

London Borough of Waltham Forest,
Development Management,
Sycamore House,
Town Hall Complex,
Forest Road,
London E17 4JF

23rd December 2009

for the attention of Mr Jon Price

Dear Sir,

Comments on Proposed Residential Development at Essex Wharf, Lea Bridge Road, London E5 9JJ your ref. 2009/1515

The Lea Valley Federation

The Lea Valley Federation is a coalition of community groups and individuals concerned to protect the character of the Lea Valley Park as a green lung for London. The LVF considers that the Lea Valley is under unprecedented pressure for development for uses that would be incompatible with its unique status as a Regional Park and is concerned that the Mayor of London's demands upon the riparian boroughs to meet ambitious housing targets is putting undue pressure on local authority planners to appropriate the open spaces of the Lea Valley for housing.

The Lea Valley Federation has a number of objections to this proposal, which fall into two categories: (1) major objections to any predominantly housing development on this site, and (2) objections to this particular scheme in design terms.

Major Objections

Not an Appropriate site for Housing

We believe the site at Essex Wharf should not be developed for housing because of its location in the Lee Valley Park, and its importance as a strategic site which is best used for leisure in relation to the Park, or for furtherance of the development of the London canal network.

Site should be protected from development

The Essex Wharf site stands within the Lee Valley Park which is supposed to be protected by law as a regional park and as a green lung for London.

[It] creates an edge to the Park on a site within the Park. This is contrary to the Authority's policies ¹.

The Essex Wharf site is supposed to have a measure of protection from development (albeit not absolute protection) under the specific planning regime created by the 1967 Act. This Act charges the Park Authority with preparing a plan of proposals for the Park ² and local authorities are required to include the Park Authority's proposals in their own Unitary Development Plans and Local Development Frameworks.

Importance of Essex Wharf site

Not only is the site within the Park, but it is an exceptionally important within the Park for the following reasons

- It commands the entrance to the Park visible to travellers using the Leabridge Road – one of the principal arteries crossing the Park. The adoption of the site for Park/leisure uses would greatly increase the “legibility” of the Park. For this reason, it has always been designated in successive Master Plans of the Park Authority as a principal gateway site to the Park (for more on which see below).
- It commands an extensive river frontage at an important point – adjacent to an impressive meander with mature woodlands and an in-filled oxbow lake; and separated only by Leabridge Road from the heritage site at the Thames Water facilities at Lea Bridge and the important conservation site at Middlesex Beds. It is also in the centre of a long lock-free stretch of water, making it suitable for boating.
- The site connects two large areas of open space within the park – the recreation grounds at Millfields on one side and the open space at Leyton Marsh and beyond on the other. Any large development here disrupts the continuity of open space and is detrimental to the concept

1 Stephen Wilkinson in Appeal against refusal of Planning Permission, 2008

2 S14(1)

of the green lung which the 1967 Act was specifically created to protect.

The Gateway concept

The proposed development fails to provide or to contribute positively to a Gateway to Leyton and Walthamstow Marshes.

Below are some of the statements and recommendations contained in the recent Lea Bridge Framework 2008 commissioned by Waltham Forest, amongst others and which, with the Northern Olympic Fringe Masterplan, will form the basis of an Area Action Plan (AAP) for Waltham Forest. While not at present of statutory authority, this is, in the absence of a current statement within the adopted statutory Planning documents, the best statement of a possible future for the area:

The transition between the park and the urban areas is important in understanding how users gauge their first impressions of the park, and how comfortable they are to explore further into the valley ³.

And commenting on the eastern edge of the Park, i.e. at the edge of the built-up area of Waltham Forest, east of the Essex Wharf site;

In several areas, the lack of frontages and natural surveillance compromises perceptions of safety. This negative interface creates a lack of connection between the communities and open space, resulting in the landscaping being perceived as 'left over space' ⁴.

We believe the proposal will add to the catalogue of such spaces, and for the first time creates such space on the western edge, which in contrast to the eastern edge, is described thus.

The western edge has a more positive relationship with the park, with the landscape strongly embedded within the urban form. The local parks form a soft transition between the wilder landscape of the park and the residential area. Most housing fronts onto the park, creating a positive interface between the buildings and the open space. The edge is also more permeable, with a greater number of local entrances into the park. The regional collector points are also more attractive due to the successful interaction of the built form with the open space ⁵.

The proposal cannot be described as forming a soft transition between Park and residential area, and will extinguish for ever the possibility of embedding the landscape within the urban form on this edge of the Park.

Residential edges along the park frame are enhanced, to ensure that new development and regeneration of these areas has regard towards improving the interaction between the residential areas and the parkland ⁶.

There is no such interaction with parkland in the proposal.

3 Lea Bridge Framework 2008 : Ch01 Existing Activities in Lea Bridge

4 Lea Bridge Framework 2008 : Ch03 Area Analysis Park Edges and Definition

5 Lea Bridge Framework 2008 : Ch03 Area Analysis Park Edges and Definition

6 Lea Bridge Framework 2008 : Ch06 Framework

Essex Wharf site to become a 'water hub' and accommodate moorings with boat and cycle hire, a waterbus stop, café and a multi-use open-air theatre. Site also to accommodate some enabling residential development ⁷.

Judged against this vision for Essex Wharf, the proposal is grossly over developed.

Develop Lea Bridge Road as a park road with open views to the north and south up and down the Lea Valley, creating a magical pedestrian and cycling experience along the valley crossing. This would include stripping back the vegetation to widen the views of the parkland ⁸.

Stripping back the vegetation would expose the disastrous backside of this proposal. Diagram 6.6 identifies recommended sites for new housing; all are to the east of the Regional Park, none are on the west side and Essex Wharf is shown as integrated into the landscape of the Park ⁹. The proposal by reason of its size density and the total dominance of residential use over any other leisure-related use, is in stark opposition to this vision and will prevent the future implementation of plans to enhance the Park. The proposal also prevents the realisation of the vision for the enhancement of the boundaries of the Park (Park Plan 2000). In the case of Essex Wharf, recognising the importance of the site, the Park Authority has clear and specific proposals in its current Park Plan:

An attractive and sensitively designed waterside leisure facility at Essex and Eastwood Wharf to be developed as a new focal point and visitor attraction with the decontamination and opening up of the in-filled oxbow immediately to the north to create a new waterside location for recreational use ¹⁰.

Planning Authority has failed to have regard to all possible uses

Waltham Forest as the Planning Authority has disregarded the Park Authority's proposals for Essex Wharf, and has neither included the Park Authority's proposals in its UDP/LDF nor made any representations against them. This point, made by Stephen Wilkinson in his statement of objection to the 2008 Application, was ignored by the Planning Inspector in his decision.

The site appears as so-called "white land" on the Borough map, i.e. the Planning Authority has no policy plans for it; yet it is a site of enormous importance for many reasons touched on in this letter.

The recommendations contained in Planning Policy Guidance 17 Planning for Open space, sport and Recreation, published in 2002 if acted upon, will be material to this application and its immediate surroundings;

"The Government's policy that the focus for additional housing should be existing towns and cities could make existing open spaces seem attractive as

7 Lea Bridge Framework 2008 : Ch06 Framework

8 Lea Bridge Framework 2008 : Ch06 Framework

9 Lea Bridge Framework 2008 : Ch06 Framework Fig 6.6 Housing allocation options

10 Park Plan Part 2 WC7 paragraph b page 111

potential development sites. In most instances, however, allowing redevelopment will not be good planning, even if the land in question has been neglected and is in poor condition¹¹”.

London Plan: The Blue Ribbon Network

The proposal would also prevent the site contributing to Blue Ribbon policies which aim to restore a measure of sustainable goods distribution in addition to leisure and recreation. The Blue Ribbon Network is attracting support from the highest levels of the LDA, GLA and ODA, a situation which has developed since the previous application. The London Plan states: *“The Mayor will, and boroughs should, encourage appropriate temporary uses of vacant safeguarded wharves. Temporary uses should only be allowed where they do not preclude the wharf being re-used for cargo-handling uses. Development next to or opposite safeguarded wharves should be designed to minimise the potential for conflicts of use and disturbance¹²”.*

Lesser Objections

Notwithstanding our objections above, should the Planning Authority nevertheless decide that, having had due regard to all material considerations including all relevant policies, which seek to guard the green spaces of the Lee Valley and Walthamstow Marsh, a predominantly housing use is appropriate for this site, we have the following objections to the proposed scheme;

Visual Links between Millfields and Walthamstow Marsh (“visual permeability”)

The Planning Inspector accepted the environmental importance of the site – particularly the need for “visual permeability”

I consider that it is essential that users of Lea Bridge Road, Millfields Recreation Ground and the surrounding development should be able to perceive the different landscape character of the ‘marshlands’ behind the appeal proposal and vice versa. Any development of the appeal site is likely to have an impact on this perception. However, whilst I accept that there is no policy or guidance which requires that development of the site should achieve this type of visual permeability, I find it difficult to see how it could be successfully achieved without a degree of inter-visibility between the 2 areas¹³

Insofar as the determination of the new application by the Planning Authority may have regard to the Planning Inspector’s decision in the earlier case, it is essential that “a degree of visibility” is maintained between the two areas.

11 Companion Guide to PPG17 1.2

12 The London Plan Safeguarded wharves on the Blue Ribbon Network 4C.9

13 Appeal Decision by Roland Punshon BSc (Hons) MRTPI on 2008 Application Appeal

The proposal pays mere lip service to the Planning Inspector's concept of "visual permeability". The sight lines between Millfields and Leyton Marsh (in either direction) are no more than narrow slits between the blocks of apartments affording glimpses of trees on the far side. We consider that the development scheme does not achieve the objective of visual permeability – which was the first and the main consideration which led the Inspector to reject the previous scheme.

Density. height mass etc.

To a great extent these issues, and the issue of visual permeability discussed above, are bound up together, so we deal with them as such.

The proposed density of 230 units per hectare is said to be in accordance with relevant policy "*Given that the development would not prejudice the environmental quality and residential amenity of the new development or surrounding area* ¹⁴". The first reason for justifying such a density is that "*such sites are in a suitable location and have been specifically designated for mixed use and/or major development* ¹⁵". However this site has not been so designated. It is "white land" in Waltham Forest's statutory document, land for which no plans exist. The second reason is said to be that the Inspector at the Appeal stated his and the Council's acceptance of higher density developments where impacts on adjoining areas are acceptable (and where Section 106 contributions can be secured to mitigate impacts). The applicant states "*Whilst the density level of the application exceeds the upper density of the threshold in the UDP, it is considered appropriate to the site's location and its proximity to public transport facilities* ¹⁶". Site location in this context can only mean proximity to centres, and public transport connexions, because all other characteristics of the location argue for lower or no housing on this site. However the site is either PtAL 3 Poor or 2 Very Poor according to the proposal Transport Assessment (for detail see below). Therefore a high density scheme here has no support in the UDP.

A recurrent justification for high density is said to be design quality. But what does design quality consist in? The most important features of the design (and arguably of any design) are its location, mass and height, and after these, and of lesser impact, are materials, elevations and details. If a scheme fails on location, mass and height, then it cannot be said to be of high quality. Specifying good quality materials cannot mitigate more fundamental design weaknesses. The advice to apply standards flexibly is taken as clearance to propose higher densities than the policies would normally support; "*it is considered that the higher density of the proposed*

14 Essex Wharf Proposal Planning Statement 6.15 page 41

15 Essex Wharf Proposal Planning Statement 6.17 page 42

16 Essex Wharf Proposal Planning Statement 6.16 page 42

*development could be supported at this location in this particular case*¹⁷". Flexibility must also entail lower densities than policies normally support, if the context demands it; we believe this is such a case.

At a maximum of nine stories the blocks in the development would exceed the scale of any surrounding residential developments and far from providing permeability present a large and bulky development which cut off different components of the Park.

Single-aspect and appearance from the Regional Park.

Though much effort has gone into ensuring that residents will have dual-aspect from their within their apartments, the development as a whole is single-aspected, presenting a face to the River and turning an unlovely back on the Park. This may be as a result of the designer's concentration on meeting the criteria set out by the Planning Inspector in the earlier appeal to the detriment of other aspects. The visual impact of the eastern elevation will detract from the environment of the Regional Park and will undermine it. The Design and Access statement fails to grapple with this aspect of the design and siting, stating simply (and inaccurately) on page 8; *"The ice centre car park currently forms the gateway to the Leyton Marshes which lie beyond the ice centre and extend to the north, south and east. The marshes themselves are vast open spaces offering long unbroken views in all directions. The lack of any topography [sic] further exaggerates the views which are punctuated only by electricity pylons [sic] and individual/stands of trees in the middle / background. Views back towards the site from the marshes are currently restricted by the large stand of trees immediately to the north of the application site, which from part of the Lea River corridor*¹⁸". The designers think so little of the Marsh, or are unable to come to terms with it, that they describe it as lacking any topography, a meaningless phrase which must be interpreted as meaning "the Marsh is flat" but which reveals thinking which amounts to "there is nothing there worth dealing with". This great and precious quality of the Marsh demands a design response from any development on the site. Instead the east elevation of the proposal relies on the visual screening afforded by the ice rink and its car park, plus the trees round the adjacent ox-bow of the river.

The only image presented of this elevation is a partial view reproduced twice, on pages 41 and 49 of the Design and Access Statement, looking at the space formed in the angle between blocks B and C, with a little of block D also visible. It is understandable that this view should be downplayed; it is not a skilful exercise, but an incoherent assembly of large masses at visually random angles, with little consideration of fenestration or skyline. Tellingly, there are no drawings giving an impression of the combined appearance of

17 Essex Wharf Proposal Planning Statement 6.20 page 43

18 Essex Wharf Design and Access Statement page 8

the four blocks seen either from the west (River) side, or the east (Marsh) side. We might accept that the west side has been dealt with more effectively by 3-dimensional views than by elevations, but there is no study whatever of the east side.

Effect of eastern elevation of proposal on the Regional Park.

The proposal ignores the Park in favour of the River frontage; this will produce feelings of lack of surveillance in the spaces between the proposal, the Ice Rink, and the Regional Park, producing the perception of "left-over space" with consequent perceived lack of security. Hence neighbouring space will be avoided and under-used. This is the direct opposite of what should be happening.

No recognition of the context of the surrounding open space

The Planning Statement attempts to deal with the context of the proposal in the relation to flexibility of density guidelines. It is a fatal and revealing omission to the description of context to describe the area as "*located within an area that is surrounded by a range of land uses, both commercial and residential* ¹⁹" and not to mention the Regional Park and its open space, which is the nearest and most extensive use.

The Statement says the proposal "*responds to its context both as a regeneration site and the surrounding townscape* ²⁰", however this description is misleading; the context is that of open space on both east and west sides, not townscape.

The Statement describes mitigation against potential impacts on surrounding uses, "*particularly residential properties* ²¹". Again, there is no mention of open spaces, which are the nearest features to the site.

The Statement, in its first mention of the Regional Park as part of the Evaluation, claims the proposed buildings "*will enhance views from around the site and will importantly create views through the site to the LVRP* ²²". However the proposal does not enhance existing views (the Statement may be comparing the Application proposal with the earlier rejected proposal) and provides no significant views through the site to the Regional Park. ("Visual Permeability")

"*The form, scale and layout of the development respects the character and amenity interests of the adjoining LVRP* ²³" This brief unsupported sentence, is qualified immediately by a longer sentence stressing the benefits of urban renewal and regeneration of the Lea Bridge area.

19 Essex Wharf Proposal Planning Statement 6.18 page 42

20 Essex Wharf Proposal Planning Statement 6.22 page 43

21 Essex Wharf Proposal Planning Statement 6.23 page 43

22. Essex Wharf Proposal Planning Statement 6.25 page 44

23 Essex Wharf Proposal Planning Statement 6.26 page 44

Isolation, inaccessibility

The site is poorly served by public transport. The Public Transport Accessibility Level (PTAL) for the site is 3 Poor according to both the Waltham Forest table included in the Transport Assessment, and the Transport Assessment but 2 Very Poor according to EAS Transport Planning, the nearest railway station, Clapton, being beyond the distance limit of TfL's TA Guidelines Appendix B, even if well-lit routes are taken, and even further if shortest routes are taken ²⁴.

The site is remote from the nearest residential zones in Waltham Forest and from schools and other facilities which its residents will use – travel to such schools and facilities being possible only by Lea Bridge Road. Residents will therefore be isolated to an exceptional degree from the wider community. The site is also problematical for traffic access with the only exit point giving on to Lea Bridge Road close to the blind bridge crossing of the River Lee. Exiting the site towards Hackney and Central London – from an unprotected junction with poor visibility appears unusually dangerous and likely to cause accidents.

Ground-level environment within site

There are no drawings explaining the resolution of residential, public and service uses at ground floor. The “Homezone” concept is used here because the conflicts between vehicle, cycle and pedestrian use by residents, and possible future recreational use by the public accessing the riverside (Planning Statement para. 4.10 p. 13), cannot be resolved by separation in the available space at ground level adjacent to the Lea Bridge Road ²⁵.

Relevance of so-called precedents nearby

The development at Lathams, almost opposite Essex Wharf but on the west bank of the River Lee, is not a precedent justifying development at Essex Wharf because Lathams is outside the Park and Essex Wharf is within it, and because Lathams completes an unbroken area of urban residential development fronting up to the west bank of the Lee and extending back in depth to the westward.

Authority of Planning Inspector's earlier decision

It has been suggested to us by officers of Waltham Forest Planning Department that they are bound to agree to a scheme which meets the guidance provided by the Planning Inspector. We have been advised that whilst the planning authority should give due weight to the Planning Inspector's decision, it would be wrong in law to disregard other material planning considerations - including those referred to in this summary - and

24 Essex Wharf Transport Assessment 3.21 - 3.29 pages 10 - 12

25 Essex Wharf Proposal Planning Statement 4.10 page 13

that if the recommendation to be offered to the Planning Committee were to fail to take into account such matters it would be wrong in law.

The Planning Inspector failed to take a holistic view of the site, ignoring the effect of the development on the Marsh, and failing to address the design of the East elevation, facing the Marsh.

The decision of the Planning Inspector January 2009 does not cover all issues in this case and must not be taken as the yardstick for approving this the successor scheme.

Changes in Context since Appeal decision.

In the interval between the Appeal decision and this application the planning context has changed, with increasing interest at the London-wide level in aspects of the River Lee which are able to contribute to the Olympic legacy and to safeguarding a sustainable future for London's leisure & recreation, goods & services distribution and waste management (see above).

Loss of Site Value

Any loss of value incurred by the developer as a result of failure to achieve a hoped-for residential development, however unfortunate, is not a material planning issue in deciding this application.

Yours sincerely,

Lea Valley Federation

Bob Bengé, Anna O'Brien, Laurie Elks, David Rees, Brian Weller

LVF executive group

Referenced documents

- Statement of Stephen Wilkinson Head of Planning Lee Valley Regional Park Authority to PINS hearing of Appeal against refusal of Planning Permission, 2008
- Park Plan 2000 Text Part 2 pdf, Lee Valley Key Sheet pdf, Section 7 (pdf)
- Lea Bridge Framework 2008 Urban Practitioners in conjunction with London Boroughs of Waltham Forest and Hackney, the Lee Valley Regional Park Authority and others.
- Appeal Decision by Roland Punshon BSc (Hons) MRTPI on 2008 Application Appeal
- The London Plan
- Waltham Forest UDP/LDF
- PPG17: Planning for Open Space, Sport and Recreation
- Companion Guide to PPG17