

My ref: ENF (As listed in letter)

16 July 2010

Katherine Tyrrell
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Dear Katherine Tyrrell,

TOWN AND COUNTRY PLANNING ACT 1990

Location: **The Eric and Treby Estates, Treby Street, Mile End, London.**

Relevant Planning permission: Ref: PA/09/02065

Alleged Breaches:

- Enf/10/00324 - Breach of condition 3 (Contamination)
- Enf/10/00381 - Breach of condition 4 (Service and Delivery Management Strategy)
- Enf/10/00382 - Breach of condition 5 (Construction Management Plan)
- Enf/10/00383 - Breach of condition 11 (Landscaping Strategy and Management Plan)
- Enf/10/00384 - Loss of Open space at open space site 3
- Enf/10/00385 - Extension of car park resulting in loss of open space at open space site 2.
- Enf/10/00386 - Use of site 15 for storage.

I am writing to update you on the above the mentioned matters that you brought to the attention of the Council. Please note that I have itemised the alleged breaches of planning control and assigned an individual case reference to each for ease of reference.

A meeting was held with Council officers and the developers on site on 7 July 2010 to discuss the above issues. Another site visit was undertaken by Council planning enforcement officers on 15 July 2010.

The site visit revealed that works at certain sites appear to have commenced, which in the Council's opinion constitutes the commencement of development.

As such, a letter has been sent to the developers which outlines the alleged breaches of planning control and seeks further clarification on some matters as well as stating what actions need to be taken.

Breach of Condition 3 (Contamination)

After conducting a site visit it is apparent Open Space 3 has been completed and foundations have been laid at site 14, prior to Condition 3 having been formally discharged. I am of the understanding that this matter is being addressed by way of further on-site tests and that the Council is awaiting the results of these tests and the submission of validation certificates.

Aside from this, I have advised the developers that Open Space 3 and site 14 must be closed until the results of these tests are received and any further remediation works have been carried out (if required).

Breach of Condition 4 (Service and delivery management strategy)

This condition only needs to be discharged when the development passes the digging of foundations stage and it relates to the servicing of the completed building, not to any deliveries during the construction stage of the project. We are aware that development has reached the foundations stage at site 14 and the developer has been reminded of their obligations to discharge this condition before progressing works further.

Breach of Condition 5 (Construction Management Plan) _

The developers have been reminded of the utmost importance of getting this condition approved as soon as possible since this plan is vital to the effective management of the site, public safety and the smooth operation of the surrounding road network. The developer is entitled to carry out some site preparation works as these do not constitute development. However, I am aware that on site 14 work has started on foundations and as such the developers have been advised to cease works until this condition has been formally discharged.

Breach of Condition 11 (Landscaping Strategy and Management Plan) _

A site visit revealed that Open Space 3 has been completed, including landscaping, prior to this condition being formally discharged. The Council does not consider it expedient to take action on this matter, at this point in time as the landscaping can be changed if there are certain aspects of the scheme the Council is not in agreement with when the formal Approval of Detail application is submitted. The developers have however been reminded to not undertaken any further landscaping until this condition has been formally approved and I have also asked them to confirm that this is their intention.

Loss of Open space at open space site 3 & 4:

The Environmental Protection team has met with developers and have been reassured that remediation has taken place. A site inspection has also been undertaken by the Council's Contaminated Land Officer which indicated there is no immediate risk to residents. The Environmental Protection team are awaiting a remediation validation report from the developer to confirm the work taken place.

East End Homes have advised that this area will not be used until this matter has been resolved.

Additionally, after conducting a site visit and taking measurements of the parking space in relation to the open space it is noted that the development has not been carried out in accordance with approved plan, ref: F528/PO_28C of PA/09/02065.

Specifically, there appears to be a significant reduction in the size of the open space. It was also observed that the car parking spaces have been finished in tarmac instead of charcoal block pavements as per the approved plan.

As such, the developers have been advised to reduce the car parking space and reinstate the correct amount of open space along with the charcoal block pavements in the car parking bays (for parking space delineation) in accordance with approved plans.

Extension of car park resulting in the loss of open space at Open Space Site 2.

A site visit revealed that the majority of open space at the Open Space 2 site has been tarmaced. The developers have indicated that this is proposed to be a temporary arrangement for resident parking and that the open space will be re-instated in accordance with the planning permission granted when this phase of the development is implemented. I have asked for further clarification on this matter and will be able to report back to you later with more on this as and when I have the information.

Use of Site 15 for storage.

A site visit revealed that Site 15 appears to be being used for storage in connection with the works. As such, it is likely to be permitted development, however; again, I have requested additional clarification from the developers on this point and will endeavour to report back to you when I have further information.

The developers have been warned that failure to adhere to the requests made or to respond may result in enforcement action being taken.

Yours faithfully,



Thomas Doyle.
Planning Enforcement Officer.