

Calders Wharf



FRIENDS OF
ISLAND
GARDENS

A battle we can and must win

With construction of the four-storey building progressing further each day, it seems hard to believe that the land underneath could still carry official designation as Greater London Parks & Open Space, is listed as an Asset of Community Value and could also still belong to the “public” (or rather, Tower Hamlets).

This prime riverfront land was earmarked as an extension of Island Gardens since the 1950s and, we believe, still could be, if we can get this matter the attention that it deserves.

Some may have thought that the local community had lost its fight at Calders Wharf. But our work has revealed this is far from being the case.

So we are asking all of the candidates for the forthcoming elections whether or not they are willing to fight with us on behalf of the community, because whether or not we are successful in the coming year will depend largely on having enough councillors from across all the wards who hear and support our cause to oblige the council to act. We want you to elect councillors who will help us right this wrong for the community and who have the willingness to hold council officers past and present to account.

It's time to call time on developers riding roughshod over planning officers in Mulberry Place.

We've done a lot of the hard work already and have identified that there are three simple ways that new councillors could help us fight this:



1. The Land

We've found out that the land may still be owned by London Borough of Tower Hamlets (LBTH), and may also still carry a restriction of being Greater London Parks & Open Spaces, according to the Land Registry. So we don't understand why a developer has been allowed to build on it.

Council officers insist that they have properly transferred the Calders Wharf land to East End Homes who sold it on to Telford Homes for £2.1m for development. In fairness, the council may genuinely have believed this to be true, which might be why they now think they are unable to act. But our research has uncovered that this may not be true, due to a series of what seem to be errors and omissions:

- While the lease on the community centre building might have been bundled in quietly with a Housing Stock Transfer to East End Homes in Jan 2006, according to our reading of the documents, the land underneath clearly wasn't. This would mean that LBTH remains the freeholder of the site today and could even charge ground rent for any building there.
- But where this gets more interesting, is that we've not managed to find any documentation confirming that the land was ever transferred from Greater London Council (GLC) to LBTH prior to its dissolution in 1986. That might mean that the land is still owned by the London Residuary Body that was set up to handle the loose ends of the GLC. If the paperwork exists, it would be in their archives held now by the London Borough of Bromley. Why does no complete trail of ownership exist?
- Aside from the matter of legal ownership, the land is still protected as Greater London Parks & Open Space (GLPOS) according to our reading of the 1967 Act, a restriction confirmed by the Land Registry (title NGL 241053). Community facilities, such as a community centre, can be built on GLPOS land without it ceasing to be GLPOS, but you can't build residential flats without explicit permission from the Secretary of State, which we know wasn't given. So that's another error in the process. Thanks to the helpful intervention of Jim Fitzpatrick MP, we have current ongoing correspondence with the Land Registry on this subject. In the last few days, the Land Registry has explained it is their normal policy not to record restrictions on land titles when transferred to local authorities, and that they are now retrospectively going to remove the GLPOS restriction from the title document. But we are asking why? And on whose authority? And does that have any effect on the council's obligation to continue to maintain the restriction even if not detailed on the title? Otherwise surely, any council is free to auction off GLPOS land to the highest bidder (or, in this case for £0).

Ask councillor candidates for your ward to support Friends of Island Gardens and call for:

- The council to produce paperwork showing that it is, was, or has ever been legal owner of the land (confirming transfer from Greater London Council or London Residuary Body).
- The council to acknowledge that the land was not validly included in the Housing Stock Transfer on Jan 2006 to East End Homes and therefore East End Homes could not have validly sold it to Telford Homes.
- The council to acknowledge that it did have an obligation to hold the land as Greater London Parks & Open Space (per the 1967 Greater London Parks and Open Spaces Act) despite construction of the original community centre on the land.

2. An Asset of Community Value

In 2015, Friends of Island Gardens sought to protect the land on which the Calders Wharf community centre sat and the nursery that was there by applying for a listing of the centre as an Asset of Community Value (ACV). This was granted and the centre and land on which it stands is now protected.

The term “land” is defined by the Assets of Community Value Regulations 2012 as including the building there. Despite this, the Community Centre was knocked down recently.

The ACV listing obliged the land owner (whoever that actually was!) to notify Friends of Island Gardens of the intention to demolish the community centre and to give Friends of Island Gardens opportunity to purchase the land. Since this wasn't done, it's clear to us that this development is in breach of the ACV regulations 2012.

When the nursery moved out, they were promised that they would get a Portakabin paid for to enable it to continue providing service to the community until it could return to a new community centre that was proposed. This was paid for a year, but then the payments stopped. Sadly the nursery has now gone out of business without a place to operate, and the community has lost a much valued service.

The landowner (whoever that may be) will argue that they are in fact building a new community centre and space for a nursery on the land. But for some reason, the council has forgotten to make this explicit in the Section 106 documentation for the development. Furthermore, the documentation simply designates the space as “commercial”, so there is nothing to stop the space that they say will become a community centre from being turned into a more profitable commercial space instead.

We have been told it is unusual to omit this important detail in the Section 106 agreement. But the good news is that there is nothing to stop this being included right now **provided** that both the council and the developer agree. **If it is truly their intention, we see no reason why they would not agree** and so we need the help of local councillors to put pressure on both council officers and the developers to agree to amend the documentation accordingly.

Ask councillor candidates for your ward to support Friends of Island Gardens and call for:

- A new community centre to be built to replace the one we had.
- Modification of the S106 documents to require the developer to make the community centre space available at non-commercial levels of rent.
- Our claim to the land as an Asset of Community Value to be respected rather than allowing the land-use to change to private residential flats.

3. The Wall

The wall between the park and Calders Wharf is Grade II Listed and protected against modification per an agreement between the council and the Heritage Lottery Fund (HLF). And we don't think the developer has sufficient permission to knock it down.

Around Easter 2017 we produced and distributed a leaflet about the Calders Wharf development. East End Homes responded on behalf of Telford Homes with their own leaflet making certain promises to the community, including a rather important one; namely that the dividing wall between the new luxury flats and Island Gardens would remain.

We now understand that they want to go back on that promise and open the new development into Island Gardens. If this happens, the new flats will appear to be inside Island Gardens.

However, recently we found out from Historic England that **the wall is Grade II listed** along with the foot tunnel entrance built around the same time. In addition, the council received money from the Heritage Lottery Fund (HLF) in 1997 for park improvements which specifically included the wall, and signed a 25 year contract with them not to make further modifications nor destroy the wall without HLF approval. The HLF has confirmed no approval has been sought or given.

The Government Planning Inspectorate gave permission to knock the wall down, but was not made aware of the contract with the Heritage Lottery Fund, nor that it is Grade II listed. Despite this the developer has demolished part of the wall already, and we believe the council should require them to reinstate it.

Why keep the wall?

We don't think it's right that a private development should use a public park as its back garden when upkeep of the park is paid for by the tax-payer. We think it is in the best interests of Island Gardens Park and the public to retain the wall dividing it from the new development. It is clearly in the developer's interests to knock the wall down, because it will make the selling price of the new flats higher. We think your council should act in the public interest and retain the wall.

Why won't the council help?

We've approached the council officers who maintain the wall is nothing to do with them. We think they are wrong. We don't understand why the council would have taken money from the HLF to modify the wall or paid £20,000 to the leaseholder of the community centre (Christchurch Tenants Association) to compensate for the loss of a corner of the car park (land the council supposedly owned)... all for a wall they had nothing to do with.

Ask councillor candidates for your ward to support Friends of Island Gardens and call for:

- The grade II listed wall to be protected and permission for changes to be denied.
- No openings to be made in it.
- For the part of the wall that has already been destroyed to be rebuilt as-it-was.

About Friends of Island Gardens

We are a not-for-profit organisation set up by local residents of Canary Wharf and the Isle of Dogs and we're here to let you know about local development threats that arise from time to time as well as working with the council to look after and improve the Gardens for everyone to enjoy.

We also arrange community fun-days and events in the Gardens. You can get in touch with us by email at info@friendsofislandgardens.co.uk

You can support our work by joining our mailing list or signing our Calders Wharf petition on our website, and also by joining as a Friend or Patron from just £5. Just go to our website at www.friendsofislandgardens.co.uk.