# Land to the North of Grant Road

in the London Borough of Wandsworth

planning application no. 2017/6864

## Strategic planning application stage II referral

## The proposal
Demolition works and construction of three buildings ranging from 6 to 20 storeys in height comprising mixed use development including a total of 139 residential units, a school and a place of worship and flexible commercial uses together with landscaping, play area and open space including a Multi-Use Games Area.

## The applicant
The applicant is Winstanley and York Road Regeneration LLP, and the architects are HTA, Figure Ground and HBBR.

## Key dates
- **Pre-application meeting:** 29 September 2017
- **Stage 1 report:** 12 February 2018
- **Wandsworth Committee meeting:** 22 March 2018

## Strategic issues update

### Affordable Housing
31% by habitable room, all affordable rent. A bespoke late review mechanism has been secured that recognises the schemes deficit to be carried over the viability of wider estate regeneration scheme. The deficit carry over will not be able to be used to reduce the base level of affordable housing delivery on the wider estate regeneration scheme.

### Density and Design
Issues regarding residential quality and design addressed. Details secured to ensure delivery of a high-quality design.

Strategic issues with regards to **climate change** and **transport** have been addressed.

## The Council’s decision
In this instance Wandsworth Council has resolved to grant planning permission.

## Recommendation
That Wandsworth Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.
Context

1 On 12 January 2018 the Mayor of London received documents from Wandsworth Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1B and 1C of the Schedule to the Order 2008:

- **1B:** Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - outside Central London and with a total floorspace of more than 15,000 square metres.

- **1C:** Development which comprises or includes the erection of a building that is more than 30 metres high and outside the City of London.

2 On 12 February 2018 the Mayor considered planning report GLA/4428/01, and subsequently advised Wandsworth Council that the application did not comply with the London Plan, for the reasons set out in paragraph 61 of the above-mentioned report; but that the possible remedies set out in that paragraph could address those deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 22 March 2018, Wandsworth Council resolved to grant planning permission subject to planning conditions and conclusion of a Section 106 agreement. The Council advised the Mayor of this decision on 24 July 2018. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct the Council under Article 6 to refuse the application; or, issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application (and any connected application). The Mayor has until 06 August 2018 to notify the Council of his decision and to issue any direction.

4 The Mayor’s decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Consultation stage issues summary

5 At the initial consultation stage, Wandsworth Council was advised that the application did not comply with the London Plan, for the reasons set out below. The Council was advised that the resolution of these issues could lead to the application becoming compliant with the London Plan.

- **Principle of development:** The redevelopment of the currently underutilised site for a mixed use residential-led scheme is strongly supported. Provision of a temporary MUGA and a community use agreement (in association with the school) must be secured.

- **Affordable housing:** the applicant proposes 31% affordable housing (by habitable room) comprising solely affordable rented tenure. The affordable housing will be used to decant residents from the wider estate. Due to the cost of the replacement place of worship and school the provision of 31% affordable housing exceeds the maximum level. In recognition of the early delivery of affordable housing for decant, the drawdown of the deficit may be appropriate. GLA officers will scrutinise the applicant’s viability assessment to determine the level of deficit. Should a level of deficit be established, GLA officers will work with the Council and the applicant to determine how to recognise this in the viability of the master plan site.
• **Design:** further discussion required on ground floor layout of blocks A and C. Design detail including defensible space, materials, elevational treatment and environmental mitigation measures should be secured to ensure the highest design quality is achieved on all elements of the scheme.

• **Energy:** The applicant should investigate a site heat network that connects buildings B and C and/or opportunities to connect Block C to the Phase 2 energy centre. In addition, the applicant must explore the potential for additional measures to deliver further carbon dioxide reductions. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

• **Transport:** car parking (including the re-provision of both on and off-street car parking) must be reduced in accordance with Polices T2 and T6 of the draft London Plan. Further information is required on cycle parking and trip generation. Conditions and Section 106 obligations are required to secure the following; car parking management plan; exclusion of future occupiers from obtaining parking permits within the local CPZ; EVCP provision; cycle docking station; cycle hire membership; travel plan; delivery and servicing plan; and construction and logistics plan.

### Strategic planning policy and guidance update

1. In July 2018, the Government published the revised National Planning Policy Framework.

2. In August 2017 the Mayor published his Affordable Housing and Viability SPG. This must now be read subject to the decision in *R (McCarthy & Stone) v. Mayor of London*, in which the High Court granted a declaration that references in the SPG to late stage review were unlawful, to the extent that late stage review is recommended in all cases, irrespective of the time which is likely to be taken before a scheme is built out.

### Update

3. Since Stage 1, GLA officers have reviewed further information, and engaged in discussions with Wandsworth Council and the applicant with a view to addressing the above matters. Furthermore, as part of the Wandsworth Council’s draft decision on the case, various planning conditions and obligations have been proposed to ensure that the development is acceptable in planning terms.

### Affordable housing

4. As set out at Stage 1, the applicant is proposing to provide 46 affordable rented units (which equates to 31% by habitable room) to be used to decant residents from the wider estate to facilitate its redevelopment. These units would be provided to the decanted residents at their existing rent levels and this provision has been secured in the S106. In addition, all decanted residents will be given the option to return to the estate following its redevelopment.

5. Whilst this affordable offer falls below the threshold level of 35%, as set out in draft London Plan Policy H6 and the Mayor’s Affordable Housing & Viability SPG, following a robust review of the viability of the Scheme the GLA, Council and the applicant have agreed that the delivery of this level of affordable accommodation is unviable given the other benefits being delivered by the scheme including the early delivery of the church and school and the decant of residents from the estate and goes beyond the maximum reasonable level required to make this scheme policy compliant.

6. As such the Council and the applicant have entered into a Memorandum of understanding agreeing that should the scheme be at deficit following the secured late viability review, that level of deficit could potentially (subject to the Council’s control within the MOU) and subject to the
development plan and other material considerations at the time the masterplan application comes forward be carried across to the viability assessment of the application for the redevelopment of the wider masterplan of the estate. GLA officers have worked with the applicant and the Council to ensure that were this to happen the deficit would reflect the real values of the scheme and would only be taken into account of during the phased reviews of the masterplan (and not at application stage) when establishing if the scheme has any additional value i.e. any subsequent review mechanisms on the wider estate would be upward only. Therefore, the deficit would impact on the level (if any) of uplift and could not be used to reduce the baseline delivery of affordable housing on the estate.

7 In terms of this application however, the maximum reasonable level of affordable housing has been secured in the S106 in perpetuity at social rented levels and an early as well as late review mechanism has also been secured in accordance with London Plan, Policy 3.13, Policies H6 and H13 of the draft London Plan and the Mayor’s Affordable Housing and Viability SPG.

8 The Council must publish all financial viability information in accordance with the Mayor’s Affordable Housing and Viability SPG.

Urban Design

9 At the initial consultation stage, concerns were raised regarding the ground floor layouts to ensure activation of street frontages and the MUGA. Specific concern was raised in regard to proposed Block A, which included large extents of inactive frontage, due to the location of the servicing areas. The entrances to the school were also considered to lack articulation and prominence. Following the response of the DRP, where possible, the applicant design team refined the overall design to ensure the proposals activate the street frontages and provide clearly defined entrances. The difficulties in activating the ground floor of Block A whilst maintaining a sufficient level of privacy to future occupiers is noted. Whilst the revisions generally address previous concerns, the Council has imposed a condition of approval requiring further revision of the ground floor block C to improve activity.

10 The Council have secured conditions to ensure that the design quality is carried through to the build out. The control of materials and design detailing by condition also enables the Council to ensure that that materials and architectural detailing is consistent across all residential elements of the scheme, irrespective of tenure. Therefore, the application now complies with London Plan Policies 3.6 and 7.2, and draft London Plan Policies D3 and D4 and the Play and Information Recreation SPG.

Residential Quality

11 At Stage 1, the layout of the ground floors posed further concerns with regards to the residential quality of the ground floor units of Block A. The final proposals adequately address concerns relating to privacy and enclosure to the ground floor accommodation (Block A), through revisions to the ground floor arrangements and a condition requiring high quality defensible space and boundary treatments.

12 In line with the Stage 1 recommendations, the Council has secured conditions relating to noise mitigation, insulation measures and mechanical ventilation heat recovery; to protect the future occupiers against the negative environmental factors resulting from the railway.

Climate change

13 Revised energy details have been provided following Stage 1 consultation and subsequent discussions with the GLA energy officer. This demonstrates that the proposals will achieve a 36% reduction in carbon emission for the residential element and a 30% reduction for the non-
residential element. The Council have secured a payment of £175,140 towards the boroughs carbon offset fund, in lieu of the shortfall of the zero carbon target for domestic buildings.

14 In line with Stage 1 recommendations, the applicant has submitted a revised energy strategy, confirming that blocks B and C will be connected by a single energy centre. The revised energy strategy demonstrates compliance with London Plan climate change policy.

Transport

15 During Stage 1 consultation, a number of transport issues were raised, including the applicant’s residential and school trip generation assessment and the site wide provision of cycle parking.

16 The residential and school trip generation assessment has not been revised following Stage 1 consultation. There remains to be disagreement in terms of the total trip rates for ‘flats privately owned’ in the PM peak period. Whilst this does not pose a significant impact to the proposed scheme, the applicant has been advised that any further applications for the wider estate regeneration would require a more robust assessment.

17 Following comments made in the Stage 1 report, the Council have secured Conditions and s106 obligations for exclusion of future occupiers from obtaining parking permits within the existing and future local CPZ, car parking management plan, car club, cycle parking, travel plans, electric vehicle charging points, relocation of the cycle hire docking station and the submission of a construction and environmental management plan, as requested. The proposed development is in accordance with the transport policies of the London Plan and the draft London Plan.

Response to consultation

18 Wandsworth Council publicised the application via a site notice displayed in the vicinity of the site and a notice in the local press. Individual notification letters were sent to 3350 neighbouring properties. As a result of public notification, a total of 38 responses were received, 29 of which were in objection to the proposal, 2 containing general comments and 7 in support.

19 The objections are summarised as follows:

• Inadequate consultation;
• Loss of green / amenity space;
• Parking and transport impacts;
• Loss of privacy, light, overshadowing and outlook to surrounding residents, including residents of Time House and Sendall Court;
• Siting of proposed building would cause issues for sight lines at the Plough Road / Grant Road junction;
• Traffic, noise and dust from construction;
• The proposal is inappropriately scaled when compared with the surrounding townscape;
• The proposals have not considered the rehousing of existing residents; and,
• Adverse impact on outlook, views, space and community.

20 The following statutory bodies and other groups also commented on the proposals:

• **Historic England (Historic Buildings):** no comment;
• **Historic England (Archaeological):** On-going archaeological interest can be secured by a staged-condition;
• **Natural England:** Encouraged the incorporation of green infrastructure;
• **Environment Agency**: No objection subject to compliance with the Flood Risk Assessment; which has been secured by the Council on its draft decision notice;

• **Thames Water**: No objection; condition recommended on piling, which has been secured by the Council on its draft decision notice;

• **London Heliport**: Developer should consider an omni directional lighting on rooftop of Block C;

• **Port of London Authority**: Revised Travel Plan required to address the use of the River Bus; which has been secured by the Council on its draft decision notice;

• **Cross Rail Safeguarding**: Condition required to secure glazing and means of ventilation to mitigate against likely noise associated with the development of Crossrail 2;

• **MET Police**: Overall crime risk is low. Secure by Design Accreditation required; and,

• **Battersea Society**: Overall support for the proposal; reservations regarding design development; servicing and deliveries; tenure mix and provision of affordable homes; impact to surrounding residents.

Representations sent directly to the Mayor.

21 The GLA received two direct representations from local residents and one petition on the proposal. All representations received were in objection to the proposal and reiterated the concerns raised in objection to the Council listed above specifically loss of open space, impact on local amenity, design, scale and mass and air quality impacts.

Consultation conclusion

22 GLA officers have given careful consideration to all of the representations received. Having considered the above consultation responses, Wandsworth Council has provided specific responses within its committee report and proposed various planning conditions and section 106 obligations in response to the issues raised, where applicable. Having had regard to this, GLA officers are satisfied that the statutory and non-statutory responses to Wandsworth’s consultation process do not raise any material planning issues of strategic importance that have not already been considered at Stage 1, and/or in this report.

Draft Section 106 agreement

23 The draft section 106 agreement includes the following provisions:

- Affordable housing as set out above, comprising 33% of residential units by unit (31% by habitable room) delivered as affordable rented units at social rented levels;
- Provision of wheelchair units;
- Viability review mechanisms (early and late);
- Car club;
- Travel plan;
- No residential parking permits;
- Local employment agreement;
- A contribution of £139,000 towards the implementation of master plan area wide Cultural Strategy;
- Connection to district heat network;
- Carbon offset payment of £175,140;
- A contribution of £50,000 towards the cost of relocated docking station; and.
- Scheme for the provision of onsite CCTV.
Article 7: Direction that the Mayor is to be the local planning authority

24 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance, the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at consultation stage, therefore, there is no sound planning reason for the Mayor to take over this application.

Legal considerations

25 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

26 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

27 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

28 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

29 The strategic issues raised at consultation stage regarding affordable housing, residential quality and urban design, climate change and transport have been satisfactorily addressed, and appropriate planning conditions and obligations have been secured. As such the application complies with the London Plan and the draft London Plan, and there are no sound reasons for the Mayor to intervene in this particular case.

for further information, contact GLA Planning Unit:
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