

s.78 Town & Country Planning Act 1990

Planning Appeal Against Refusal of Planning Permission for the  
Development of a 29-storey tower ('The Glassmill'), 1 Battersea Bridge  
Road, London SW11 3BZ

Local Planning Authority Reference – 2024/1322

Planning Inspectorate Reference - 6002127

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Advocate

Closing Statement

On behalf of the Battersea Society, the Chelsea Society, the Cheyne  
Walk Trust, Friends of Battersea Park, the Putney Society and the  
Wandsworth Society

March 2026

## INTRODUCTION

1. This appeal raises fundamental issues about the operation of the planning system regarding the development of 'tall buildings', not just in here in Wandsworth, but right across London.  
Notwithstanding the existence of the plan-led system (s.38(6) Planning & Compulsory Purchase Act 2004), where planning decisions are generally expected to accord with the policies set out within the development plan unless material considerations indicate otherwise, the appellant's case brings into question the point of spending thousands of hours and very considerable sums of council tax payers money in preparing such a document.
2. This appeal effectively undermines the immense amount of work that the democratically elected London Borough of Wandsworth (hereafter 'the Council') has undertaken in systematically and methodically evaluating the scope for tall buildings and setting out, within its statutory local plan, their maximum height and preferred location.
3. Thus, this is certainly not an appeal case where the local plan is silent on the matter at hand. The Consortium, whom I have had the privilege of representing at this inquiry, says that the Council has done everything that the planning system requires it to do in setting out its policies for the development of tall buildings within the borough.

## OBJECTIONS OF THE CONSORTIUM AND LOCAL RESIDENTS

4. So let me start by reminding the inquiry about the number of objections submitted to the planning application (**CD10.02** Annex 1). Altogether, there were 763 objections to the initial application and 660 to the revised version (**CD10.02**). At this inquiry the Appellant sought to suggest that, in some way, the local residents were hoodwinked into objecting by what were claimed to be erroneous and exaggerated statements made by Dr Jubb in his position within the Battersea Society. Such suggestions are highly unfair both to Dr Jubb, whose claims that the application proposal flouted local planning policy are, we contend, correct and to the

local residents who are no doubt more than capable of exercising independent judgement.

5. Indeed, the Consortium would contend that to the extent that there are any questions to be answered on behalf of those making representations to the Council, it is the Appellant that bears the burden most heavily having used a public relations / political lobbying firm to solicit representations (**CD10.02** Annex 2).
6. Many of those making representations in support gave addresses which were outside of London and outside of the south-east. Literature distributed by the Appellant understandably referenced the benefits that would flow from affordable housing but made little mention of the height or precise location of the proposed building. As a result, it is submitted that many of those that responded had at best no more than a partial understanding of the relevant planning context.
7. This process of securing support through what is submitted to be little more than contrived support is a prime example of what has become referred to as 'astroturfing', so-called because it amounts to the very opposite of a genuine grass roots campaign. This process of eliciting support was regarded by Sir Christopher Edwards in his presentation as highly questionable. The Consortium contends that it was unethical.
8. Contrary to what the Appellant claimed, the public consultation events held by the developer did not 'shape' the eventual design of the proposed scheme (see Mr Marginson's Proof of Evidence, **CD8.04**, Table 5.3). Indeed, at the second stage of consultation late in 2023 a survey questionnaire was used that included no questions about height. It is evident from the contents of the Statement of Community Involvement (**CD1.33**, see Summary of Responses, para 4.2.3 – 4.3.3), that the public remained opposed to the height of the proposal throughout the consultation process and that these concerns were not allayed by the reduction in the number of floors from 38 to 29.

9. A few local residents presented their comments on this appeal at the start of this inquiry. I refer to three here. Mark Littlewood's arguments in favour of the scheme should be taken with a touch of salt since, as was clear, his real 'beef' was essentially ideological in nature, taking issue with the doctrine of state regulation in land use control, rather than with this particular decision. His concerns about the need to boost housing supply and reduce house price inflation are perfectly legitimate but, in the context of the proposed scheme, might lead to the very 'free for all' that the local plan inspectors wanted to avoid. Little or no weight should be accorded to his submissions.
10. Considerably more weight should be attached to the views of Sir Christopher Edwards (Thames Walk resident) who summed up the proposal as being an elegant building but in the wrong place. In his eyes the proposal was ludicrous, foolish and absurd. The Appellant sought to criticise this language as being inappropriately strong or extreme for a public inquiry. But in the eyes of many objectors, such language will be viewed as very measured and might even be considered as being a little too restrained within the context of what they consider to be a clear breach of local planning policy.
11. Moving on, Mr David Waddell (**ID06**) who lives on Cheyne Walk directly opposite the appeal site, argued that the proposal would directly overwhelm and severely harm the nearby Cheyne Walk, River Thames and Lotts Road conservation areas. As somebody that looks over from his residence of 30 years towards the appeal site, his opinions and views are material to this inquiry and should be accorded significant weight.

## **THE URBAN DESIGN STUDY AND TOWNSCAPE ASSESSMENT**

12. The Urban Design Study was prepared by Arup and published in 2021 (**CD5.16**). By way of reminder, this document was prepared to provide a townscape character assessment to enable the Council to devise a design-led approach to meeting its housing delivery targets through its then emerging local plan.

13. The Urban Design Study sought to define the borough's various neighbourhoods by their urban character. It appears to have been robustly prepared, having followed a methodology set out by the Landscape Institute, Natural England the Greater London Authority (**CD5.16, p.3**). The resultant 'character areas' were assessed for their capacity to absorb new residential development, including importantly the scope for tall buildings.
14. That Urban Design Study (**CD5.16**) concluded that:

"The heights of buildings generally along the riverfront here are considered to be at capacity. Increases in height would risk adversely affecting the character of the River Thames including the north bank which is designated as a conservation area by the Royal Borough of Kensington and Chelsea. Taller development would also sit uncomfortably between the two listed bridges (Battersea, grade II and Albert, grade II\*) and would affect views from within Battersea Park Registered Park and Garden." (see Dr Jubb's Witness Statement (**CD10.02**, para. 29).
15. This assessment of the riverside's existing character accords with that given by the immediately adjacent Royal Borough of Kensington & Chelsea (hereafter, the RBKC). As was referred to by Mr Edwards KC at this inquiry in his cross examination of Dr Meile, in its response to the planning application, RBKC (21 November 2024) described the riverside area as being of a 'low rise nature' which provides '...an open environment around the river frontage for pedestrians....' (**CD11.13**, para 4.6).
16. Following on from its analysis of the urban character of the Wandsworth riverside the Urban Design Study made several important recommendations with respect to the development of tall buildings within the area relevant to this appeal. First, it recommended that tall buildings would be those between 7-12 storeys in height. Second, it recommended that these should be restricted to an area located between the two bridgeheads but excluding slithers of land at either end. Third, it recommended that these two slithers of land be designated as appropriate for

'mid-rise' buildings, being those of 5-6 storeys. As we all know, the slither of land immediately to the west of the 'tall-building' zone comprises the site subject to this appeal.

17. The recommendation to exclude the appeal site, as well as the corresponding bookend site at the eastern end of the inter-bridge area, from the designated Tall Building Zone, and to require any future development to 'step down', was made to soften and so mitigate the visual harm that might result from any replacement buildings on site.
18. For the avoidance of any doubt, this was motivated by a need to protect the general 'townscape' of the area as well as the built heritage. At the risk of going over old ground, it is critical to remember that the Urban Design Study was prepared to address the capacity of Wandsworth's 'townscape' to absorb new development. 'Townscape', it must be emphasised, goes beyond built heritage.
19. At this inquiry the Appellant has argued that the revisions to the NPPF (**CD4.01**: para 125c) introduced in December 2024 have rendered the Urban Design Study 2021 out of date. This is because the study adopted a methodology to evaluate the scope for the redevelopment of brownfield sites based upon parameters laid down in an earlier version of the NPPF. The NPPF 2024 required decision makers to be able to point to 'substantial harm' to justify any refusal of planning permission for development on brownfield land under previous versions of the NPPF.
20. This attempt to dismiss the Urban Design Study as obsolete and no longer relevant is rejected by the Consortium. It considers that the Urban Design Study is a valid document that was conducted using a robust methodology and was found to be so by the Inspectors convening the examination into the Wandsworth Local Plan which remains the borough's statutory local plan. Thus, its conclusions on the appropriate height and location of tall buildings remain valid.

21. Moreover, even if it were accepted that the post 2024 para. 125c provides the new metric against which to measure the acceptability of brownfield development proposals, the Consortium's position does not change with respect to the appeal scheme. This is because it will cause immense (far more than substantial) harm to the townscape of the Battersea Riverside area and the wider Thames area. Thus, the introduction of paragraph 125c in 2024 has not, we argue, shifted the dial in the context of a 29-storey scheme within the Battersea Riverside area.

## THE WANDSWORTH LOCAL PLAN

22. The recommendations from the Urban Design Study 2021 were carried forward and incorporated into the Regulation 19 version of the Wandsworth local plan (**CD6.05**). Accordingly, that document excluded the appeal site from the TBZ and included it within the Mid-Rise zone where building heights were to be restricted to no more than 6-storeys or 18 metres. Tall-buildings (with a maximum height of 12-storeys) were not to be permitted outside the Tall Building Zone.

23. Following the examination of the Regulation 19 version of the local plan, those policies concerning tall buildings at Battersea Riverside were adopted, subject of course to the modification that the prohibition of tall buildings outside the Tall Building Zone was to be replaced with an intention to 'restrict' them. This modification was made to bring the policy into conformity with the London Plan Policy D9 following *Hillingdon LBC v Mayor of London* [2021] (the 'Master Brewer' case) (**CD13.07**).

24. As we know, the Council's decision on the eventual planning application for a 29-storey tall building was to refuse it (**CD3.04**) on grounds that it failed to accord with policy D9 (Tall buildings) of the London and policies PM9 (Riverside), LP4 (Tall and mid-rise buildings) and LP62 (Planning obligations) of the Wandsworth Local Plan 2023 (**CD5.02**).

## **THE LONDON PLAN 2021**

25. Let me now turn to the substantive planning arguments about the interpretation to be placed on London Plan Policy D9 (**CD5.01**) which has been at the centre of this inquiry. Of course, the Consortium accepts the holding of Lady Justice Lang in the Master Brewer case.
26. The Consortium submits that the judgment leaves D9B (that part requiring borough councils to identify appropriate ‘tall building zones’ in their local plans) somewhat redundant since, as the holding makes clear, developers can apply for planning permission outside of a tall building zone, subject to meeting the qualifying criteria set out in D9C.
27. The adopted version of the Policy LP4C of the local plan (**CD5.02**) stipulated that the Council would seek to restrict tall buildings outside of designated Tall Building Zones. The Consortium contends that the inclusion of the word ‘restrict’ is intended as a further qualification to the application of London Plan D9C and Part B of LP4 (paras 1-19). This wording reflects the importance that the Council attaches to protecting important areas of the borough against the excessive development of tall buildings.
28. It was in this regard that the Wandsworth Local Plan Inspectors stated (**CD6.11**) that they envisaged that the opportunities for the development of tall buildings outside of tall building zones would be ‘extraordinary’. This was interpreted by Ms Chambers on behalf of the Council during cross examination as amounting to ‘rare’. The Consortium would go further than Ms Chambers and suggest that such opportunities would be ‘exceptional’.
29. At this stage, I would like to go back to London Plan Policy D9C (**CD5.01**) and draw your attention to D9Cc) which states that architectural quality should be of an ‘exemplary standard’ to ensure that its appearance is maintained throughout its lifespan.
30. The Consortium submits that whilst the proposed appeal building might have architectural merits, it does not come

anywhere near to reaching the standards set by such buildings as The Shard (see Proof of Evidence of Mr Barbalov, **CD8.02**), the MI5 building (**CD8.02**), 1 Embankment Place (above Charing Cross station) (**CD8.03**) or the Royal Festival Hall (**CD8.02**), all of which have been referred to during these proceedings. There are many other exemplary designs in London which have not been referred to at this inquiry but which are nevertheless well known (such as the Swiss Re 'Gherkin' and the Fenchurch - 'Walkie Talkie' - Building). To this very important extent, the Consortium considers that the proposal conflicts with Policy D9 (see 'Planning Balance' later in this Closing Statement).

## **TOWNSCAPE IMPACT**

31. A reason for refusal of the planning application centred on the harm that the appeal proposal would cause to the townscape and spatial character of the area. The Consortium has consistently endorsed this reason for refusal and has not departed from that position at this inquiry.
32. As Dr Jubb argued (**CD10.02**), contrary to the evidence presented by the Appellant, the scheme will not form part of a 'ribbon cluster' (a term used by Dr Meile) incorporating tall buildings including Chelsea Waterside, Chelsea Harbour, Motevetro and others, all at some distance from the site. Instead, it would be an isolated building striking a discordant note in a prominent riverside site. It would not protect and enhance the open quality of the river and the riverside public realm, as required in London Plan Policy D9 and Wandsworth LP4B9 and PM9A4.

## **DESIGNATED HERITAGE ASSETS**

33. Whilst the Consortium acknowledges that the Council did not refuse the planning application on heritage grounds it has consistently expressed concerns about harms to the settings, and therefore the significance, of large groups of designated heritage assets. Nor does it accept the Appellant's view that the existing building materially harms the setting of the Battersea Bridge or,

that the proposed building would materially enhance the bridge's setting. The existing building is rather bland and undistinguished, but its relatively modest scale renders it insignificant as a factor in influencing the character and setting of the Battersea Bridge.

34. The Consortium maintains the view that the appeal scheme would cause less than substantial / substantial harm to designated heritage assets including St Mary's Church (Grade 2\*), Battersea Park (Grade 2\*), Albert Bridge (Grade 2\*), Battersea Bridge (Grade 2), Crosby Hall (Grade 2\*), Chelsea Old Church (Grade 1) along with several conservation areas on both sides of the river. This is broadly consistent with the Council's position, subject to disputing the extent to which these harms are offset by public benefits. The Consortium believes that these harms should be carried into the overall planning balance.

## **AFFORDABLE HOUSING**

35. The Consortium accepts that there is an identified need for affordable housing in Wandsworth, especially for social rent. However, the Consortium concurs with the evidence presented by Ms Chambers for the Council which expressed scepticism about the deliverability of these units (**CD9.03**). The draft s.106 obligation (**ID24**) confirms that the Appellant has entered into an agreement to purchase the site subject to receiving planning permission.
36. The Consortium understands that the sum to be paid for the site is around £45m. Since that agreement was entered into on 24 June 2021 the proposed height of the Glassmill has fallen from 38 to 29 storeys. As such, the Consortium believes that the capital value of the building, and therefore the means to fund affordable social units, has also fallen.
37. The delivery of this social housing will be entirely dependent upon the sale of a much reduced quantum of residential units in the scheme. Any future market volatility is likely to be considerably amplified in the context of high-end apartments and penthouse

suites (of which there are 2). We therefore endorse Ms Chambers scepticism about the deliverability of these social rent units.

## **TRANSPORT ACCESSIBILITY**

38. The Appellant claims that the site is “...a highly accessible location.....” (see Mr Marginson Proof of Evidence, para 5.3, **CD8.04**). However, it has a PTAL rating of only 3, which is defined as a moderate rating. There would not be a national rail station or an underground station within normal walking distance of the site. Mr Marginson cited Imperial Wharf Station as being evidence to support his contention on easy accessibility, being around a 20-minute walk. He also cited Clapham Junction as being easily accessible, yet this would be at the very least a 12-minute bus ride. The walk time to Clapham Junction would be around 30+ minutes. Thus, the site is not ‘highly accessible’.

## **CONCLUSION: PLANNING BALANCE**

39. Under s.38(6) Planning & Compulsory Purchase Act 2004, planning applications should be refused where they fail to comply with the development plan unless material considerations indicate otherwise. The Consortium contends that the development proposal fundamentally conflicts with the development plan, comprising the London Plan (2021) and the Wandsworth Local Plan (2023). These plans are up-to-date and provide a robust planning framework within which decisions on applications are made. In passing, the Consortium would give very little, if any, weight to the contents of the draft NPPF whose consultation deadline only expired a few days before the inquiry began (see Mr Marginson Proof of Evidence **CD8.04**).

40. First, the Consortium does not accept that there has been compliance with London Plan Policy D9 (**CD5.01**). Irrespective of the various arguments traded between the two main parties over the implications of the Master Brewer case (**CD13.07**), the Consortium does not accept that the Appellant has demonstrated

that the proposal complies with several of the criteria specified in D9C.

41. Taking these criteria in turn, as we have already demonstrated under 'Townscape', there would be very substantial visual harm caused to the area (and certainly no enhancement / improvement of middle-distance views from Battersea Park or vistas along the Thames). Similarly, the spatial hierarchy would not be respected. We reject the notion that the proposed scheme is of exemplary architectural standard. Moving on, the scheme will harm several designated heritage assets which will not be offset by public benefits. The open character of the River Thames policy area will be significantly harmed (rather than improved) due to the excessive height of the building. Finally, iconic upstream views of the world-famous Grade 2\* Albert Bridge will be irreversibly harmed by a tower that will punctuate the central span. This will be even more so during the hours of darkness when those passing along the banks of the Thames see its beautiful, illuminated structure. As we have shown, these harms will not be offset by the putative benefits claimed by the Appellant.
  
42. As regards the Wandsworth Local Plan LP4 and PM9 (**CD5.02**), all the above points also apply. We make the further point that this plan was founded on detailed evidence examining the urban character of the area. It adopted a nuanced, fine-grained and fully considered approach to the development of tall buildings and mid-rise buildings, reflecting the findings of the Urban Design Study (**CD5.16**). The local plan was endorsed in detail by two experienced planning inspectors after they reviewed evidence presented in by the Appellants (**CD6.16**) specifically relating to this appeal site (**CD6.11**). The Consortium fully agrees with the findings of the Inspectors.

## **PLEA**

43. With the above points in mind, the Consortium kindly requests the Planning Inspector to dismiss the appeal and refuse planning permission for a 29-storey tower at Glassmill, 1 Battersea Bridge Road, London SW11 3BZ.

**William Walton MRTPI**

**Advocate,**

**March 2026**