

Campaigning to protect the Lea Valley Park as a green lung for London

2nd November 2010

Appeal Reference APP/U5930/A/10/21358982135898 Essex Wharf, Lea Bridge Road, London; Comments.

Dear Sir or Madam,

I would be grateful for your attention to the following;

The site at Essex Wharf is not suitable for housing and it should be subject to leisure-based use as set out in the Lee Valley Regional Park Plan. The spaces of Millfields and Leyton Marsh should be viewed as part of the "Green Chain" discussed in the Draft Replacement London Plan. The intervening site at Essex Wharf is part of the Chain, and therefore a strong candidate for inclusion as Metropolitan Open Land.

The treatment of open land in the London Plan is linked to the concept of visual permeability raised by the Inspector in his decision on the previous scheme on the site.

Visual Permeability

We believe that, to be meaningful, "visual permeability" requires a viewer to be able to see the Marsh from all, or at least from most, points within Millfield. The scheme comes nowhere near achieving this, as the diagrams defining the available views show. Any development on the site, no matter what the use, should be of a sufficiently low profile to permit views across the site; this probably means that any development should be limited in extent, in discreet and widely-separated buildings with varying heights up to about 2 storeys maximum. The previous inspector – by calling for visual permeability – recognised the principles in the London Plan ("protection from development having an adverse impact on the openness of MOL.") and implicitly respected them, though he framed the issue in different terms. The whole point of "visual permeability" is to avoid discontinuity and disruption of the green chain and "adverse impacts on openness".

The London Plan, The Draft Replacement London Plan and Metropolitan Open Land

The principles enunciated in the new Plan are exemplified by Essex Wharf. Essex Wharf is a small island of “white land” wholly surrounded by MOL. Such a large development will “adversely impact the openness of MOL” (*London Plan Policy 3D.10 Metropolitan Open Land*), and have an “adverse impact on the openness of the surrounding MOL” (*Draft Replacement London Plan*).

References

<http://www.london.gov.uk/thelondonplan/docs/londonplan08.pdf>

<http://www.london.gov.uk/shaping-london/londonplan/docs/chapter7.pdf>

The Draft Replacement London Plan states that the current extent of MOL is to be maintained, and that *it is to be extended in appropriate circumstances* (Policy 7.17 Metropolitan Open Land) (*Our emphasis.*). Commentary on the latter regarding MOL states , “It (*i.e. MOL*) has an important role to play as part of London’s multi-functional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility. Such improvements are likely to help human health, biodiversity and quality of life.”

“The Mayor strongly supports the current extent of Metropolitan Open Land (MOL), its extension in appropriate circumstances and its *protection from development having an adverse impact on the openness of MOL.*” (*Our emphasis.*)

“Green chains are important to London’s open space network, recreation and biodiversity. They consist of footpaths and the open spaces that they link, which are accessible to the public. *The open spaces and links within a Green Chain should be designated as MOL* due to their London-wide importance.”(*Our emphasis.*)

The London Plan, the Draft Replacement London Plan and the Blue Ribbon Network

Essex Wharf is a prime site for developments which support uses needing waterside locations and which by virtue of their low development density, can maintain the openness of MOL.

The following is an extract from the London Plan:

The Blue Ribbon network Principles

- to accommodate London’s growth within its boundaries without encroaching on green spaces, policies should make the most sustainable and efficient use of space in London, by protecting and enhancing the multi-functional nature of the Blue Ribbon Network so that it enables and

supports those uses and activities that require a water or waterside location

- to make London a better city for people to live in, policies should protect and enhance the Blue Ribbon Network as part of the public realm contributing to London's open space network. Opportunities for sport, leisure and education should be promoted. The Blue Ribbon Network should be safe and healthy and offer a mixture of vibrant and calm places

The Draft Replacement London Plan and the Blue Ribbon Network;
The following is an extract:

“Protecting London's Open and Natural Environment

Strategic

A The Mayor strongly supports the current extent of Metropolitan Open Land (MOL), its extension in appropriate circumstances and its protection from development having an adverse impact on the openness of MOL.

Planning decisions

B The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.

The policy guidance of PPG 2 on Green Belts applies equally to Metropolitan Open Land (MOL). It has an important role to play as part of London's multi-functional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility.

Green chains are important to London's open space network, recreation and biodiversity. They consist of footpaths and the open spaces that they link, which are accessible to the public. The open spaces and links within a Green Chain should be designated as MOL due to their London-wide importance.”

Waltham Forest Planning Policy

Planning policy for the Borough is moving towards defining the east side of the valley as the preferred location for future housing development, owing to the better location and connections here. This is a material change in the context since the application of 2008, which was refused and which refusal was upheld by the Planning Inspector when the issue of visual impermeability was raised. The Inspector's decision in 2008 that the site is in principle acceptable for housing was a reasonable one in the absence of a strong guide in the current Plan as to what is an acceptable use. This weakness in the current Plan is likely to be corrected in future. When this happens, the current proposal, if submitted at that future date, would be unacceptable.

Lathams development is not a precedent

It is not the case that the Lathams developments form a precedent which justifies comparable development on the Essex Wharf site. The Lee Valley Park is effectively framed by recent and ongoing developments on the west bank of the River Lee Navigation, which form a clear "edge" to the urban form lying to the west.

Proximity does not justify consent

The argument that there are similar developments nearby if, accepted, would create a domino effect would lay the whole of the Park open to applications based on proximity and strike at the heart of the Blue Ribbon principle. Principles are abandoned if a 7 storey development outside the Park/Blue Ribbon is used in justification of an application which leapfrogs into the Park.

Appellant's Grounds for Appeal against Councils Planning Policies

Policy HSG4

Unfortunately the Council has no strategic guidance to offer regarding this site, it being designated "white land".

Policy BHE1, Policy BHE6, Policy SP1.

The scheme cannot conform to the following conditions listed in the Reasons for Refusal.

BHE1

A) ii, iv, v, vi, viii, ix. and B)

BHE6

C) and D)

SP1

A), C), D), F).

We urge the Inspector to uphold the decision of the Planning Authority and to refuse this Appeal.

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for The Lea Valley Federation