

Cringle Dock and Battersea Power Station

in the London Borough of Wandsworth

planning applications: 2015/6537, 2015/6358, 2015/6359

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

Application 1: A hybrid planning application for redevelopment of existing waste transfer station, comprising a new waste transfer station (detailed component) at Cringle Dock with residential buildings and other non-residential uses above (outline component) (*D&P/0599b*);

Application 2: Section 73 amendments to the outline planning permission for the Battersea Power Station (ref: 2014/2837), in relation to the massing parameters for Phase 6 to align with the Cringle Dock application. (*D&P/2950e*);

Application 3: Detailed application for construction of a temporary waste transfer station across both sites, with riverside crane and campshed within the River Thames to be in place for the duration of the redevelopment of Cringle Dock WTS. (*D&P/0599c*).

The applicant

The applicants are **Western Riverside Waste Authority (WRWA) and Battersea Project Land Company Ltd** and the architect is **Rafael Vinoly**.

Strategic issues

Issues with respect to **safeguarded wharves, waste, Blue Ribbon Network, housing, affordable housing, urban design/strategic views, inclusive access, sustainable development and transport** have been satisfactorily addressed since Stage One. The principle of a residential-led mixed use development that retains a safeguarded wharf and waste throughput is in accordance with strategic objectives in the London Plan and those within the Vauxhall Nine Elms and Battersea (VNEB) Opportunity Area Planning Framework, and is acceptable in strategic planning terms.

The Council's decision

In this instance, Wandsworth Council has resolved to granted permission for all three applications, subject to conditions and completion of a Section 106 agreement (Application 1 only) and Deed of Variation (Application 2)

Recommendation

That Wandsworth Council be advised that the Mayor is content for it to determine the cases 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 18 November 2015 the Mayor of London received documents from Wandsworth Council notifying him of three planning applications of potential strategic importance to develop the above sites for the above uses. These were referred to the Mayor under the followings Categories of the Schedule to the Order 2008:

- 1A - Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats (applications 1 & 2);
- 1B(c)- Development which comprises or includes the erection of a building outside Central London and with a total floorspace of more than 15,000 square metres (applications 1 & 2);
- 1C(a) - Development which comprises the erection of a building that is more than 25 metres high and is adjacent to the River Thames (applications 1 & 2);
- 2D - Waste development to provide an installation with capacity for a throughput of more than— (b) 50,000 tonnes per annum of waste (applications 1 & 3); and
- 4 - Development in respect of which the local planning authority is required to consult the Mayor by virtue of a direction given by the Secretary of State under article 10(3) of the GDPO (application 1).

2 On 6 January 2016 the Mayor considered planning report D&P/0599b/0599c/2950e/ 01, and subsequently advised Wandsworth Council that the application was broadly acceptable but aspects of Application 1 did not comply with the London Plan, for the reasons set out in paragraph 105 of the above-mentioned report; but that the resolution of outstanding issues set out in paragraph 105 of that report could address these.

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. Since then, the application has been revised in response to the Mayor's concerns (see below). On 24 February 2016, Wandsworth Council decided that it was minded to grant planning permission, subject to conditions and completion of a Section 106 agreement, and on 25 February 2016 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, and any connected application. The Mayor has until 10 March 2016 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.

Update

5 At the consultation stage Wandsworth Council was advised that the temporary waste facility and s73 application for Battersea Power Station (applications 2 and 3) did not raise any specific strategic issues however, the following was noted in relation to the Cringle Dock redevelopment (application 1) in particular:

- **Safeguarded wharves:** The introduction of sensitive (non-waterborne freight) uses as part of the proposed mixed use redevelopment runs contrary to London Plan Policy 7.26 however, subject to it being verified that the proposed mitigation measures are sufficient to reduce the impact on sensitive uses to an acceptable level, the mixed use redevelopment could be accepted and would help deliver the aspirations of the VNEB OAPF.
- **Waste:** In accordance with the existing waste management licence, the scheme would enable waste operations to continue up to maximum consented throughput of 1,195 tonnes per day, 24 hours, 7 days a week, 364 days a year, in accordance with London Plan Policy 5.17.
- **Blue Ribbon Network:** The provision of a riverside route as a continuation of the Thames Path is strongly supported in strategic planning terms, details and obligations for which should be secured through the s106 agreement.
- **Housing:** The opportunity to provide housing at this site would be welcomed in principle, subject to mitigation measures being appropriately secured. The density and amenity provision are appropriate. In accordance with London Plan Policy 3.12, the viability of the scheme should be independently appraised in order that the maximum reasonable amount of affordable housing may be secured. There are outstanding concerns about residential quality that need to be addressed in order to comply with the London Plan and Housing SPG.
- **Urban design/strategic views:** In the absence of an assessment of views from Hungerford Bridge and Waterloo Bridge, it is not possible to reach a conclusion regarding the impact upon the OUV of the Westminster WHS or upon LVMF strategic views. The overall design approach is supported in principle, subject to detailed design and refinements secured at reserved matter stage.
- **Inclusive access:** Whilst in outline, the scheme generally responds well to the access challenges presented by the site with the architectural and placemaking codes addressing how the challenges of the site would be addressed through the detailed design, in accordance with London Plan Policy 7.2. Appropriately worded conditions are required to secure the landscaping, public realm and access/wayfinding arrangements, given the complexities of the site. Further discussion about Blue Badge parking is requested.
- **Sustainable development:** The proposed energy strategy and climate change adaptation measures are broadly supported in line with London Plan policy and the Mayor's Sustainable Design and Construction SPG, subject to clarification and conditions/s106 clauses being secured.
- **Transport:** Whilst the scheme is broadly acceptable in strategic transport terms, issues identified with respect to blue badge provision, car club membership, possible contribution towards Legible London and workplace travel plan for the WTS should be addressed to ensure accordance with London Plan transport policies.

6 Since then, the applicant has responded to the matters raised in the Stage One report as set out below. It should also be noted that the applicant has sought to respond to local concerns with regards to the impact on views of the Grade II* Listed Battersea Power Station by reducing the proposed massing parameters in Application 1, notably a reduction in the height and the introduction of setbacks to the upper floors.

Safeguarded Wharves and Waste

7 As highlighted at Stage One, the key policy consideration in this case is the construction of residential development above the proposed waste transfer station (WTS) operations and safeguarded wharf. This is noting Policy 7.26B(a), which states that safeguarded wharves should only be used for waterborne freight handling use, and that redevelopment for other land uses

should only be accepted if a wharf is no longer viable, or capable of being made viable, for waterborne freight handling. In this particular instance, the existing use is viable and is being retained for waterborne freight handling at the same capacity as existing however, as the current policy states they should only be used for waterborne freight handling use, and the principle of introducing residential uses runs contrary to the London Plan, however this should be balanced against the VNEB OAPF and Wandsworth's emerging Site Specific Allocation Document which both identify Cringle Dock as having potential for high density mixed use, subject to ensuring there are negative impacts upon the operation of the safeguarded wharf and that the operational waste capacity is retained.

8 Accordingly, the outstanding matters from Stage One related to the proposed mitigation measures for the proposed residential development to be developed above and adjoining the WTS and safeguarded wharves to ensure there is no conflict between the operations of the WTS and safeguarded wharves and the residents of the proposed development which would jeopardise the future operations of these strategic facilities, protected in London Plan policy. A combination of mitigation measures were outlined at Stage One for the proposed WTS including ventilation, odour management and noise attenuation, as well as measures for the sensitive facades of the proposed residential uses.

9 Since the Stage One consultation, the applicant has agreed a noise scheme for the residential accommodation with the Port of London Authority (PLA), which they consider would safeguard the operation of the wharves in the area, including Cringle Dock and Kirtling Wharf. The PLA have consequently removed their initial objections. Wandsworth's in-house Environmental Health team have also advised they consider the proposed mitigation measures to be acceptable. The full detail of these mitigation measures are to be secured by robust conditions.

10 With the appropriate mitigation measures secured by condition, GLA officers consider the proposals will enable the operation of the wharves and the WTS to be safeguarded in line with the relevant London Plan policies whilst delivering new housing in line with the aims of the Vauxhall-Nine Elms-Battersea (VNEB) opportunity area planning framework (OAPF).

Blue Ribbon Network

11 At consultation stage, the proposed extension to the riverfront path on the adjoining Battersea Power Station site was strongly supported, to help deliver the aspirations for a continual Thames Path from east to west within the Opportunity Area and London Plan policy 7.27 which seeks to increase recreational use alongside the Blue Ribbon Network.

12 GLA officers recognise that the ability to provide a continual path is dependent on the future of the adjoining Kirtling Wharf which is owned by Thames Water and will be utilised during the construction of the Thames Tideway Tunnel. GLA officers advised at Stage One that a robust s106 clause would be necessary in order to secure this and the proposed wording within the s106 would commit the applicant to engage with the future Kirtling Wharf owners to deliver the riverside path for a period of 15 years using all reasonable endeavours. Wandsworth would provide assistance in this endeavour and the s106 also includes allocated funds to complete and maintain the path.

13 GLA officers are satisfied that the proposed scope of the s106 goes as far as is reasonably possible to bind the applicant to secure the path, subject to any future intent of a third party. Given the stated objective of providing the Thames Path within the VNEB OAPF, GLA officers would also offer their support in helping to secure the path, if required.

Housing and affordable housing

14 As a result of the amendments to reduce the height and massing of the scheme, the outline application now seeks permission for a maximum level of residential floorspace of 57,012 sq.m (reduced from 61,772 sq.m at Stage One), however the indicative maximum of 422 units and the indicative mix is unchanged, and conditions on the outline consent would control any future reserved matters application.

Affordable Housing

15 At Stage One, an affordable housing offer was not confirmed. The applicant have since agreed a benchmark offer of 15% with Wandsworth, as well as a two stage review mechanism which could see that provision increased or decreased and would allow for provision of affordable housing on-site and a final scheme review to capture any additional development value that was not anticipated at the time of the original assessment. The first review would be at reserved matters stage, with the second review to be undertaken when 95% of the units had been sold. Any potential uplift at the second review stage would be in the form of a payment in lieu to the Council to deliver affordable housing within the borough, with priority given to the VNEB Opportunity Area.

16 The Council's independent assessment of the applicant's viability submission, together with wording relating to the review mechanism clauses have been shared with GLA officers. Given the complexities of the site, including the exceptional costs of the WTS and the long-build out time alongside the wider Battersea Power Station masterplan, GLA officers consider the proposed approach to affordable housing to be pragmatic and reasonable.

Residential Quality

17 Whilst noting the outline nature of the proposal, GLA officers highlighted areas of the indicative proposals which were contrary to the Mayor's Housing SPG, including single aspect north facing units and the number of units per core. The applicant has submitted an updated Architectural Code which now reflects the Mayor's Housing SPG and a commitment to avoid and reduce the number of north facing units when it comes to the reserved matter stage. This is welcomed by GLA officers.

18 The Council has also sought conditions to ensure the proposal will accord with the Mayor's housing standards and GLA officers are satisfied that the development should deliver a high residential quality at reserved matters stage in line with the Mayor's Housing SPG and London Plan policy 3.5.

Design and Strategic Views

19 Further to the comments made at Stage One, the applicant has provided additional views of the development from Waterloo Bridge and Hungerford Bridge which confirms that the development would not impact upon the Westminster World Heritage Site (WHS) or the London View Management Framework (LVMF).

20 GLA officers also note that the height of the scheme has been reduced to increase local views of the Grade II* Listed Power Station and this is welcomed.

Inclusive Access

21 The applicant has committed to ensuring that 90% of dwellings would meet Building Regulation M4 (2) and 10% of units would meet Building Regulation requirement M4 (3), in

accordance with London Plan Housing Standards and this is secured by condition. An Accessibility Management Plan is also secured by condition. Blue Badge parking provision would be managed and allocated via the parking management plan conditions, in response to actual demand.

22 Notwithstanding the outline nature of the proposal, GLA officers are satisfied from the proposed drawings and the conditions that full consideration has been given to inclusive access arrangements and meets London Plan policy 7.2.

Sustainable Development

Energy

23 At Stage One, it was noted that the proposals exceeded the targets set out within London Plan policy 5.2. Further information was requested to verify the carbon savings and demonstrate full London Plan compliance.

24 Whilst the applicant has not provided evidence of correspondence with the network operator (MUSco) to demonstrate the development will be connected to the Battersea Power Station District Heating Network, it is noted that the applicant is the developer of the adjoining site as well, and this is secured within the draft Section 106 agreement.

25 The applicant has also confirmed the non-residential elements of the development will be heated via the energy centre and cooled via Heat Interface Units. The applicant has also stated that should connection to the heat network not be possible, then the alternative solution would be on-site Combined Heat and Power (CHP). Calculation figures for the on-site CHP have been provided and states that the scheme would be able to meet the 35% carbon emission target.

26 Matters arising at Stage One have been addressed and there are no outstanding issues relating to Energy.

Sustainable Drainage

27 At Stage One, the applicant was requested to confirm what surface water attenuation measures were to be proposed from the temporary WTS prior to Stage Two. The applicant has confirmed surface water run-off from the temporary WTS would discharge to the Thames Water sewer in Cringle Street as per existing and no surface water attenuation is proposed for what would be a maximum period of four years before the permanent WTS was delivered, which does provide surface water attenuation.

28 The applicant contends that the transitional nature of this element of the scheme should not warrant a new connection through the River Thames defences which would then not be required after the temporary period of a maximum of four years. Given the unique circumstances, this is agreed and accepted by GLA officers.

Transport for London's comments

29 TfL have no outstanding concerns and have subsequently agreed with the applicant that a Workplace Travel Plan is not required for the proposed WTS.

30 TfL is satisfied that the draft s106 and suggested conditions will address the other issues which were raised at Stage One, including car and cycle parking, blue badge parking, electric vehicle charging, travel plans, car club, controlled parking, delivery and servicing plans and construction management and logistics.

Response to consultation

31 The Council notified local amenity groups and adjoining Boroughs, together with 452 letters of notification to surrounding residents and businesses in November 2015, objections were received from Lambeth Council and The Battersea Society in relation to the height of the proposals, notably the obscuration of views of the Listed Building. Following the amendments to the scheme to reduce the height and massing in February 2016, those objections from Lambeth Council and The Battersea Society were removed. The applicant has also worked with the Port of London Authority (PLA) to resolve their initial objections and they have now removed these, subject to the imposition of agreed conditions. There were no objections from the Royal Borough of Kensington & Chelsea or the London Borough of Hammersmith & Fulham.

32 There is an outstanding objection from the Battersea Power Station Community Group on the grounds that they consider the development to be over scale; overbearing on the River Thames; question the logic of residential above a waste transfer station and believe there is no clear evidence that the reconstruction of the waste transfer facility is necessary.

33 In terms of other statutory consultees, Historic England identify a 'less than substantial harm' from the proposals citing some obscurity of the chimneys of the Grade II* Listed Power Station in some key views however they clarify that they are not objecting and are content for the Council to weigh up the other heritage benefits of the proposal in line with the balancing exercise of the NPP. Historic England (Archaeology) made no response, the Environment Agency raised no objections subject to conditions, Natural England made no response, Thames Water raised no objection subject to conditions and informatives, Thames Tideway Tunnel raised no objections subject to conditions to enable co-ordination of construction logistics given the likely overlap, Network Rail raised no objections subject to conditions, London Fire and Emergency Planning Authority raised no objections subject to Brigade access being maintained at all times.

Draft Section 106 agreement

34 The following are included within the draft Section 106 agreement:

- 15% affordable housing and a two stage review mechanism
- £140,448 as a local employment contribution
- Delivery of the Riverside Path (including bond and maintenance payments)
- Car Club contribution for the first occupier of each residential unit to a 2-year car club membership, or equivalent to buy a bicycle or travel card.
- CCTV
- Highway Works
- District Heating Network connection
- £12,500 for the Council's monitoring costs.

35 A Deed of Variation to the Section 106 agreement for the adjoining Battersea Power Station is also required to reflect the revised drawings for the Section 73 (Application 2) and other minor matters.

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

36 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 I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

37 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.

Financial considerations

38 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.

39 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.

40 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

41 The principle of a residential-led mixed use development that retains a safeguarded wharf and waste throughput is in accordance with the strategic objectives of the London Plan and the Vauxhall Nine Elms Battersea Opportunity Area Planning Framework. The issues raised at consultation stage regarding safeguarded wharves, housing, urban design/strategic views, inclusive access, sustainable development and transport have been addressed. The proposals are now acceptable in strategic planning terms.

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