration of tenure, occurred at the end of 2020. This had an impact on the understanding of the proposal and the negotiations with the Council.
- A great deal of time has been spent by the TRT and by council officers as well as the Hopkins design team in design review meetings, meetings to agree the heads of terms, communications and meetings with lawyers and surveyors over the past 2 years.
- Time and money have been afforded to the Trust to obtain independent legal advice and advice from surveyors, although a surveyor's report is not required by the Charities Commission in this circumstance. I also note that the surveyors' report confined itself to weighing the value of the existing DJG vs the proposed reversion, ignoring wider issue of value across the environs as a whole, and may be considered spurious in the light of the TRT's Objects. I note that further fees were extended to the TRT to amend the surveyors' report to suit the requirements of its objection to the CPO.
- The surveyors' report regarding the financial valuation, as opposed to the amenity value, relies in its advice on the presence of a café on the DJG. The café is managed by the Council and **no proceeds** are currently collected by the TRT. The reliance presumes that the café will revert to the Trust in 2024, however, this belief is not supported by the TRT's Lease Agreement.

² https://www.architecture.com/awards-and-competitions-landing-page/competitions-landing-page/www.architecture.com/-/media/files/Competitions/Twickenham%20Riverside_ITT

- The development of the proposals for the Twickenham Riverside have been carried out in line with Environment Agency Requirements, as well as Local and National Planning requirements with the design team keeping the proposal as close as possible to the original competition winning entry. It should be noted that in ensuing design development changes to accommodate various constraints, the development has approximately 30% smaller building footprint than the winning competition entry.
- Two Trustees, including the former chairman, [REDACTED] resigned prematurely towards the end of last year in relation to ongoing discussions about the Riverside Development.
- It may be relevant that at least 30% of the current Trustees live or until recently have lived, or are connected with Eel Pie Island. The residents of Twickenham alone, all of whom would benefit from the development, are over 62,000 (*whereas the population of Richmond Borough: 196,000*). Eel Pie residents represent less than 0.2% of the Twickenham population (*0.06% of LBRUT population*). The Eel Pie Association has opposed all proposals for the Riverside, partly based on the loss of parking and a mistaken belief of a negative impact on deliveries to the Island. Opposition to the previous administration's proposal for the Riverside development took on a slightly different perspective, which also focused on parking, but represented the same voices and similar views and damaged the chances for that proposal³. It might be argued that Twickenham Riverside is currently the most attractive car park in London.

Delay and opposition to a proposal set out in the Local Plan;

- The Town and Country Planning Act 1990 provides the Secretary of State with the right to disregard objections which amount to an objection to the provisions of the Local Plan. Under Section 226, the objections of the Trust and other Stakeholder Groups, largely based on the height, or the presence of the Wharf Lane Building at all, would contravene the London Plan, the Local Plan as well as the NFPP, the Twickenham Area Action Plan and housing targets requirements for the borough.
- You will be more conversant with Section 226 (1)(a) which may be relevant and states⁴ :

...section 226(1)(a) enables acquiring authorities with planning powers to acquire land if they think that it will facilitate the carrying out of development (as defined in [section 55 of Town and Country Planning Act 1990](#)), redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement

³ <https://twickerati.wordpress.com/2017/10/10/ brut-council-twickenham-riverside-plans-published/comment-page-1/> - please scroll to comments at the end of the article

⁴ <https://www.gov.uk/guidance/effective-use-of-land>

- The London Plan states:⁵ **P35: 119. Local planning authorities, and other plan-making bodies, should take a *proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs*, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, *supported where necessary by compulsory purchase powers*, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.**
- The LBRuT housing target is set in the London Plan with a target of 3,150 homes for 2015-2025. This is equivalent to 315 homes per year. This development would provide 45 new homes towards that target, 50% of which will be affordable homes.

Closing:

I would be grateful if you would consider the above and would draw to your attention to the attached letter I have written to the Charities Commission: I have asked that they review the TRT with respect to potential conflicts which for my part, following legal advice given to the Trust as a whole, I perceive to exist.

Finally, I note that should the Charities Commission, for whatever reason, elect not carry out a review of the TRT, that I will resign as a Trustee: I consider the current state of affairs, made only worse by recent Trustee resignations, entirely unacceptable.

The Twickenham Riverside Trust's existence has already accomplished its objectives with the existence of the Lease which prevents over-development of the site. Its involvement in the brief with the council has ensured that the Riverside has retained substantial public open space and amenities for residents and visitors to the area: a private developer would have required to make regeneration financially viable, at the expense of that public open space without being challenged.

At this point, where the current proposal meets this objective, the resistance to developing Twickenham Riverside is, perhaps, showing that the TRT have outlived our honourable purpose and certainly, in my view, our Charitable Objects.

Yours faithfully

Sam Kamleh

RIBA (MA-RCA) Dip Arch MBA Dip (IC)
Trustee of the Twickenham Riverside Trust

Enc. Letter to Charities Commission 22.1.1

⁵https://www.london.gov.uk/sites/default/files/london_plan_topic_paper_on_density_policy_and_details_of_research_-_2017_final.pdf

Sam Kamleh-Chapman

As Trustee & Treasurer for the
Twickenham Riverside Trust
Registration Number 1147557

Charity Commission
PO Box 211
Bootle
L20 7YX
(attached on webform)

7th January 2022

Dear Sir or Madame;

Re: Assistance with advice on perceived Conflicts of Loyalty/Interest within the Trust

I write to seek your advice on perceived conflicts of loyalty within the Twickenham Riverside Trust ("TRT") which I believe to be affecting a serious decision the Trustees are making.

As a brief prelude I will outline the pertinent points;

1. The Trust's Objects state;
 - a. *TO PRESERVE PROTECT AND IMPROVE FOR THE BENEFIT OF THE PUBLIC THE RIVERSIDE AND ITS ENVIRONS AT TWICKENHAM IN THE LONDON BOROUGH OF RICHMOND UPON THAMES (AND SUCH OTHER AREAS AS THE TRUSTEES MAY FROM TIME TO TIME DECIDE);*
 - b. *TO PROVIDE CHARITABLE FACILITIES THERE FOR PUBLIC RECREATION AND COMMUNITY ACTIVITIES; AND*
 - c. *TO ADVANCE THE EDUCATION OF THE PUBLIC IN THE HISTORY AND ENVIRONMENT OF THE AREA.*
2. The Trust has a 125 year lease to look after the Diamond Jubilee Gardens ("DJG") that form a part of the Twickenham Riverside area.
3. Richmond Council have been developing plans, following an RIBA run architectural competition which has gained public support. The TRT has been involved from the outset in setting the brief for the competition, selecting the winning proposal and in liaising with the council and the winning architects (Hopkins) in developing the proposal towards a planning submission. The planning application is current and can be found at https://www2.richmond.gov.uk/lbrplanning/Planning_CaseNo.aspx?strCASENO=21/2758/FUL
4. The tenure of several of the original and founding Trustees came to an end in September 2020. Several new Trustees were appointed, including myself, in October 2020.

5. The original Trustees were part of the brief writing process with the Council and selection of the winning proposals.
6. The council consulted widely within the Borough and the feedback was generally positive from varying demographic groups. The planning application has 225 letters of support and 311 objections. In my experience as an architect, objectors are more likely to comment on a planning application than supporters.

The issue of Conflict of Loyalty/Interest has arisen on several occasions throughout the past few months. Although we have recently discussed and voted on the conflicts, my view, supported by another Trustee and former Trustees, is that the process followed has not addressed the issues properly and the exercise was a 'box ticking'. The conflicted Trustees, in my view, based on the guidance provided in your documents, should not have been able to vote on an issue as serious as the one currently under discussion. I believe that council officers and members of the public believe that there are also conflicts of loyalty within the Trust.

In fact, a previous conflicts meeting led to the resignations of two former Trustees, including our previous Chairman. Our former chairman was due to step down at the end of his tenure, but resigned due to the perceived conflicts.

I have raised the issue with our current Chairman who disagrees with my perception. The Trustees voted on whether to allow those perceived to have a conflict to be involved in deciding the future of the DJG and the Council's proposal for the Riverside.

As such, I am writing to seek your advice as I believe that not only does the current decision – to refuse the Council's proposal for the development and purchase of the land – contravene our Charitable Objects of "...protecting and enhancing the riverside and its environs for the benefit of the public", but that it is based on, what I, amongst others, perceive to be conflicted Trustees whose views are not necessarily representative of those of the residents of Twickenham and the Borough.

The perceived conflicts are as follows;

- Trustee 1 – [REDACTED]. This Trustee is [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- Trustee 2 – [REDACTED]. This trustee is a member of another Riverside group (*Riverside Action Group – RAG*) that made its views against the Council's current proposals known before the TRT took a vote. Our advice from our lawyers was clear; that if a Trustee belongs to another Riverside group that makes its views known prior to the TRT taking a position, then that Trustee is conflicted and should not be included in the final vote going forward. This Trustee is also a friend [REDACTED] and they both opposed the previous development for the

Twickenham Riverside. At a Design meeting where the design team representatives from the TRT (including myself), the architects for the proposals and Council representatives were present, we were asked not to take screen shots of the updated proposals. [REDACTED]

- Trustees [REDACTED] 30% of the Trustees are, or were until recently, residents of Eel Pie Island, including our Chairman, whose parents are current residents and opponents of the Riverside development due to loss of parking and possible difficulties for deliveries. There are over 62,000 residents in Twickenham, 120 of whom live on Eel Pie Island. This represents under 0.2% of the residents of Twickenham as a whole. As such, the views of the TRT, when swayed by those of the Eel Pie residents opposed to losing car parking currently available on the Embankment. Whilst I do not perceive the conflict here to be financial (*loss of property value due to loss of parking space*), I believe it to be due to loss of amenity value in having close at hand parking. This is apparent from the opposition to the previous proposal for the Riverside by the previous administration in the Borough.

The council has issued a CPO against the TRT for the Diamond Jubilee Gardens to hasten a decision from the TRT.

After 2 years of meetings with the Richmond Council officers, agreeing, in principle, Heads of Terms, and meetings with their Design Team, the Trustees have voted against accepting the Council's offer, which seeks to re-provide better amenities than are currently available to the public. This vote, in my view, has been driven by the above conflicts.

The Surveyors appointed to prepare a report for the CC advised that their report was to strengthen the Trust's negotiating position. The re-provision provides better amenities for the public on the site. They did not advise the Trustees to refuse the council's offer and ask them to 'go back to the drawing board'.

The Trustees seem to be voting to protect the DJG as a stand-alone element, as this is the area within our remit. Opposing the current proposal – the most popular with local residents to be offered for the Riverside in the past 30 years - is at the expense of improving and enhancing the wider riverside and its environs for the benefit of the public.

In sum, I believe there are unacceptably conflicted parties on the Trust, and am seeking your advice as to how best to proceed.

We have our next Trustee meeting on the 12th January and I am aware that this is very short notice. I had been waiting to see what our letter to the council stated in case I was mistaken before contacting you.

If you require any further information or have any questions, please don't hesitate to contact me. In the meantime, please find attached my letter to the TRT chair raising my concerns, which provides slightly more detail on the perceived conflicts.

Yours sincerely,

Wisam (Sam) Kamleh-Chapman

