

19 February 2018

## Royal College of Art, Battersea

in the London Borough of Wandsworth

planning application no. 2017/6064

### Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### The proposal

The demolition of existing buildings and redevelopment of site to provide a part 4-storey and part 8-storey college building with ancillary uses.

### The applicant

The applicant is **Royal College of Art** and the architect is **Herzog & De Meuron**.

### Key dates

**Pre-application:** 13 July 2017.

**Stage 1 reporting:** 15 January 2018.

**Planning Committee:** 25 January 2018.

### Strategic issues

**Sustainability:** Outstanding issues relating to energy, air quality and flood risk have been resolved and necessary conditions secured (Paragraphs 8 to 10).

**Transport:** Further information and revisions have been submitted and conditions and s106 obligations secured which address the outstanding transport issues. (Paragraphs 11).

### The Council's decision

In this instance Wandsworth Council has resolved to grant 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 9 November 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 Category 1C, of the Schedule to the Order 2008:

*“Category 1C: Development which comprises or includes the erection of a building of one or more of the following descriptions: (a) the building is more than 25 metres high and is adjacent to the River Thames; (b) the building is more than 30 metres high and is outside the City of London.”*

2 On 15 January 2018 the Mayor considered planning report D&P/4319/01, and subsequently advised Wandsworth Council that the application did not comply with the London Plan, for the reasons set out in paragraph 47; but the possible remedies set out in that paragraph could address these 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 25 January 2018 Wandsworth Council decided that it was minded to grant planning permission for the application, and on 5 February 2017 it advised the Mayor of this decision. 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 Wandsworth Council under Article 6 to refuse the application or issue a direction to Wandsworth Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 19 February 2018 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## Consultation stage issues summary

5 At the consultation stage Wandsworth Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 47 of the above-mentioned report; but that the possible remedies could address these deficiencies:

- **Principle of development:** The provision of a high quality, modern academic facility with business incubator hub, that forms part of RCA Battersea South Campus is supported in accordance with London Plan and draft London Plan policy.
- **Design and Heritage:** The building design and architectural treatment is supported. The development will have a less than substantial harm on the conservation areas and Thames Policy Area and will bring significant public benefits.
- **Sustainable development:** The energy strategy, flood risk assessment and air quality assessment are not compliant with the London Plan or draft London Plan. Additional analysis, verification information and mitigation measures must be provided.
- **Transport:** Trip generation figures require clarification and further discussion is required on overall access and highway design and specifically on the public realm design of Battersea Bridge Road. The Travel Plan, Construction Logistics Plan and a Delivery and Servicing Plan should be secured.

## **Update**

6 Since Stage 1, GLA officers have engaged in discussion with the applicant, Wandsworth Council and TfL to address the above outstanding issues. Revisions to the proposals have been submitted by the applicant and Wandsworth Council has secured planning obligations and conditions which ensure the development is acceptable in strategic planning terms.

## **Sustainable development**

### Energy

7 Since stage 1 the applicant has provided the required verification information which addresses outstanding concerns and demonstrates that the carbon dioxide saving exceeds 35% target required by draft London Plan Policy SI2 and London Plan Policy 5.2. The application is therefore compliant with the London Plan and draft London Plan with regards energy policies.

### Air quality

8 As required at stage 1 the applicant has undertaken further assessment of local air quality conditions, has adopted further mitigation measures and has revised its air quality neutral assessment. Wandsworth Council has secured robust conditions relating to air quality, including specific details relating to the operation of workshops. These conditions are secured in the draft decision notice in compliance with draft London Plan Policy SI1 'Improving air quality' and London Plan policies 5.3 and 7.14.

### Flood risk

9 As required at the consultation stage the applicant has investigated direct surface water discharge into the Thames, increasing the area of Green/Blue roofs and explored drainage into tree pits from public spaces. Suitable conditions have been secured in the draft decision notice in compliance with draft London Plan Policy SI13 and London Plan Policy 5.13

## **Transport**

10 Since stage 1 the required mode share data clarifications have been provided and the principle of the proposed Howie Street one-way system and how it integrates with TfL's Battersea Bridge Road scheme has been accepted. The requirement for a s278 agreement with TfL for highway works on Battersea Park Road including the bus stop relocation has been secured by Wandsworth Council as a planning obligation in the s106 agreement. A delivery and servicing plan, construction management plan and travel plan has also been secured through the section 106 agreement. The application therefore accords with the transport policies of the draft London Plan and London Plan.

## **Response to consultation**

11 Wandsworth Council sent out a total of 782 neighbourhood consultation letters as well as notifications to statutory and non-statutory organisations. A press notice and site notice were also issued. A total of 216 objections and 6 letters of support were received. Additionally two petitions against the development were received totalling 541 signatories, consisting of an on line petition with 162 signatories and a hard paper petition received 379 signatories.

12 The objections are summarised as following:

- Design: density and overdevelopment; building height, massing and scale; building architecture, materials and design detailing; the design of the tower; building on Parkgate Road Elcho Street creates a canyon effect; lack of colour in materials; location of building entrances; inactive ground floors; building fails to activate the streets; layout does not connect to surrounding area; and impacts on Conservation Areas, listed buildings and views
- Amenity/community: distance between development and existing properties; daylight, sunlight, overshadowing and privacy impacts; loss of views and outlook; loss of petrol station; cafe and art shop not open all year round; RCA failure to engage with surrounding community.
- Environment: construction noise and dust; noise and disturbance from expanded campus; light pollution from building upper floors; wind impact on surrounding streets; and air quality impact of development.
- Transport: highway design and safety; Parkgate Road footpath width does not meet TfL requirements; servicing access arrangements; loss/ lack of car parking provision; impact of Elcho Street one-way street on road safety and congestion; changes to road layout would result in Howie Street becoming a rat run; loss of Howie Street parking will impact on Battersea Bridge Road businesses; lack of public transport to accommodate number of students; loss of bus stop.

13 The supporting statements are summarised as follows:

- Design: design is of good quality; material and massing in keeping with development to the north; and adds to street aesthetic.
- Amenity and community: enlivening and positive benefit to community; increase educational and cultural opportunity; help create creative quarter; extra students increase local spending to helping local businesses; new cafe is welcome; and improved public realm and connections.

14 Strategic issues including design, parking and transport have been addressed in the stage 1 report and this report. The issues relating to daylight, sunlight, overshadowing and privacy, together with environment, community impacts and transport have been addressed in detail in the Council's committee report, and found to be acceptable with appropriate conditions and contributions secured.

#### Statutory organisations

15 Representations were also received from the following statutory organisations and bodies:

- **Environment Agency:** No objection subject to condition relating to flood risk, which is included in the draft decision notice.
- **Thames Water:** No objection subject to sewage and water infrastructure conditions, which are included in the draft decision notice.
- **Historic England (archaeological):** Required a two-stage archaeological investigation, which is secured in the draft decision notice.

- **Wandsworth Conservation Area Committee:** Recognised the demand for accommodation and the facilities that the development would provide and did not raise an outright objection. Concerns were raised in relation to height and the white fenestration (now removed from the design) and scale relationship to adjacent buildings.

#### Representations direct to the Mayor

16 The Mayor and deputy Mayor for Planning, Regeneration and Skills have received 27 letters and copies of the petitions from neighbouring properties. Specific issues were raised in relation to the following, with summary response to the matters raised also provided below:

- No Environmental Impact Assessment (EIA) was carried out or mentioned in the application - A separate EIA screening application was submitted (Wandsworth case no. 2017/2018) which confirmed that an EIA was not required.
- The research building (11 storeys) is not compliant with local policy -The building height has been addressed in Wandsworth Council's committee report and GLA officers concur that the building height appropriately responds to context.
- Transport and highways issues: Development will reduce pavement widths and pedestrian safety, will result in increased congestion due to changes to traffic system and will impact on buses -TfL has assessed the proposals and concluded that the pavement widths are appropriate to safely accommodate the expected pedestrian flows, and that the proposals will not have an unacceptable impact on roads or public transport.
- The impact on air pollution has not been fully assessed - This issue has been addressed in paragraph 9 of this report and additional conditions have been secured by Wandsworth Council.
- There has been a lack of communication and engagement by RCA with the local community - the applicant held two public exhibitions on 28-29 July 2017 and 13-14 September 2017 and sent out invitations to the local households and businesses (2,131 consultation letters), key stakeholder groups and key politicians and adverts were placed in the local press. Post exhibition follow-up was also undertaken with ward councillors and community stakeholders.

17 Issues were also raised in relation to daylight, sunlight, overshadowing and privacy. Wandsworth Council officers have assessed these issues in detail in its committee report and concluded that the development has acceptable impacts considering the urban nature of the application, GLA officers concur with this assessment.

#### **Draft section 106 agreement**

18 The draft S106 agreement includes the following provisions:

- Enter into a S.278 agreement with Wandsworth Council to pay the costs of traffic rearrangement, roads and public realm on Radstock Street and Howie Street.
- Site management plan -to secure public access to the public realm areas.
- Construction phase jobs/ apprenticeships funding and local suppliers protocol.
- Connection to district heating network.
- Highways inspection fee.
- Delivery and service plan, construction management plan, travel plan, arts and culture plan.

## **Legal considerations**

19 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 and any connected 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.

### **Article 7: Direction that the Mayor is to be the local planning authority**

20 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 stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

## **Financial considerations**

21 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.

22 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.

23 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**

24 The strategic issues raised at the consultation stage regarding energy, air quality, flood risk 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 draft London Plan, and there are no sound reasons for the Mayor to intervene in this particular case.

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for further information, contact GLA Planning Unit:

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