

1 Battersea Bridge Road, London SW11 3BZ
Local Planning Authority Reference 2024/1322
Appeal Reference: 6002127

Proof of Evidence

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On behalf of

The Battersea Society and a Consortium of Civic and Amenity Societies

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A. Executive Summary

Introduction

1. This statement presents evidence in support of Wandsworth Council's refusal of the planning application 2024/1322 submitted by Promontoria Battersea Ltd to demolish the Glassmill Building, 1 Battersea Bridge Road SW11 3BZ and replace it with a tower of 29 storeys. It draws on the witness, Dr Michael Jubb's, experience and understanding of the planning policy and practice at national, London-wide, and local level in Wandsworth. It presents evidence to demonstrate that the appeal should be dismissed, since the proposed building would be contrary to planning policies well-established at national, regional and local levels; that it would do substantial harm to the townscape and spatial character of the area in which it would be located; that it would have a significant negative impact on many highly-rated heritage assets; and that the harms and negative impacts outweigh any benefits that the proposed building might bring.
2. This summary falls into seven main parts:
 - a. Appropriate Form of Development
 - b. Townscape and Spatial Character
 - c. Heritage Assets and Impact
 - d. Design Quality
 - e. Public Realm
 - f. Other Matters
 - g. Planning Balance

Appropriate Form of Development

3. I present evidence in the main document to demonstrate that the height and scale of the proposed development, are not, as the appellant claims, "the most appropriate form of development" for the site. Rather, they are contrary not only to the policies set out in the Council's reason for refusal - the NPPF 2024, London Plan Policy D9 (Tall buildings) and Local Plan Policies PM9 (Riverside) and LP4 (Tall and Mid-rise Buildings) – but also to London Plan Policy D3 (Design-Led Approach), Local Plan Policy SDS 1 (Spatial Development Strategy), the Urban Design Study that underpins Local Plan Policies as a whole, and the findings of the Inspectors' Report on the Examination of the Local Plan.

Townscape and Local Character

4. The height and scale of the proposed building fail to reinforce the spatial hierarchy of the local and wider context, or to ensure a high level of integration with its surroundings, or to enhance and relate positively to the prevailing local character, or to protect and enhance the open quality of the river and the riverside public realm (London Plan Policy D9 C1c and f; Local Plan Policies LP1A 1 and 2, and LP4.B 2 and 7). Rather, as the views in the appellant's *Built Heritage, Townscape and Visual Impact Assessment* (eg 4,7,10 and 11) demonstrate, the proposed building transgresses the spatial hierarchy; fails to integrate with its surroundings; is disproportionate to the local environment; creates a substantial visual interruption; has an overbearing impact with regard to its context; relates very negatively to the prevailing local character; will be visually dominant across a wide area, with a highly significant impact from several viewpoints; and do significant harm to the townscape and to the experience of residents, visitors and users of the local area and its facilities.

5. The appellant's claim that the proposed building will establish a coherent relationship with other tall buildings in the area cannot be sustained. Rather, it would add a discordant and jarring note in a prominent riverside site where no neighbouring building exceeds 11 storeys.
6. The appellant's claim that the proposed building fulfils a need for a landmark or marker building next to Battersea Bridge does not stack up. The need for a gateway or marker building is supported neither by specific policies nor by evidence. The analysis of London's bridges is partial and misleading, even where it is not simply wrong. Any tall tower anywhere would provide a reference point. That is not a reason for building one.

Heritage Assets and Impact

7. The BHTVIA does not follow either the methodology or the format of the *GLA's Planning Practice Note on Heritage Impact Assessments and the Setting of Heritage Assets* (HIASHA); and its claim (para 11.7, repeated in the Planning Statement para 6.53) that the development "does not give rise to any adverse effects on the heritage assets in the study area" cannot be sustained. The BHTVIA's assessment of the impact of the proposed building on the settings of individual assets and groups of assets on both sides of the river are notably low. And while the GLA's, Historic England's and Wandsworth Council's assessments of harm are somewhat higher than the BHTVIA's, they too can in some cases be contested, as demonstrated in the individual cases I discuss.
8. The appellant's claim (SoC 5.12) that any harm "would be significantly outweighed by the significant *heritage* (emphasis added), economic, social and environmental public benefits of the Proposed Development" cannot be accepted. Similarly, the Council's claims in the Officers Report (20.35) and in its Statement of Case (5.41, 5.44 and 6.3.5) that the public benefits would balance the harm to the identified heritage assets are not acceptable. Even if the Officers' judgement were to be accepted, the harms – which my analysis suggests should be weighted much more highly - should be taken forward to the planning balance.

Public Realm

9. GLA officers were right to raise concerns that improvements to the public realm are minimal when compared with the scale of the proposed building, and that they will contribute little to place-making for the wider community.

Other Matters

10. *Transport*. The proposed development will worsen traffic congestion, especially during the construction period.
11. *Office Space*. There is little justification for the near-total loss of office space.
12. *Daylight, Sunlight and Overlooking*. The concerns of local residents must be addressed.
13. *Play Space*. The on-site provision is grossly inadequate.
14. *Public Consultation*. The public consultation was at best flawed, and in some respects duplicitous. Nevertheless, over 1400 objections were submitted, and a petition with over 500 signatures was presented to the Planning Applications Committee. Of the letters of support, a high proportion adopted a standard format promoted by the appellant.

Planning Balance

15. The benefits of the proposed building have been grossly overstated by the appellant. Those that are claimed to arise from the design and location of the building amount to harms rather than benefits. Others amount simply to the meeting of standard planning requirements, and merit no weight at all. Those that do weigh in the balance - the 110 homes, of which 54 would be affordable; the provision of affordable workspace; the community space; the restaurant; the improvements to the Thames Path and the streetscape; and the economic benefits – are all subject to significant caveats, and do not merit the weight that the appellant suggests.
16. On the other hand, as shown in earlier sections of this statement, the appellant has significantly under-stated the harms to townscape and spatial character, and to the settings of heritage assets.
17. The balance is therefore firmly weighted against the proposed building.

Conclusion

18. In the light of the evidence presented in this statement I respectfully urge that the appeal should be dismissed.

Section B

The Witness and the Consortium

B.1 The Witness

19. My name is Michael Jubb. I graduated from Cambridge University with a degree in history in 1971, and was awarded a PhD in economic history in 1978. After short-term lectureships I joined the then Public Record Office (now the National Archives) where I fulfilled various research, archival and management roles. I subsequently joined the civil service in the then Department of Education and Science. I then served as Deputy Secretary at the British Academy, and as Deputy Chief Executive of the newly-created Arts and Humanities Research Council. In 2005 I was appointed Director of the Research Information Network, a policy and research institute focusing on research policy and related data, information and publishing services. I was awarded an MBE for services to research and information services. I retired in 2016, but I continued to work as an independent consultant until 2020.
20. I have sustained a non-professional interest in both architecture and planning since my student days, and taught courses in urban history for the Open University. I have lived in Battersea for nearly 50 years, and I have taken a keen interest in the developments that have taken place over that time. I have been a trustee of the Battersea Society for the past nine years, and a member of its Planning Committee since 2017. I have good experience of how the planning regime operates in Wandsworth, and I appeared for the Battersea Society at the EIP for Wandsworth's Local Plan in 2022, and also at the EIP for the Partial Review of that Plan in 2025. I played a central role in discussions with the developers and with other interested parties about the proposed development at the Glassmill site, and I took the lead in drafting the two objections submitted by the Battersea Society. I attended the meeting of Wandsworth Council's Planning Applications Committee (PAC) in April 2025 when the application was considered and refused.
21. My understanding of local planning matters has been enhanced since I have been a member of Wandsworth Council's Conservation and Heritage Advisory Committee for the past seven years and since 2022 its first independent Chair. In that role I oversaw a formal discussion of the planning application in July 2024, before it was submitted to the PAC the following year. I am also currently Chair of the London Forum of Amenity and Civic Societies, having been a trustee of the Forum since 2020. This experience has given me a broader perspective on planning issues across London as a whole, and widened my range of contacts and liaison with individuals and organisations in the public, private and voluntary sectors, from the GLA to specialist academics, developers and the professionals who serve them.

B.2 The Consortium

22. The consortium comprises the Battersea Society, the Chelsea Society, the Cheyne Walk Trust, the Friends of Battersea Park, the Putney Society and the Wandsworth Society. All are formally constituted and operate as civic and amenity societies to represent the interests of people who live and work in their respective areas, and make use of their facilities. All are actively engaged in matters relating to

planning and development, from policy-making to commenting on individual applications. They do not oppose tall building per se. Rather, they seek to engage with developers, often as critical friends, in seeking to ensure the right kinds of development in the right place. Information about each of the member organisations is provided at the end of this statement.

23. Each member of the consortium engaged with the developers and with Wandsworth Council from the early stages of consultation on the proposals for development at 1 Battersea Bridge Road, even before a planning application was submitted; and made detailed comments objecting to key features of both the original and the final revised planning application. While all of them supported the Council's decision to refuse the current application, they believe that the Officers' Report presented to and discussed at the Council's Planning Applications Committee (PAC) on 24 April 2025, together with the stated reasons for refusal, downplayed the significant harms to this part of London that would result if the proposed development were to be permitted. Following discussions, the members have decided that they wish to speak with one voice at the inquiry.

Section C

Is the Proposed Building an Appropriate form of Development?

24. The proposed building represents an example of a kind of development rarely seen in London before the last fifteen years: residential towers exceeding 20 or 30 storeys developed for sale, often aimed at the higher end of the market. Such developments increased rapidly in the years before the pandemic, in order to meet growing housing demand and as land prices made tall buildings more viable. But concerns about the proliferation of towers led policy-makers at the GLA and many London boroughs to adopt a more cautious approach to tall buildings in their plans as approved by Planning Inspectors.
25. More recently, concerns have grown about the inherent complexity of such buildings, the standards to which they are built, the quality and costs of long-term maintenance and management services, and the rising cost of service charges¹. The GLA's Planning and Regeneration Committee recently requested² an assessment of the types of homes needed in London to ensure that the needs of Londoners are balanced alongside forces that are directing high-rise developments. And the **National Design Guide** (paras 153-156) now points to the need to consider carefully the costs of management and maintenance requirements for the long term. *Apart from a brief reference to façade maintenance in the DAS (page 145) the appellant addresses none of these issues and concerns.*
26. In this policy context the proposed building cannot be regarded as an appropriate form of development, for the following reasons:
- a) *It does not comply with NPPF(2024)*, which requires (para 48) that, under planning law applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. As is demonstrated below, the proposed building is not in accordance with the Local Plan.
 - b) *It does not comply with the London Plan*. While I am aware that earlier interpretations of **Policy D9**, especially clause B3, have changed following the Hillingdon judgement³, Policy D9 still requires boroughs to identify zones that are appropriate for tall buildings. It also requires all development proposals to meet a wide range of requirements, and the proposed building does not meet many of them. These include, for example, **Policy D9 C1d**, which requires the appellant to consider alternatives to a tall building, some of which might minimise the loss of embedded carbon.
 - c) *It contravenes Wandsworth's Local Plan*, which states (**Policy LP4B**) that tall buildings will be appropriate only in tall building zones identified on the maps included in the Plan, where the development would not result in any adverse visual, functional, environmental and cumulative impacts. This prescription is repeated in **Policy PM9 (Wandsworth's Riverside)**. A further series of criteria to be assessed in any application under **Policy LP4B** will be addressed below in this evidence.

¹ *What is the Future of High-Rise Housing: Examining the Long-Term Social and Financial Impacts of Residential Towers*. Levitt Bernstein et al 2023.

² GLA Planning and Regeneration Committee *Do tall buildings work in London?* April 2025

³ London Borough of Hillingdon, R (On the Application Of) v Mayor of London [2021] EWHC 3387 (Admin) (15 December 2021)

- d) *It also contravenes the **Local Plan Spatial Development Strategy (SDS 1)***⁴ since the site does not appear in any of the categories of areas for housing development.
- e) *It does not address issues and arguments presented in the **Inspectors' report on the Local Plan***, which states that opportunities to build tall buildings outside the tall building zones would be “extraordinary rather than ordinary”; and that there was “nothing before us to demonstrate that it is necessary to allow buildings to exceed the appropriate height range within the tall building zones” (para 117).
27. *In sum, as the Council states in the Officers' Report and in its Statement of Case, the proposed building thus does not comply with the prescriptions set out in the NPPF para 48, in the London Plan Policies D9 B3 and C1d, in the Local Plan Policies LP4 and SDS 1, and, I would add, in the Inspectors' Report on the Local Plan, regarding the location of tall buildings.*
28. *The description of height used both by the appellant and by the Council is highly misleading.* It is important in assessing the height of the proposed building that while it is described as being of 28 or 29 storeys, it is in fact significantly taller than that might suggest, since the height of each storey is higher than standard. Height should be expressed in metres, and metres AOD, not solely number of storeys.⁵ Supporting text in the Local Plan makes clear that the heights stated in the Plan as a whole assume that each storey is three metres high (para 14.35). A standard residential building of 29 storeys would be 87 metres tall, whereas the proposed building is 96 metres, and allowing for the height of the ground, 103 metres AOD.
29. *The proposed building is contrary not only to the **Local Plan Policy LP4**, but to the recommendations of the **Urban Design Study** on which that policy is based. The appellant's **Tall Building Impact Assessment** is wrong to claim (para 3.2) that the Site has, until very recently, been deemed appropriate in policy terms for the location of a tall building*⁶. The policies in the **Local Plan** relate closely to those set out in successive **London Plans**; and the Local Plan and its policies as a whole were developed based on evidence and recommendations provided by an **Urban Design Study (UDS)** prepared by Arup in 2020. There is thus an intimate relationship between that study and the **Local Plan**, and this was recognised in the **Inspectors' Report** (paras 112 and 113) on the Examination of the Plan, which described the UDS as robust and proportionate. The Plan should therefore be read together with the UDS, particularly with regard to tall buildings. In its analysis of the riverside area TB-B2-04, between Albert Bridge and Battersea Bridge, the UDS states (page 239) 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.”

⁴ The provision for the intensification of small sites is restricted to areas of higher accessibility. The site is rated as PTAL 3, which does not meet that criterion.

⁵ Historic England, *Assessing the impact of tall buildings on the historic environment* (2021), p.21. See also Historic England *Advice Note 4 Tall Buildings* para 5.8

⁶ The Regulation 18 draft of the Local Plan does not make any suggestion that tall or ‘gateway’ buildings might be appropriate in the area. Rather, draft Policy PM9 requires that developments should “create references to historic pattern, uses and elements where possible to bring coherence, legibility and integrity; and address the requirements of LP4 (Tall Buildings).

30. *The appellant gives no reasons for overturning the evidence and the associated recommendations in the UDS, and for claiming that a development directly contrary to them is appropriate.* Even in the tall building zone TB-B2-04 the appropriate height is restricted to 7-12 storeys, in line with the existing Albion Riverside building of 11 storeys. The UDS argues that building heights should reduce on the approaches to the bridges, and hence the tall building zone excludes the existing buildings contiguous to both Albert Bridge and Battersea Bridge
31. *The proposed building does not seek to optimise, but rather to maximise site capacity, and therefore does not comply with **London Plan Policy D3 A** on the design-led approach.* The appellant admits that the site has ‘limited development capacity’ (DAS p.31). But instead of accepting the obvious limitations of a small site, the appellants argue that a building over 103 metres AOD is required to “optimise the opportunity” on what they term as an under-used site. That is a logical absurdity. It amounts to an argument that on any site in Battersea or elsewhere, however small and thus with limited development capacity, a tower block should be built to optimise – or, rather, to maximise - the opportunity. One of the purposes of the planning regime is to prevent such an absurd outcome. The proposal thus does not conform to the design-led approach set out in the **London Plan Policy D3 A**, where “optimising site capacity means ensuring that development is of the most appropriate form and land use for the site”.
32. It is relevant also to note that supporting text at paragraph 3.4.8 for **London Plan Policy D4 (Delivering Good Design)** states that “the higher the density ... the greater the scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design ... because these elements of the development come under more pressure as the density increases. Supporting text for **London Plan Policy D9 (Tall Buildings)** similarly states at paragraph 3.9.4 that “the higher the building the greater the level of scrutiny that is required of its design.
33. *The proposed building does not comply with **London Plan Policy D9 C4**.* That policy requires that the cumulative visual impact of tall buildings must be considered when assessing tall building proposals; and **Policy HC1C** requires that the cumulative impact on heritage assets and their settings must also be taken into account and actively managed. In short, it is illegitimate to imply – as the *Built Heritage Townscape and Visual Impact* (BHTVIA) does at various points (eg 8.70, 9.49, 10.6-10.7) - that since some tall buildings are already visible around the site (albeit at some distance) , another tall building should be permitted. As Historic England puts it, where harm exists, it should not be compounded⁷.
34. *The proposed building would thus risk further developments that do not comply with **London Plan Policy D9 C4**.* If the proposed building were to be accepted, it would make it more difficult for Wandsworth Council to resist other similar sized proposals in future within the same area because it would, in effect, transform the area into one seen as suitable by developers for buildings of well over 20 storeys. That would further damage the built heritage, townscape and visual amenity of the riverside north and south of the Thames.

⁷ Historic England Advice Note 4 Tall Buildings, 6.5.

35. *In sum, the height and scale of the proposed development, are not, as the appellant claims, “the most appropriate form of development” for the site. Rather, they are contrary not only to the policies set out in the Council’s reason for refusal - the NPPF 2024, London Plan Policy D9 (Tall buildings) and Local Plan Policies PM9 (Riverside) and LP4 (Tall and Mid-rise Buildings) – but also to London Plan Policy D3 (Design-Led Approach), Local Plan Policy SDS 1 (Spatial Development Strategy), the Urban Design Study that underpins Local Plan Policies as a whole, and the findings of the Inspectors’ Report on the Examination of the Local Plan .*

Section D

Townscape and Spatial Character

36. The appellant claims in its Planning Statement and the associated Tall Building Impact Assessment as well as its Statement of Case (paras 6.3 and 6.6) that the proposed building will bring positive change to the local spatial character of the area, and will not create unacceptable and incongruous transformative change that would significantly harm that spatial character. The appellant also claims that the development would not adversely affect strategic and local views (SoC para 6.5). These claims are based largely on the BHTVIA report submitted with the application, to which an Addendum was added after it was decided to reduce the height of the building.
37. Much of the evidence in the BHTVIA is based on representations of the viewpoints included in the report. Some of the viewpoints (eg 20 and 24) seem to have been chosen to minimise the impact of the proposed building; and Historic England pointed to the need for some additions to remedy this. But its request was ignored and it is to be regretted that relevant views (eg from Battersea Park, Albert Bridge Road, Cheyne Walk and the Chelsea Embankment) have not been provided.

Spatial Environment

38. *The proposed building does not meet the basic requirement of responding to its local spatial environment.* The BHTVIA claims (para 9.9), that the design for the proposed building was refined to improve the relationship with the riverfront, the neighbouring buildings to the east and south and the wider townscape. No evidence is provided to support that claim, other than what is also claimed about the design excellence of the proposed building. It is difficult also to understand what is meant by some of the claims as to the relationship between the proposed building and existing ones, such as the claim in the DAS (p.41) that the proposed design relates to the historic and emerging context of Ransome’s Dock, where the buildings are 3-5 storeys.
39. *In respect to the requirements of the NPPF, the London Plan and the Local Plan the proposed building fails in many different respects. For, despite what is claimed in the Tall Building Impact Assessment, it does not*
- a. take proper account of the desirability of maintaining an area’s prevailing character and setting (NPPF 129d). Rather, it seeks to transform the prevailing character and setting with a ‘marker’ building (see paras 31-35 below).
 - b. ensure that new buildings and the spaces they create are designed to reinforce or enhance the identity, legibility, permeability, and inclusivity of neighbourhoods (London Plan Policy GG1G). Rather, it seeks fundamentally to change the identity of the area.

- c. enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions (London Plan Policy D3 D1). Rather, it harms local context and distinctiveness, by ignoring existing building types, forms and proportions.
 - d. respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character (London Plan Policy D3 D11). Rather, it fails to respect – let alone enhance – the heritage assets and architectural features of the area.
 - e. reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding (London Plan Policy D9 C1c)). Rather, it destroys the exiting spatial hierarchy of the area.
 - f. protect and enhance the open quality of the river and the riverside public realm (London Plan Policy D9 C1f). Rather, it seeks to dominate the local riverside context.
 - g. ensure a high level of physical integration with its surroundings or to consider broader placemaking (Local Plan Policy LP1A 1). Rather, there is not even the slightest attempt at physical integration.
 - h. ensure that the scale, massing and appearance of the development provide a high-quality, sustainable design and layout that enhance and relate positively to the prevailing local character (Local Plan Policy LP1A 2). Instead, the scale, massing and appearance are explicitly designed to dominate the whole area.
 - i. avoid creating substantial visual interruptions (Local Plan Policy LP4 B2). Rather, the deliberate intention is to create a visual interruption.
 - j. to be proportionate to the local environment and be designed so as not to create an overbearing impact having regard to its context (Local Plan Policy LP4 B7). Rather, once more the clear intention is to create a building with an overbearing impact.
40. *The proposed building fails to meet these requirements because of its height and scale on the small but prominent site.* As the views in the BHTVIA (eg 4,7,10 and 11) demonstrate, it fails to provide any of the enhancements and improvements set out in the policies above. Rather, it transgresses the spatial hierarchy; it fails to integrate with its surroundings; it is disproportionate to the local environment; it creates a substantial visual interruption; it has an overbearing impact with regard to its context; and it relates very negatively to the prevailing local character.
41. *The proposed building will be visually dominant across a wide area, jarring against and detracting from its spatial context; and the claim in the BHTVIA that its impact will be negligible or low cannot be supported.* For all the reasons outlined above, it is difficult to understand how the BHTVIA could reach the conclusion that for the eight townscape areas it defines, in seven cases the impact of the proposed building is low or very low; and in five out of the eight cases, the effect is assessed as negligible (in the other three, it is minor). The recommended **GLVIA3** methodology⁸ it broadly follows explicitly involves judgements; and it should be noted that GLVIA3 itself acknowledges (para 2.24) that even with qualified and experienced professionals there can be differences in the judgements made. GLVIA3 also states (para 6.5) that in urban areas there may be particular interest in strategic views relating to heritage assets, landmarks and other key views and vistas. It should also be noted that there is virtually

⁸ *Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3).*

no reference in GLVIA3 to the impacts of tall buildings⁹. As Historic England points out “While GLVIA 3 refers to townscape and cultural heritage considerations there is little reference to how this should be adapted in relation to tall buildings.”¹⁰ For all these reasons, it is important to stress that even to the extent that the BHTVIA follows GLVIA3 guidance, its judgements must not be regarded as infallible; indeed, as I demonstrate below, they are, at the very least, open to question.

42. *The proposed building’s visual impact will be highly significant from several viewpoints, including the Embankment; Beaufort Street; Battersea, Albert and Chelsea Bridges; Battersea Bridge Road; Cheyne Walk; and many others.* It is difficult to understand the judgements in the BHTVIA that for residents, visitors and travellers in four out of the seven locations it selects the visual impact should be assessed as low (for the other three it is medium); and that in all but one of the cases the effect is assessed as minor. Again, the judgments must be open to question
43. *The proposed building would do significant harm to the townscape and to the experience of residents, visitors and users of the local area and its facilities.* It is impossible to agree with the BHTVIA’s conclusion that the height and architectural qualities of the proposed building would improve the appearance and function of the townscape. The building is *not* exceptional in terms of design quality, nor can it be said that its design would mitigate the impacts of its height and scale. Rather the reverse.

44. The height and scale of the proposed building fails

- to reinforce the spatial hierarchy of the local and wider context
- to ensure a high level of integration with its surroundings
- to enhance and relate positively to the prevailing local character
- to protect and enhance the open quality of the river and the riverside public realm

45. Rather, as the views in the BHTVIA (eg 4,7,10 and 11) demonstrate, the proposed building

- transgresses the spatial hierarchy;
- fails to integrate with its surroundings; is disproportionate to the local environment;
- creates a substantial visual interruption;
- has an overbearing impact with regard to its context;
- relates very negatively to the prevailing local character;
- will be visually dominant across a wide area, with a highly significant impact from several viewpoints;
- do significant harm to the townscape and to the experience of residents, visitors and users of the local area and its facilities.

For all these reasons, it does not comply with **London Plan Policy D9 C1c and f; and Local Plan Policies LP1A 1 and 2, and LP4B 2 and 7f.**

⁹ Of the two references to the word ‘tall’ one is highly generalised, while the other refers to onshore windfarms.

¹⁰ Historic England, *Assessing the impact of tall buildings on the historic environment* (2021), p.15.

Relationship with Other Tall Buildings

46. The appellant claims that while the development is not near an existing group of tall buildings, it would make a successful relationship with the tall buildings in the wider River Thames townscape (SoC, paras 6.3 and 6.5). In support of this, the BHTVIA repeatedly refers (paras 8.70, 9.49, 10.6, 10.28 among others) to the tall buildings to the west of the site on the north side of the river, along with the Montevetro building and other tall buildings on the south side, none of which are set directly on the river front, or are remotely as tall as the proposed building. The report also refers repeatedly to the tall buildings around Battersea Power Station and at Vauxhall. It emphasises their role in the townscape, and claims that the proposed building should be seen in relation to them.
47. *The proposed building would add yet another discordant note in a prominent riverside site, rather than protecting and enhancing the open quality of the river and the riverside public realm, as prescribed by London Plan Policy D9 C1f.* A key problem for the BHTVIA analysis is that the tall buildings to which it refers are some distance away from the proposed development. Vauxhall is c 2.5 km away, Battersea Power Station more than 1.5km, the towers at Lot's Road over 0.5km, the World's End buildings c.0.4 km, and the Montevetro building c.0.4km. Moreover, with two exceptions - those at Vauxhall 2.5km away and Chelsea Waterfront closer to the site - none of the towers is remotely as high as the proposed building (DAS .p.17). Hence the claim of a positive relationship with neighbouring tall buildings is inherently weak. Only with the Chelsea Waterfront, and then only from a few perspectives, could the proposed building achieve any justified relationship.

48. The claim that the proposed building will establish a coherent relationship with other tall buildings in the area cannot be sustained. Rather, it would add yet another discordant and jarring note in a prominent riverside site.

A Marker Building

49. *The need for a gateway or marker building is supported neither by specific policies nor by evidence.* There is no reference in either the NPPF or the London Plan to 'gateway' or 'marker' buildings; nor is there any reference in the Local Plan to the need for a gateway building at any point on Wandsworth's Riverside. Nevertheless, the appellant claims (DAS p37) that "The many bridges located within the central stretch of the River Thames, from Hammersmith Bridge to Tower Bridge, are identified by 'markers' and /or 'landmark' buildings which contribute to marking crossing points and celebrate the architecture of the bridges". The claim is repeated in various forms at several points, and in other documents such as the Planning Statement, the BHTVIA, and in the Statement of Case. But so far as I am aware the need for a gateway or marker building has never been held by the Courts to constitute an 'other material consideration' that can be applied in the planning balance.
50. *The images provided to demonstrate 'markers' and /or 'landmark' buildings adjacent to other bridges are misleading; and the claim that the townscape study identifies that bridges are 'identified' by adjacent or near building has no substance.* Fourteen road bridges are listed in the DAS, but none of the five very busy railway bridges. Only five of the road bridges - Blackfriars, Westminster, Vauxhall, Wandsworth and Putney - have buildings immediately adjacent that could be considered to be

landmark, that is distinctive, buildings. Many of the ‘markers’, including the Shard, Battersea Power Station, and Riverside Studios, are at some distance from the bridges. And it is straining credulity to claim that Albert Bridge – why not Chelsea Bridge as well? - is ‘marked’ by Battersea Park.

51. *Moreover, the claim that ‘markers’ and /or ‘landmark’ buildings celebrate the architecture of the bridges is simply false.* There is no relationship between the ‘architecture’ of the bridges on the Thames and the design of any of the buildings near or adjacent to them. Therefore, the curious attempt (DAS p 43) to link the design of the proposed building to Battersea Bridge simply fails. The claimed connections – that the height of the building is approximately half the length of the bridge and that the length of the footprint of the tower element of the building equals the width of the central arch of the bridge - would not be readily apparent to even the closest viewer.
52. *More specifically, there is no explanation as to why Battersea Bridge should be accompanied by a landmark building to mark the entrance to Battersea, Wandsworth or even the Ransome’s Dock area.* None of the other entrances to Wandsworth or Battersea is marked by such a building. The sole exception is the cluster of towers at Vauxhall, which happens to mark the entrance to Vauxhall and Lambeth, as well as Battersea and Wandsworth.

53. *The claim that the proposed building fulfils a need for a landmark or marker building next to Battersea Bridge does not stack up. The analysis of London’s bridges is partial and misleading, even where it is not simply wrong. Any tall tower would provide a reference point. That is not a reason for building one.*

Section E

Heritage Assets and Impact

54. The NPPF requires that
- a. any harm to the significance of a designated heritage asset arising from development within its setting should require clear and convincing justification (para 213). Settings are defined by Historic England as 'the surroundings in which a heritage asset is experienced'¹¹.
 - b. where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para 215).
 - c. local planning authorities should “look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to *enhance or better reveal* (emphasis added) their significance (para 219). Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.” The clear implication is that applications that do not do so should not be treated favourably.

¹¹ *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)* (Historic England, 2017, 2nd Edition)

55. The London Plan similarly requires that
- a. proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings; and deliver positive benefits that conserve and enhance the historic environment (Policies HC1B4 and C).
 - b. proposals should "avoid harm to the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area" (Policy D9 C1d).
 - c. Local Plan Policy LP4 similarly requires that tall buildings should protect and enhance heritage assets.
56. *The BHTVIA does not follow either the methodology or the format of the GLA's **Planning Practice Note on Heritage Impact Assessments and the Setting of Heritage Assets (HIASHA)**; and its claim (para 11.7, repeated in the Planning Statement para 6.53) that the development "does not give rise to any adverse effects on the heritage assets in the study area" cannot be sustained.* The claim amounts to an attempt to diminish to nil the weight of the harms to be balanced against the benefits of the proposed development. As with its assessments of townscape, its assessment follows the GLVIA3 methodology, which the GLA's HIASHA states should not be used. Instead the HIASHA requires a Heritage Impact Assessment (HIA) wholly separate from any Townscape Visual Impact Assessment, in order to prevent inappropriate links between the two methodologies and the conclusions they reach. Nor does the BHTVIA meet the requirements of HIASHA, since it fails, for example consistently to meet the requirements to assess the degree to which settings allow the significance of an asset to be appreciated, or address the full range of relationships between the asset and its surroundings; or provide visual representations of any cumulative scenarios (or indeed to make any cumulative assessment).
57. *The BHTVIA's assessments of the impact of the proposed building on the settings of groups of assets, and of individual assets, on both sides of the river are notably low.* It assesses the settings of the listed heritage assets in seven groupings, five on the north side of the river, and two on the south. There are individual assessments for four buildings: St Mary's Church Battersea, the Royal Hospital Chelsea, Albert Bridge and Battersea Bridge. Two of the eleven assessments indicate nil impact and no effect. Seven of the assessments indicate low or very low impact, and either negligible or minor impact. Of the two remaining assets or groups, the assessments for the group around the Royal Hospital were initially medium impact and moderate effect; but they were reduced to low impact and minor effect to take account of the reduced height of the proposed building. Only for Battersea Bridge itself were the assessments high impact and moderate effect.
58. *The GLA's, Historic England's and Wandsworth Council's assessments are somewhat higher than the BHTVIA's, but in some cases can be contested.* Neither the GLA, Historic England nor the Council commissioned a full impact assessment, but reached judgments of harm to the setting of listed heritage assets based on the visual representations presented in the BHTVIA, and local knowledge. These are recorded in the Historic England's report and the Council Officers' Report to the Planning Applications Committee. They take the form of judgements as to whether the levels of less-than-substantial harm to the settings are low, medium or high. None reached the high level.

59. The Officers' Report assessed assets in sixteen areas, including five not assessed in the BHTVIA. The settings of three of the assets or areas were assessed as suffering no harm, eight with low levels of less-than-substantial harm, and five with middle levels. None was assessed with a high level. In comparison with the BHTVIA, the Officers' Report raised three impacts and effects on the settings – Westbridge Conservation Area, Battersea Park and its Conservation Area, and the Royal Hospital and its Conservation Area - from low impact and minor effect to middle levels of harm. It also assessed the harm to the setting of Albert Bridge as middle level, as compared to the BHTVIA's assessment of low impact and minor impact. Finally, it assessed four conservation areas excluded from assessment by the BHTVIA: the Thames CA with middle levels of harm to the setting, the Boltons CA with low levels and the Three Sisters CA with low levels, and Hyde Park along with the Royal Parks CA with low levels.
60. The following paragraphs highlight disagreements with the assessments in the BHTVIA, alongside those from Historic England, Wandsworth Council and the GLA, relating to specific heritage assets and groups of assets.
61. *Westbridge Road Conservation Area*. The BHTVIA acknowledges (para 5.17) that the group of buildings at the heart of this conservation area are some of the earliest surviving in Battersea, and that (para 5.20) its heritage value is derived from its insular nature as an enclave of early Victorian development. It also acknowledges (para 8.4) that the proposed building is within the setting of the conservation area, and would be highly visible from it. But it claims (para 8.8) that the building would be "peripheral" to the heritage assets and that it would therefore have a low level of impact. It goes on to claim (para 8.9) that the building would have a minor effect owing to its close proximity and high visibility throughout the conservation area. It is difficult to understand the first claim, and the second appears to be a non-sequitur.
62. The Officers' Report states that the proposed building would be grossly out of scale with its close neighbours in the conservation area, have a deleterious effect on the streetscape, and mar the settings of the heritage assets. *The low levels of impact and effect assigned by the BHTVIA and by Historic England are surely too low. The harm should be assessed, in line with the Officers Report, as moderate.*
63. *Battersea Park and its Conservation Area*. The BHTVIA claims that the proposed building would be obscured by trees and other buildings, so that only glimpses of the uppermost part of proposed the building would be seen from a limited number of locations. It would therefore have a very low magnitude of impact, it would not detract from the features of the park and its surrounding buildings, and it would have negligible effect (8.15 and 8.17). Viewpoint 15 - and other views that could be added as Historic England suggested - show that is not true for a high proportion of the park's area, where views across to and above the trees on the western side of the park which are currently uninterrupted would be fundamentally altered. Views from many parts of the conservation area would also be altered. And in winter, the views would be significantly affected from the tree-lined Western Carriage Drive. *The Officers' Report, in line with the GLA assessment, is right to conclude (2.120) that the proposed building would be visually dominant, and the BHTVIA assessment too low. The less-than-substantial harm should be rated at middle level.*
64. *Cheyne Walk*. The BHTVIA claims (para 8.24) that the separating effects of the River Thames, the vegetation of the embankment, the intense traffic, and the position of the proposed building mean that it would have a low magnitude of impact on the settings of the listed buildings, many of them Grade 1 or Grade 2*. It also claims that since the proposed building is elegant it would enhance the view across the River Thames, and that (para 8.25) the effect on the heritage assets would therefore be minor. The

Officers' Report (para 2.126) suggests that the proposed building would form a dominant feature in the view, thus affecting the setting of the Conservation Area and detracting from the historic environment and the many listed buildings. It also suggests that the impact would detract from the setting of Paulton's Square, appearing above the listed buildings to the south and interrupting the consistent and unaltered parapet line. This analysis, similar to that of Historic England, is surely correct; but the conclusion is wrong in suggesting that the harm to the settings of the heritage assets is low. *At the least, in line with the GLA's assessment, the magnitude of impact should be low/moderate, and the effect minor/moderate.*

65. *Thames Conservation Area*. The BHTVIA acknowledges (para 5.36) that the setting of the conservation area contributes to its heritage value, particularly to the south since Battersea, Albert and Chelsea bridges link the area directly to the southern riverside. But it then claims (para 5.37) that since the proposed building does not contribute to the wider setting of the conservation area "beyond forming part of the varied, late 20th century swathe of development typical of Wandsworth riverside", the conservation area should be excluded from any assessment. It is extremely difficult to follow the reasoning here. The Officers' Report, by contrast, argues (para 2.136) that the spatial settings of all three bridges, along with views from the Embankment, would be adversely affected by the dominance of the proposed building. It also points out that much of the Embankment east of Albert Bridge is tree-lined, with registered parks and gardens on both sides of the river. The significance and spatial openness of this part of the river would be marred by the visual dominance of the proposed building. *The Officers' Report's assessment, in line with the GLA's, that there would be less-than-substantial harm at a middle level is surely right.*
66. *The Boltons Conservation Area*. The BHTVIA does not assess this Conservation Area, since it claims (5.109) that there is a very low level of intervisibility between the area and the proposed building. But as the Officers' Report points out, in addition to the visibility along Gilston Road, viewpoint 8 indicates that the proposed building will be visually dominant from Fulham Road at its junction with Park Walk. *The BHTVIA was wrong to omit any assessment of the conservation area; and the Officers Report's assessment, in line with the GLA's, that there would be less-than-substantial harm at a low level is supported.*
67. *Royal Hospital and Physic Garden Group*. The original BHTVIA assessed the magnitude of impact as medium, and the effect as moderate. Those ratings were reduced to low and minor in the Addendum to the BHTVIA following the reduction in height of the proposed building. Historic England assesses the harm as relatively low, and the GLA as low to middle, while the Officers' Report concludes that there would be less-than-substantial harm at a low level. That level is agreed.
68. *St Mary's Church*. The BHTVIA describes the setting (para 5.134) of the Church solely in terms of the buildings surrounding it on the south bank of the river. But as Andrew Saint points out in volume 49 of the *Survey of London* (Part 1 page 98), it has "the best position of any London riverside church"; and "its steeple stands up forthright to distant view at a broad bend in the Thames". It should be noted that Saint's words were written after the erection of the Montevetro building. In short, the church's key setting comprises the River Thames; and the claim made in the BHVTIA that "the church has been completely divorced from its original setting, resulting in its setting today making little to no contribution to its heritage value" is utterly mistaken and wrong. Similarly wrong are the BHTVIA's claims (paras 8.58-59) that the proposed building will have nil magnitude of impact on the church's heritage value, and that the likely effect would be none. Historic England's suggestion that it appears

unlikely that the church would suffer any harm again seems to ignore the nature of its riverside setting. The Officers' Report acknowledges (para 2.109) that the proposed building will be seen close to the church and its spire from several viewpoints, including from the river itself; but it concludes that there would be less-than-substantial harm at a low level. *Given the importance of the church and its prominent riverside setting, the level of harm should be raised to medium.*

69. **Albert Bridge** The BHTVIA acknowledges (paras 5.176 and 8.68) that the setting of the bridge formed by the Embankment and Battersea Park is a strong contributor to its heritage value; but it then argues (para 8.70) that its wider setting is "defined by the proximity of tall developments", citing Vauxhall, Nine Elms and Battersea to the east, and the tall buildings on the Chelsea river frontage to the west. Those developments strain the definition of the claimed proximity. Similarly, it is hard to credit the judgements (paras 8.74-8.75) that the proposed building would have a low magnitude of impact on the heritage value of the bridge; or that it would have minor likely effect. The reasons for Historic England's judgement that any harm would be "at a relatively low level" are difficult to understand. The Officers' Report states (para 2.113) that the proposed building will be seen through the spider's web of the suspension cables that form an intrinsic part of the bridge and its high heritage value. It also points out that the visual impact of the celebrated lighting on the bridge will be diminished by the lighting proposed for the building. *The conclusion in the Officers' Report that there would be less-than-substantial harm at a middle level should surely be the minimum rating.*
70. **Battersea Bridge** The DAS (p.43) makes extravagant claims that the design of the building and its proportions have evolved in relation to the bridge itself; that the height *approximately* (emphasis added) relates to half of the length of the bridge; and that the length of the tower footprint equals the length of the biggest arch within the southern portion of the River within Wandsworth. It is difficult to know what to make of such claims. The BHTVIA claims (para 8.88) that the proposed building "allows viewers to fully appreciate the bridge" and that it would help to mark and highlight its position, and for these reasons it judges the effect to be beneficial. The reasons for these judgements are less than clear, and it is very difficult to concur. It is also difficult to agree with Historic England's assessment that the harm caused to the bridge would be low, despite the significant visual impact. Rather, as the Officers' Report states (2.118) the proposed building would dominate views from north of the river, and it would detract from the significance of the bridge and its arches. The report concludes that there would be less-than-substantial harm at a medium level, which is in line with the judgements in the GLA's report and in the original BHTVIA (which included the absurd claim that the effect will be beneficial). But the Addendum to the BHTVIA reduces the impact of the proposed building from high to medium, to reflect the reduction in height of the proposed building; but it retains the assessment of the effect as moderate. It is difficult to see how a reduction in height from 123 metres to 103 metres AOD can merit the revised assessment of impact; and the Addendum makes no attempt to justify it. *The judgements of impact, effect and harm in the original BHTVIA and the Officers' Report should be regarded as being at a minimum level; and the claim that the effect would be beneficial should be set aside, since, as the GLA's HIASHA puts it (p. 18) "A benefit is only a heritage benefit if it directly enhances significance".*
71. *The BHTVIA makes no substantial attempt at a cumulative assessment of the harm to heritage assets and their settings, as is suggested in London Plan Policies HC1C and D9C.* Existing tall buildings on the riverside have clearly harmed the settings of heritage assets, but the additional harm that the proposed building will do to the settings of a large number of heritage assets should weigh heavily in the balance against its being allowed to be built. As Historic England points out, GLVIA 3 does not provide specific

guidance on how to determine key variables for cumulative impact assessment¹². But Historic England also advises¹³ that it is important for LPAs to consider cumulative impacts of tall building proposals with other existing tall buildings, and to fully understand the impacts they might have so that “where harm already exists, it is not compounded”. The GLA’s Planning Practice Note similarly advises that¹⁴ HIAs should not rely on arguments that the setting has been previously so changed by existing and consented developments that further harm is not possible: where some value remains in a view this should be recognised.

72. *The judgements of impact, effect, and harm made by the appellant – and in some cases by Wandsworth Council - significantly underplay the damage that would result from the proposed development.* The appellant’s statement of case claims (paras 5.11 and 5.12) that the Council’s assessment that the building would cause less-than-substantial harm at a low and middle levels is overstated. As shown in the examples discussed above, that is not the case.

73. The BHTVIA does not follow either the methodology or the format of the *GLA’s Planning Practice Note on Heritage Impact Assessments and the Setting of Heritage Assets* (HIASHA); and its claim (para 11.7 , repeated in the Planning Statement para 6.53) that the development “does not give rise to any adverse effects on the heritage assets in the study area” cannot be sustained. The BHTVIA’s assessment of the impact of the proposed building on the settings of individual assets and groups of assets on both sides of the river are notably low. And while the GLA’s, Historic England’s and Wandsworth Council’s assessments of harm are somewhat higher than the BHTVIA’s, they too can in some cases be contested, as demonstrated in the individual cases I discuss. The appellant’s claim (SOC 5.12) that any harm “would be significantly outweighed by the significant *heritage* (emphasis added), economic, social and environmental public benefits of the Proposed Development” cannot be accepted. Similarly, the Council’s claims in the Officers Report (20.35) and in its Statement of Case (5.41, 5.44 and 6.3.5) that the public benefits would balance the harm to the identified heritage assets are not acceptable. Even if the Officers’ judgement were to be accepted, the harms – which my analysis suggests should be weighted much more highly - should be taken forward to the planning balance. A summary table of main heritage assets and levels of harm is at Annex 3.

Section F

Design Quality

74. *The core problem with the proposed building is that it is too large and far too high.* The appellant claims that the proposed building is of exemplary design quality, graceful, elegant and visually interesting. It also points to thoughtful selection of materials of high quality. (SOC paras 6.5 and 6.6; Planning Statement paras 2.10, 4.10 and 4.11). But while the selected materials may be of high quality, the appellant has not, as the Council’s Officers’ Report (paras 2.158-2.159) and Statement of Case (paras

¹² Historic England, *Assessing the impact of tall buildings on the historic environment* (2021), p.22.

¹³ Historic England *Advice Note 4: Tall Buildings* (2022) p.35

¹⁴ GLA Planning Practice Note: *Heritage Impact Assessments and the Setting of Heritage Assets* p.16

5.20 and 6.7) demonstrate, responded to the repeated concerns from officers and the Design Review Panel that the building is simply too large and too high. This is the result of the appellant's decision, contrary to the NPPF (para 135e) and London Plan Policy D3 A, to attempt to maximise, rather than optimise, site capacity. That decision in turn results in a building that both takes up the whole footprint of the existing building and is far too high. Even the shoulder building to the south of the main tower fails to relate to the lower RCA buildings across Hester Road, making rather for an abrupt transition. From most locations the bulk as well as the height of the building is oppressive.

Section G

Public Realm

75. *Improvements to the public realm are minimal when compared with the scale of the proposed building.*

The appellant's Planning Statement and Statement of Claim emphasise some claimed improvements to the public realm and to the Thames Path in particular. GLA Officers, on the other hand, raised concerns about the public realm proposals beyond the application boundary, and about insufficient public realm being delivered within the boundary to contribute to place-making for the wider community commensurate with the scale of the development. There is in effect no addition to the space for the Thames Path, since the proposed building essentially takes up the whole footprint of the existing building, rather than being set back within that footprint. The space outside the proposed restaurant is provided by setting back only the ground floor. The space will therefore be under cover and surrounded by pillars. It will be read by users of the Thames Path as an external part of the restaurant, rather than public realm. And while there will be some improvements to the streetscape along Battersea Bridge Road, they can be described only as minimal. Moreover, the planting proposed under the colonnade raises issues of plant maintenance and sustaining healthy plant growth.

Section H

Other Matters

1. Transport

76. *The proposed development will worsen traffic congestion, especially during the construction period.*

The appellant's Transport Assessment Addendum (TAA) may be right in concluding (paras 8.1.9-8.1.10) that once built, the proposed building is expected to generate only modest levels of vehicular and servicing trip generation, and produce only a small impact on the public transport network. But the TAA was produced before the recent changes to Battersea Bridge and Battersea Bridge Road introduced by TfL for safety reasons. These have worsened the considerable strain on the local highway network, and any increase in traffic volumes will be unwelcome.

77. Moreover, the appellant's Outline Construction Logistics Plan (OCLP) is sketchy and ambitious, and there are especial concerns about the impact on the highway network during the three-year construction programme. Local residents will lose a bus stop for a considerable period. Such issues have not been adequately assessed in the TAA or the OCLP, which fail to address questions as to where materials for a highly-constrained site are to be stored, leading to concerns that delivery vehicles may have to wait on Battersea Bridge Road. The OCLP's summary dismissal (para 5.1.12) of the use of the river for transportation of waste and construction materials should be re-assessed

2. Office Space

78. *There is little justification for the near-total loss of office space.* The Planning Statement says (para 6.30) that the offices in the existing building have been marketed since April 2021 without success; and that potential tenants have been put off by the poor quality of the space and lack of general amenities nearby. The large numbers of people employed in Foster and Partners' and other offices close by, the expansion of the Royal College of Art, and the successful application for a large expansion of the Vivienne Westwood headquarters, all bely the claim that employers are put off by lack of general amenities nearby. Rather, it seems, the problem is the poor quality of the space on offer. The appellant has clearly not considered refurbishing or regenerating the existing building, thus minimising the loss of embedded carbon. Instead, it has sought to justify demolishing the building in order to maximise the development capacity of the site.

3. Daylight, Sunlight and Overlooking

79. Assessments of the impact of the proposed building on daylight, sunlight and overlooking are beyond my and my colleagues' competence. But the concerns of nearby residents are real, and I support them in pursuing those concerns.

4. Play Space

80. *The provision for play space is grossly inadequate.* The proposed development would deliver a total of 231.5sq.m of play space, rather than the 968sq.m of such provision required by the GLA for a building of its size. A financial contribution of £147,300 as a contribution towards the shortfall has been agreed. But it is proposed to spend this on equipment in existing play spaces over one kilometre away, which is utterly inadequate for the children (and their parents) who will miss out on proper provision of play space close at hand.

5. Public Consultation

81. *The public consultation was at best flawed, and in some respects duplicitous.* The Planning Statement claims (para 3.10) that there was extensive consultation to initiate a dialogue with key stakeholders and the local community in order to understand their objectives, aspirations and expectations; and that it helped to inform the evolution of the proposal. The Statement goes on (paras 3.11-3.18) to outline two stages of consultation and the themes arising from it. An initial meeting with the Battersea Society elicited no response to questions about the height of the building. In November an EIA Scoping report was submitted relating to a 38-storey building. But the website created for the project failed to refer to the height of the proposed building, and it included visual representations which deliberately obscured the height.

82. No evidence is provided to show that views expressed by consultees have in any way influenced the design. Rather steps were taken to provide submissions supportive of the proposals or to allay concerns about its height and bulk. The tactics included:

- questionnaires which failed to ask a direct question about the height or design
- illustrations which for the most part cropped the height of the building substantially

- a newsletter, Battersea Buzz, which appeared to be a neighbourhood publication with its publication by Rockwell noted in small type at the bottom of p.4 only
 - online advertising giving a link to more information which then led to a link to a suggested letter of support to be sent to Wandsworth Council.
83. These tactics intensified during the development of the revised proposals. The Battersea Society and other local organisations were particularly concerned by online and other media pressure together with leafletting and canvassing aimed at gaining blind support ‘for affordable housing on a brownfield site’ with little or no reference to the precise location and height of the building. In addition all who had contacted Promontaria were emailed a request to contact their councillor shortly in advance of the PAC meeting to register support “For 50% social and affordable housing, new public realm and community space”. Photos of the leaflets are attached.
84. The formal exhibition and online presentations on 12 and 14 October 2024 respectively were badly managed with queueing required at times for entry to the exhibition and display boards providing limited information. Material routinely showed the lower portion of the tower only. The online session offered no real opportunity for discussion, no indication of who the reported 65 online participants were nor whether the questions they raised were reflected in the supposed response given by the developers panel. The DAS (p.28) merely said that “A predominant theme is the height of the proposed building and its relationship with the surrounding context”.

Section I.

Planning Balance

85. The NPPF 2024 states (para 11dii) that permission should not be allowed where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The failure to justify the height and scale of the proposed building, and the extent and nature of the harms it would cause, are considered in earlier sections of this statement. This section considers the nature and scale of the benefits it might bring, and the weight they should bear in assessing the balance of harms and benefits. The appellant’s Statement of Case outlines (para 6.8) a series of benefits. They are assessed below.
86. *Replacing an under-used building with one of exceptional quality that will enhance the local townscape and immediate streetscape, and a sustainability exemplar* (6.8 1, 4 and 11). For the reasons set out in sections 1-5 above, this claim cannot be accepted. The proposed building is not of exceptional quality, it will damage rather than enhance the townscape, and far from an exemplar in sustainability, it will simply meet basic policy requirements. Any ‘benefit’ is negative.
87. *Delivery of 110 homes, including 54 for social rent.* It is accepted that this benefit should be given due weight. But I note that the social rent houses have not been guaranteed, and will depend on public subsidy through the Affordable Homes Programme. Nor, so far as I am aware, has any registered provider yet been identified. I note also that Wandsworth has in recent years met its housing targets, and in its Local Plan met the requirement to identify where the required number of homes will be built (not including the current site. Finally, I note that over 100 social rent homes have recently been completed in Randall Close, less than 400 metres from the current site. For all these reasons, the benefit should not be given the very high weight it might otherwise have.

88. *Provision of high-quality, flexible and affordable workspace.* It is accepted that provision of 535 sqm GIA of such space would be a significant benefit. But the discount from market rate rent is modest; and the new space comes at the cost of losing more than nine times as much office space in the existing building. Moreover, the proposal makes no explicit reference to the requirement in the Local Plan for Wandsworth's Riverside that "Where economic floorspace is provided, this should incorporate affordable creative workspace and support the incubation and growth of new creative businesses" (Policy PM 9 (Riverside) B4). For all these reasons, the weight to be given in the planning balance should be **very low**.
89. *Provision in perpetuity of community space on a peppercorn lease.* Again it is accepted that provision of 274 sqm GIA of such space would be a significant benefit. But once more there are caveats. The space is over three floors, which limits its usefulness and raises accessibility issues. Moreover, it is unclear how much of the space is usable, and for what purposes. It should be noted also that community space is already provided nearby on the Ethelburga and Somerset estates. It is also clear that while new space could be valuable for some organisations, their overwhelming and primary need is for revenue to enable them to pursue their mission. Many community organisations in Wandsworth lack the funding fully to realise the potential of the space they have. At least one major charitable provider of community services in the area has been advertising for tenants to make use of some of its space. The Council's assessment that the benefit of new community space should be given 'great' weight in the planning balance is significantly overstated.
90. *Provision of a restaurant for the local area, activating this section of the Thames Path.* It is accepted that a small restaurant would help to activate the Thames Path; but there are already many bars and restaurants within a very short distance. There is also concern the restaurant and its sitting-out area, with associated comings and goings, will create noise and disturbance and could impede the use of the Thames Path. The sitting out area may well, in any case, prove to be uncomfortable, because of the admitted problems with wind strength around this part of the proposed building. For all these reasons, the weight to be given to the restaurant in the planning balance should be **neutral at best**.
91. *Improvements to the Thames Path, to the streetscape and to pedestrians' experience.* These improvements are extremely modest, and they should be given no more than **very low weight**.
92. *Provision of a space for public artwork within the public realm.* This claimed benefit should be given **no weight at all**, since it does not depend on the delivery of the proposed building.
93. *Promotion of sustainable travel.* Since the proposed building does no more than meet basic policy requirements, this claimed benefit should be given **no weight at all**.
94. *Delivery of economic benefits during construction and operation.* It is agreed that some weight should be assigned to this benefit, though it is not clear how substantial the benefits will be. Significant CIL and s106 contributions to assist infrastructure improvements. Since such contributions apply to all developments, this claimed benefit should be given **no weight at all**.

95. The benefits of the proposed building have been grossly overstated by the appellant. Those that are claimed to arise from the design and location of the building amount to harms rather than benefits. Others amount simply to the meeting of standard planning requirements, and merit no weight at all. Those that do weigh in the balance - the 110 homes, of which 54 would be affordable; the provision of affordable workspace; the community space; the restaurant; the improvements to the Thames Path and the streetscape; and the economic benefits – are all subject to significant caveats, and do not merit the weight that the appellant suggests.
96. On the other hand, as shown in earlier sections of this statement, the appellant has significantly under-stated the harms to townscape and spatial character, and to the settings of heritage assets.
97. The balance is therefore firmly weighted against the proposed building.

Conclusion

98. In the light of the evidence presented in this statement I respectfully urge that the appeal should be dismissed.

Annex 1

Members of the consortium

The Battersea Society is a registered charity no. 1103560 with some 500 household members. Details of its constitution and its activities can be found on the website <https://www.batterseasociety.org.uk/>, and via the Charity Commission

The Chelsea Society is a registered charity no. 276264 with over 1,000 members. Details of its constitution and its activities can be found on the website <https://chelseasociety.org.uk/> and via the Charity Commission.

The Cheyne Walk Trust was formed in 1975 and has some 200 members. Details of its constitution and its activities can be found on the website <https://cheynewalktrust.org/>

The Friends of Battersea Park is a registered charity no. 802905, with over 700 members. Details of its constitution and its activities can be found on the website <https://friendsofbatterseapark.org/> and via the Charity Commission.

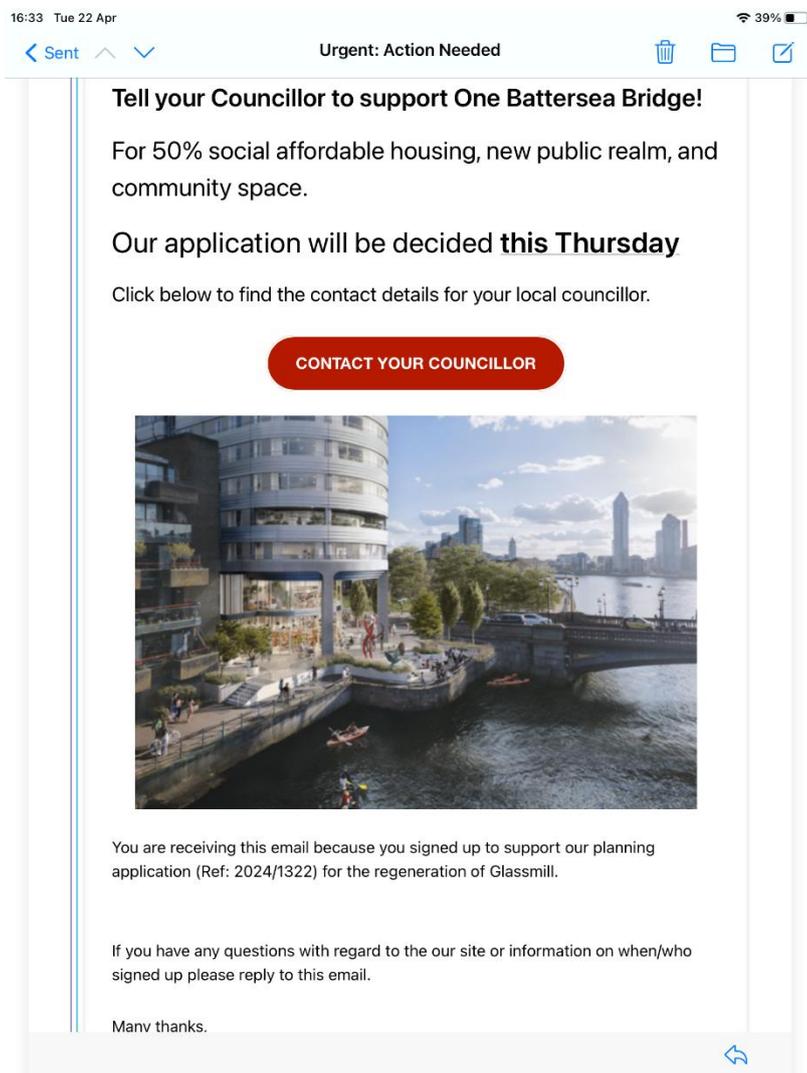
The Putney Society was founded in 1959. Details of its constitution and its activities can be found on the website <https://www.putneysociety.org.uk/>

The Wandsworth Society is a registered charity no. 263737, with some 400 members. Details of its constitution and its activities can be found on the website <https://wandsworthsociety.org/> and via the Charity Commission

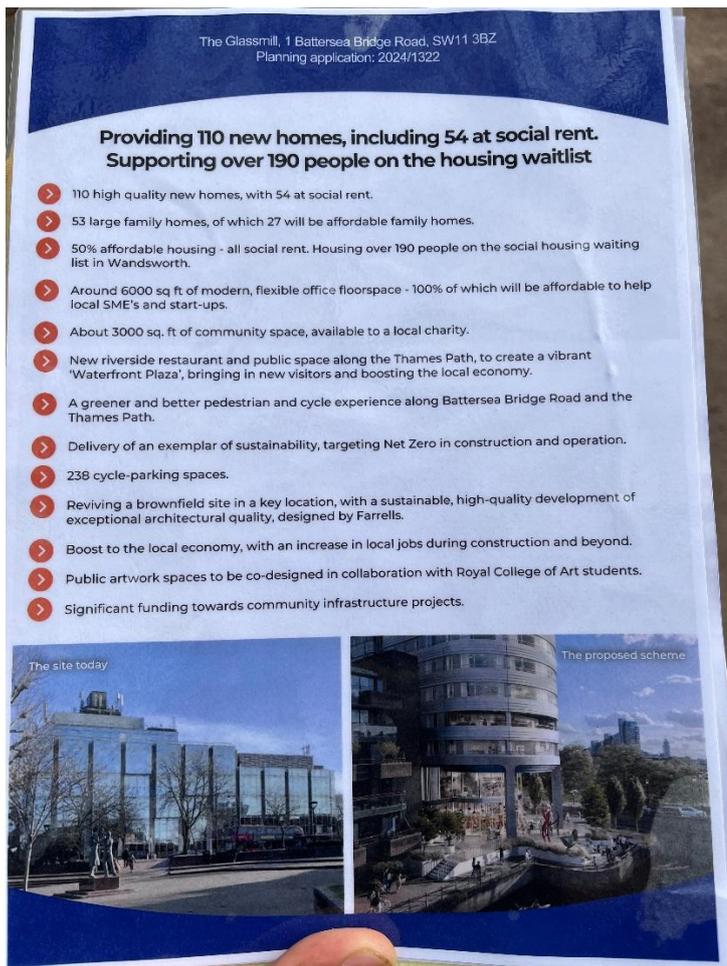
Annex 2

Promontoria Leaflet Images

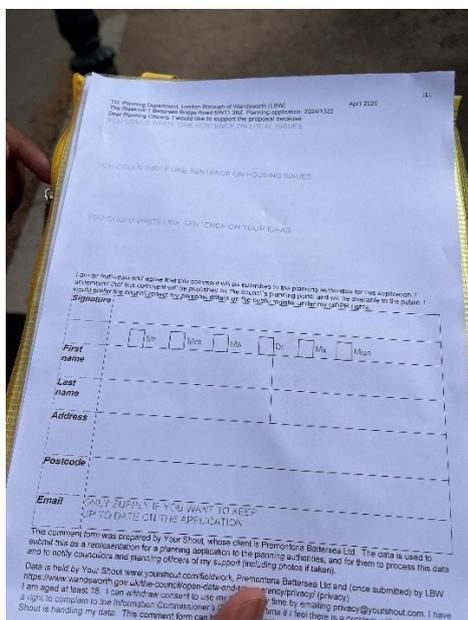
1. Leaflet sent to a resident who had *not* signed up to support the application



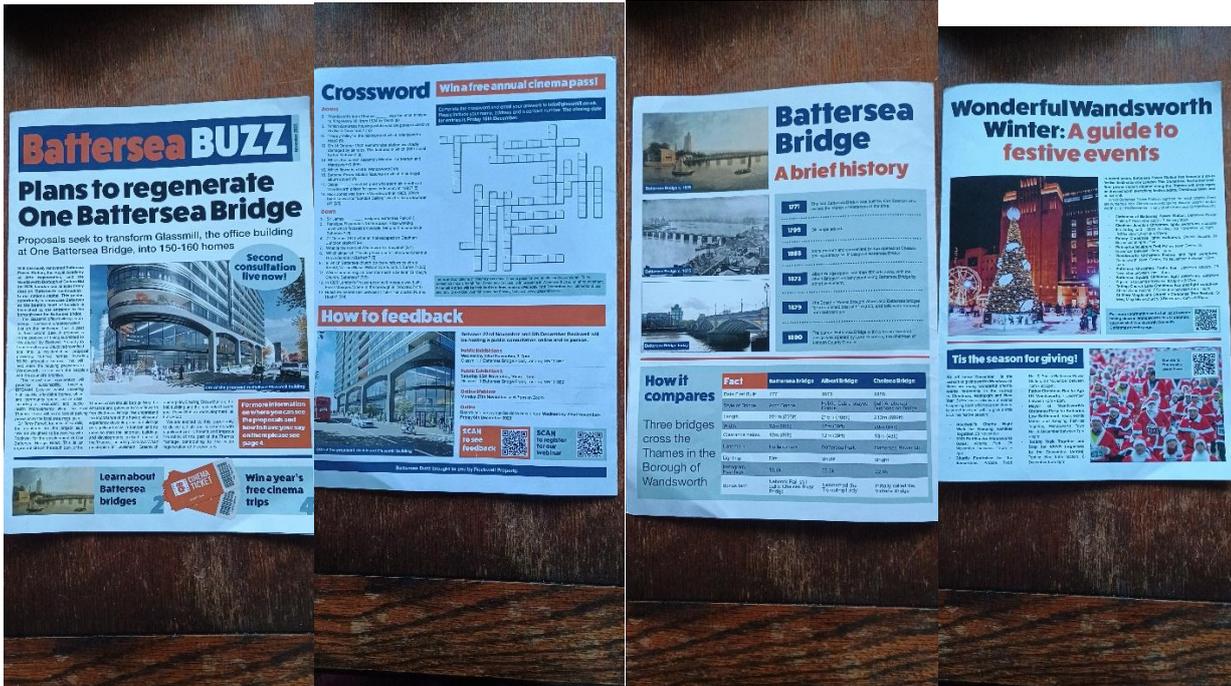
2. Leaflet put through local residents' doors



3. Canvassing Pro-Forma



4. Battersea Buzz Newspaper produced by Promontoria



Annex 3

Additional Viewpoints

1. Chelsea Embankment



2. Cremorne Gardens



3. Albert Bridge



4. Paveley Drive



5. Whistlers Avenue



Annex 4. Main Heritage Assets

Asset	Views in the BHTVIA	Consultee Response from Historic England (19.06.24)	GLA Position on Harm	Appellant Position on Harm	Council Position on Harm	Rule 6 Party Position on Harm
Westminster World Heritage.	Appendix 4 of BHTVIA, non-verified view fig. 11.2, 11.3, 11.4, 11.13		No harm	No harm	No harm	No harm
Battersea Bridge, Grade II	7, 10, 11, 16, 18, 19, 21	<p><i>Perhaps the most noticeable juxtaposition in scale illustrated in the BHTVIA would be from Cheyne Walk towards Battersea Bridge (Viewpoint 11) where the tall building</i></p> <p><i>would rise significantly above the riverfront townscape. As set out above, the significance of Battersea Bridge largely relates to Bazalgette's design and innovation, which would continue to be appreciated despite the imposing nature of the tall building. Taking this into account, as well as the low-lying positioning of the bridge, and its mixed townscape setting, we consider the harm caused to the listed bridge to be low, despite the significant visual impact.</i></p>	Less than substantial – low to middle.	Low level of LTSH	Middle level of LTSH	Middle level of LTSH

Albert Bridge, Grade II*	4, 10, 12, 13, 16	<p><i>The Albert Bridge is more sensitive to development within its setting due the high architectural interest of its suspension and cable-stayed construction which can be appreciated in river views. In Viewpoint 4 (Cadogan Pier), the proposed tall building would visually distract from these elements of significance by competing with the towers and diminishing its overall architectural elegance.</i></p> <p><i>We recognise that existing tall building developments along the Chelsea Embankment are visible, and that the architectural interest of the bridge is appreciated in the round. Nonetheless, we consider that some harm of a relatively low level would result on the basis of this assessment.</i></p>	Less than substantial – low to middle.	Low level of LTSH	Middle level of LTSH	Middle level of LTSH
Hyde Park, Registered Park and Garden, Grade I and the Royal Parks Conservation Area	Appendix 4 of HTVIA, non-verified view fig. 11.10, 11.11, 11.12	Not commented upon.	Less than substantial – very low.	No harm	Low level of LTSH	Low level of LTSH
Church of St Mary and churchyard wall and gates, listed Grade I their country houses.	18, 19	<p><i>The assessed views of the Battersea Square Conservation Area suggest that the proposed development would not be visually prominent from Battersea Square (Viewpoint 25). In Viewpoint 18 of St Mary's Church, views of the church and its riverside setting have been heavily compromised by post-war and more recent development. Despite this being the historic heart of Battersea, it appears unlikely that these proposals would cause harm to the conservation area or its component listed buildings.</i></p>	Less than substantial – low to middle.	No harm	Low level of LTSH	Middle level of LTSH

<p>Royal Hospital Chelsea and associated buildings, listed Grade I and the Chelsea Royal Hospital Conservation Area (RBKC) and the associated Chelsea Physic Garden, a Registered Park and Garden, Grade I</p>	<p>1, 2, 3, 12, 13, 23 c.670m from Site at nearest point</p>	<p><i>Across the Thames, the tall building would be visible from the grounds of the Royal Chelsea Hospital, where the formal composition of both Wren's hospital complex and its axial landscaping can be appreciated. Chelsea's historic townscape is visible from this location, but there is virtually no intrusion of modern development from the south grounds towards the hospital. The proposals, although seen at a distance in Viewpoints 1 (Royal Hospital), 2 (Royal Hospital Road, wireline) and 23 (Royal Hospital 2, wireline), would undermine this well-preserved site of exceptional interest, and visually distract from the formality of its axial landscaping. We consider that some harm of a relatively low level would therefore be caused to both the Grade I listed Hospital and the Grade II RPG.</i></p>	<p>Less than substantial – low to middle.</p>	<p>No harm</p>	<p>Low level of LTSH</p>	<p>Low level of LTSH</p>
<p>Numbers 4, 5, 6 and 15 Cheyne Walk, Queens House, listed Grade II* and Swan House and Garden Corner, listed Grade II*</p>	<p>No views c.420m from Site at nearest point</p>	<p><i>Not commented upon</i></p>	<p>Missing in assessment.</p>	<p>No harm</p>	<p>Low level of LTSH</p>	<p>Low to Middle level of LTSH</p>
<p>Battersea Park, Grade II* Registered Park and Garden and the associated Battersea Park Conservation Area and the</p>	<p>4, 10, 12, 13, 14, 15, 16, 24 c.350m from Site at nearest point</p>	<p><i>The Zone of Theoretic Visibility maps (ZTV, p35-37) indicate that the proposed development would likely be visible from much of Battersea Park. In the assessed views, the proposed tall building would be most prominent from Viewpoint 15 (Battersea Park West, wireline). From here, the proposed building would be seen above the tree canopy where other modern development is just visible to the left. Although this would be significant visual impact, this is not a particularly sensitive viewpoint in our opinion. However, in our pre-application advice, we recommended that an additional</i></p>	<p>Less than substantial – low to middle.</p>	<p>No harm</p>	<p>Middle level of LTSH</p>	<p>Middle level of LTSH</p>

listed buildings within the area		<p><i>viewpoint should be added along the diagonal tree-lined axis directly in front of the timber shelter. From this location, the Victorian designed landscaping and enclosed treelined character of Battersea Park can be better appreciated.</i></p> <p><i>This assessment has not been prepared in the BHTVIA. However, having tested these views using 3D modelling software, it is likely that the proposed tall building would rise above the tree canopy in views along the north-west diagonal axis. It is therefore likely that some low level of harm would result from these impacts due to the encroachment of the tall building on the well-preserved and enclosed Victorian character of the Grade II* RPG.</i></p>				
Westbridge Road Conservation Area (LBW) and the Grade II listed buildings within the area	20, 21, 26 c.115m from Site at nearest point	<p><i>From the Westbridge Road Conservation Area the proposed tall building would be seen rising just behind the Victorian townscape (Viewpoint 20, wireline) and it is likely that it would appear above the historic roofscape on the approach towards Battersea. Bridge Road. We advised at pre-application stage that visual assessment would be helpful, for example from the far-side pavement across from the Grade II listed Nos 2-4 Westbridge Road. Although a view of the listed buildings has been included in the submission (p56, Fig 5.30), no further visual assessment has been provided. Nonetheless, it is likely that the tall building would erode an appreciation of the well preserved historic townscape in kinetic views along Westbridge Road by creating a visual distraction behind its roofline. We note that the tree canopy partially screens this roofline during summer months. Taking this into account, we consider that the impact of the proposed tall building would cause a low level of harm to the conservation area and Grade II listed buildings.</i></p>	Less than substantial – low level.	No harm	Middle level of LTSH	Middle level of LTSH
Battersea Square Conservation Area (LBW)	17, 18, 19, 25 c.485m from Site at nearest point	<p><i>The assessed views of the Battersea Square Conservation Area suggest that the proposed development would not be visually prominent from Battersea Square (Viewpoint 25). In Viewpoint 18 of St Mary's Church, views of the church and its riverside setting have been heavily compromised by post-war and more recent development. Despite this being the historic heart of Battersea, it appears unlikely that these proposals would cause harm to the conservation area or its component listed buildings.</i></p>	No harm	No harm	No harm	No harm

<p>Cheyne Conservation Areas (RBKC) and the multiple listed buildings within the area including Chelsea Old Church, Grade I; Crosby Hall, Grade II*; Lindsey House, Grade II* and Grade II listed houses in Cheyne Walk, Danvers Street, Paultons Square and Ropers Garden</p>	<p>4, 5, 6,7, 8, 10, 12, 13, 19</p> <p>c.260m from Site at nearest point</p>	<p><i>Finally, in views from Paultons Square (Viewpoint 6, wireline) within the Cheyne Conservation Area, the proposed development would rise significantly above the parapet line of the Grade II listed Georgian terraces facing the square. Although the proposal would be partially screened by trees in this static view, it is very likely that the development would be visible against a clear sky from other locations within the square. This visual intrusion would erode the appreciation of this high-quality and formal Georgian townscape which is a key part of the conservation area's character. We therefore consider that harm of a relatively low level would be caused to the conservation area, and its Grade II terraced houses on Paultons Square for the same reason.</i></p>	<p>Less than substantial – low to middle.</p>	<p>No harm</p>	<p>Low level of LTSH</p>	<p>Low to moderate LTSH</p>
<p>The Boltons Conservation Area (RBKC)</p>	<p>8</p> <p>c.950m from Site at nearest point</p>	<p><i>Not commented upon.</i></p>	<p>Less than substantial – low.</p>	<p>No harm</p>	<p>Low level of LTSH</p>	<p>Low level of LTSH</p>
<p>Chelsea Park/Carlyle Conservation Area (RBKC)</p>	<p>5, 8</p> <p>c.1600m from Site at nearest point</p>	<p><i>Not commented upon.</i></p>	<p>Less than substantial – low.</p>	<p>No harm</p>	<p>Low level of LTSH</p>	<p>Low level of LTSH</p>

Brompton Cemetery Conservation Area (RBKC) and Brompton Cemetery, a Registered Park and Garden, Grade I and associated cemetery buildings, listed Grade II*	9 c.1.2km from Site at nearest point	Not commented upon.	No harm	No harm	No harm	Low level of LTSH No harm
Three Sisters Conservation Area (LBW)	No views c.530m from Site at nearest point	Not commented upon.	Not possible to assess.	No harm	Low level of LTSH	Low level of LTSH
Thames Conservation Area (RBKC)	4, 10, 11, 12, 13, 18, 19 c.150m from Site at nearest point	Not commented upon.	Less than substantial – low to middle.	No harm	Middle level of LTSH	Middle level of LTSH