

STATEMENT OF CASE ON BEHALF OF THE APPELLANT

APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

BY

PROMONTORIA BATTERSEA LIMITED

IN RESPECT OF THE APPEAL AGAINST THE LONDON BOROUGH OF WANDSWORTH
TO REFUSE PLANNING PERMISSION FOR THE DEVELOPMENT OF:

1 BATTERSEA BRIDGE, LONDON, SW11 3BZ

LOCAL PLANNING AUTHORITY REF: 2024/1322

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1.0 INTRODUCTION

1.1 This Statement of Case (“SoC”) has been prepared in relation to a planning appeal under section 78 of the Town and Country Planning Act 1990 and the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (the “Appeal”).

1.2 An application for planning permission (the “Application”) was submitted to the London Borough of Wandsworth (“LBW”) by Promontoria Battersea Limited (the “Appellant”) on the 21st April 2024, for the demolition of the existing building and the redevelopment of the site located at 1 Battersea Bridge, London, SW11 3BZ (the “Appeal Site”). The Local Planning Authority planning application reference number attributed was 2024/1322.

1.3 The description of the development (the “Proposed Development”) for the planning application under reference 2024/1322 is as follows:

“Comprehensive redevelopment of the site to include demolition of existing building and erection of a part 10 storey, part 28 storey building (plus ground floor and basement levels) comprising residential use (Class C3), office use (Class E), community use (Class F2), and a restaurant (Class E), with associated car parking, cycle parking, public realm, landscaping and other associated works”

1.4 The Application was initially submitted for the redevelopment of the Site comprising the erection of a part 9, part 33 storey building (plus ground and basement levels) with an affordable housing offer of 35%. In response to feedback from key stakeholders including the GLA and Historic England during the determination of the Application, the proposals were revised principally to reduce the overall height of the building to 29 storeys (plus basement levels) and increase the affordable housing provision to 50% affordable (all social rent). These revisions were submitted to LBW on 21st October 2024.

1.5 The Application was considered at LBW’s Planning Committee on 24th April 2025 with an officer recommendation to refuse the Application. The Decision Notice was issued on 3rd June 2025 with two reasons for refusal listed within the Decision Notice (annexed at Appendix 2), as outlined below:

1) *The proposal, by reason of its excessive height and scale, within an established local spatial character that is predominantly low-rise, while also being located within a low-rise policy zone, would represent an unacceptable and incongruous transformative change within the location that would significantly harm the spatial*

character of the same location. The significant harm identified has not been outweighed by material considerations that indicate otherwise. As such, the proposal is considered to be contrary to the NPPF 2024, Policy D9 (Tall buildings) of the London Plan 2021 and Policies PM9 (Riverside) and LP4 (Tall and Mid-rise Buildings) of the Wandsworth Local Plan 2023.

- 2) *In the absence of a completed Section 106 planning obligation the proposal fails to meet the objectives of Policy LP62 (Planning Obligations) of the Wandsworth Local Plan 2023. In order to mitigate the policy conflict as identified, a Section 106 planning obligation would be required to include, but not be limited to:*

Housing - Provision of 54 social rent units; - To secure a minimum of 10% of units meeting Building Regulation 'Wheelchair User Dwellings' M4(3) standards with final design agreed in consultation with OT advisor; - Operation management plan for the communal amenity spaces; - Play Space contribution of £147,300.

Sustainability - Carbon off-setting payment of £157,917; - Be Seen energy monitoring.

Highway and transport: - Exclusion from CPZ; - Car club membership and driving credit for residents; - To secure a construction management plan; - To secure a travel plan and Transport Officer Monitoring Fee of £730.00; - To secure highways works (under a section 278 agreement) to complete public realm improvements within the highway boundary north of the development. These include level changes, the addition of steps, and planting; - Healthy Street Corridor Improvements contribution of £436,812.00 to TfL.

Others areas: - Best endeavours for raising of the flood defence to TE2100 plan level - Enhancements to the Thames river wall adjacent to the development site with installation of timber fenders (Option 1), or, contribution made to a local river restoration effort (Option 2); - Air quality monitoring during construction contribution of £30,000; - Health Care contribution of £30,000; - To enter into a Local Employment and Enterprise Agreement securing Employment and Skills Plan and Local Procurement Plan, with the target number of job, training and apprenticeship places based on the Council's Planning Obligations SPD - To secure payment of Employment and Enterprise Contribution based on the Council's Planning Obligations SPD (£91,506.25); - Art and Culture contribution of £110,000; - Monitoring fee in accordance with calculation set out in the Planning Obligations SPD

- 1.6 This SoC sets out the Appellant's case for the Proposed Development and a response to the reasons for refusal contained in the Decision Notice. It should be read in conjunction with the application documents as listed at Appendix 3.

2.0 APPEAL SITE AND SURROUNDINGS

- 2.1 The Appeal Site is located to the east of Battersea Bridge Road in the London Borough of Wandsworth ("LBW"). The broadly rectangular Appeal Site currently comprises a part five-storey, part six-storey 1980s office building (Class E) with a basement level car park providing 33 car parking spaces, accessed from Hester Road from the south. The main pedestrian access to the existing building is provided via a stepped entrance from Battersea Bridge Road.
- 2.2 The office accommodation is unviable, outdated and fails to meet the standards expected from office occupiers in the market. A total of 4,877 sqm of Class E floorspace is present, the majority of which is vacant, with only a small portion let on non-commercial terms to cover rates, utilities and service charges only.
- 2.3 The Appeal Site is not within a Conservation Area however, Westbridge Road Conservation Area is located to the southwest of the Appeal Site along Battersea Church Road. Battersea Bridge to the immediate north is Grade II listed. All designated heritage assets within a 1.5km radius of the site are illustrated on Figure 5.2 of the Built Heritage, Townscape and Visual Impact Assessment dated March 2024.
- 2.4 The Appeal Site is bound to the north by the River Thames and Thames Path and to the south by Hester Road and the Royal College of Art Dyson Building. A six-storey residential building is situated to the immediate east, with the eleven-storey Albion Riverside development situated beyond. The surrounding area is mixed-use in character. The area to the east and west is predominantly residential, with the Royal College of Art campus and a range of retail uses located to the south.
- 2.5 The Appeal Site has a Public Transport Accessibility Level (PTAL) of 3. The closest stations to the Site are Imperial Wharf Station, situated 0.9 miles (18-minute walk) to the west via Battersea Bridge, and Clapham Junction Station, situated 1.2 miles (25-minute walk) to the south. The Appeal Site is well served by a number of London bus routes, with Battersea Bridge Road served by bus nos. 19, 49, 319, 345, N19 and N31.
- 2.6 The Appeal Site is situated within Flood Zone 3 but is protected by flood defence measures, meaning that, despite being in an area with a high probability of flooding from tidal and fluvial flooding, the Appeal Site would be protected up to the 1 in 1000-year standard by the River Thames defences.
- 2.7 The Appeal Site is subject to the following planning designations on the Local Plan Policies Map:

- Area Strategy - Wandsworth's Riverside;
- Focal Point of Activity – Ransomes Dock;
- Mid Rise Building Area;
- Archaeological Priority Area;
- Thames Policy Area; and
- Flood Zones 2 and 3a.

3.0 PROPOSED DEVELOPMENT

3.1 This section should be read in conjunction with the Design and Access Statement and the Application Drawings which were submitted in support of the Application and explain the Proposed Development in detail.

3.2 Amendments were made post submission of the Application to LBW. These amendments were submitted to LBW on 21st October 2024 and are summarised below:

- Reduction of the tower element from 34 to 29 storeys;
- Increase in height of the shoulder element from 9 to 10 storeys;
- Reduction in the number of homes from 142 to 110; and
- Increase in the affordable housing offer from 35% (split between 70% as social rent and 30% intermediate) to 50% (all social rent).

3.3 The Proposed Development is for the demolition of the existing building and redevelopment for a residential-led development consisting of the construction of a part 10, part 29 storey building (plus basement). In summary, the Proposed Development will comprise:

1. 110 no. high-quality residential units (C3 Use Class);
2. Of which 54no. affordable housing units (total of 50% affordable by habitable room), all social rent;
3. The delivery of landscaped communal terraces including children's play space;
4. 189 sqm (GIA) of restaurant at ground level;
5. 273 sqm (GIA) of community floorspace at lower ground, ground and first floor level;
6. 318 sqm (GIA) of Use Class E space at first floor level;
7. Wider public realm and landscaping enhancements at ground level including improvements to the Thames Path with the provision of new accessible public space adjacent to the river;
8. 18no car parking spaces, 5no of which are provided as blue badge parking spaces alongside cycle parking spaces, servicing and refuse storage facilities.

3.4 The proposed building is broken up into three parts, the tall element situated to the north of the Site fronting the River Thames at 29 storeys, forming the 'marker' aspect of the proposal. It sits on the middle part reaching 10 storeys, which relates to the height of the surrounding context, particularly the Albion Riverside and the RCA. This building element extends along Battersea Bridge Road to Hester Road and rests on

the base, accommodating the mixed-use functions of the building. The base is expressed as five arches, which mirror Battersea Bridge. The northern end of the building is expressed as a bow with a curved form, while the southern end is square with corner balconies. The middle has balconies and winter gardens interspersed throughout the remaining accommodation.

Proposed Land Uses

Residential

- 3.5 The Proposed Development proposes the delivery of 110 high quality residential units, 54 of which are affordable (50% by habitable room), all located in a well serviced location adjacent to the Thames Path. The ground and first floor levels will include the provision of commercial and community uses, with the residential component located on the floors above.
- 3.6 The proposal includes the provision of a community space (which will be secured by a S106 Agreement), affordable workspace (which will be secured by a S106 Agreement) and a restaurant, located at ground and first floors of the development and would activate and enliven the ground floor of the Proposed Development and surrounding area.
- 3.7 A breakdown of the proposed mix is set out in Table 3.1 below:

Table 3.1: Residential Mix

| Unit type | 1B1P | 1B2P | 2B3P | 2B4P | 3B4P | 3B5P | 4B5P | Total |
|--------------|----------|----------|-----------|-----------|----------|-----------|-----------|------------|
| Market | 4 | 0 | 0 | 26 | 0 | 24 | 2 | 56 |
| Social Rent | 0 | 9 | 15 | 3 | 9 | 10 | 8 | 54 |
| Total | 4 | 9 | 15 | 29 | 9 | 34 | 10 | 110 |

- 3.8 The residential units will benefit from a range of internal and external amenity spaces and communal facilities including reception spaces, a podium garden, play space, gym and internal communal amenity space. The residential units are designed to be of the highest quality, whilst providing a variety of room sizes and layouts, including the provision of wheelchair units across all tenures.

Affordable housing (Class C3)

- 3.9 The Proposed Development includes 54 affordable residential units which are located within the 10-storey podium element of the scheme. The proposed provision of 54 affordable residential units would represent 50% of the total number of residential units to be delivered on-site by habitable room, meeting the development plan strategic target of 50%. In addition, the provision of 100% of the affordable housing as social rent exceeds policy tenure requirements and will contribute to the identified need of social rented housing as outlined in paragraph 25 of the LBW Housing Needs Assessment (December 2024).
- 3.10 The Proposed Development includes a mix of one, two, three and four-bed units, suitable for a range of tenants and providing a significant contribution to the Borough's housing stock by meeting a clearly identified need for affordable housing.
- 3.11 The proposed unit mix for the C3 affordable residential element of the Proposed Development is set out in Table 3.1 above. The unit mix and design has been informed through engagement with LBW's Occupational Health Officer.
- 3.12 All residents will have the ability to access the high-quality community amenities, including outdoor amenity space at podium level, children's play space and a gym.

Community Floorspace (Use Class F2)

- 3.13 The Proposed Development will include the delivery of a purpose-built community space (274sqm GIA) at ground floor level, which was introduced to the proposals following initial pre-application engagement with the local community. The space will serve the wider community (not only the residents of the development) and will be secured in perpetuity by a S106 Agreement obligation. The Appellant continues to engage with local charities with the aim to identify and accommodate a suitable tenant to occupy and manage the space, which would be subject to peppercorn rent levels, secured by legal agreement. To date, three local charities (Keeping Families Together, Little Village and Katherine Low Settlement (KLS)) have expressed a requirement for additional space in this neighbourhood and have confirmed their interest in the space.

Restaurant (Use Class E)

- 3.14 The Proposed Development includes the provision of a small restaurant space at ground floor level which will extend to 189 sqm (GIA). The proposed restaurant has been designed to activate the ground floor and enliven the public realm adjacent to the Thames Path. Not only will the restaurant serve future residents of the scheme, it will also be of benefit to the local community and wider public.

Office (Use Class E)

- 3.15 The Proposed Development includes the re-provision of 535 sqm (GIA) of employment floorspace, which will be delivered as affordable workspace (80% below prevailing market rent for 30 years) in its entirety (secured by legal agreement), and of significantly greater quality than the existing office. The proposed floorspace will be flexible and adaptable, ensuring it is suitable for a wider range of tenants, including start-ups and SMEs. Furthermore, the reduction in office space has been demonstrated as being acceptable .

Design and massing

- 3.16 The Proposed Development has been subject to a rigorous design process led by award-winning practice, Farrells, which has evolved through the pre-application stage in consultation with LBW, GLA, HE and other consultees. The Proposed Development will result in the delivery of a building of exemplar architectural quality, comprising a podium and tall element extending from 10 to 29 storeys (plus basement), with the tall element elements situated towards the north of the Site fronting the River Thames. The building steps down to the south to respond to surrounding context.
- 3.17 The form of the Proposed Development has been carefully considered and developed, responding to both strategic and local views as well as the setting of designated heritage assets in the study area. The material palette has been thoughtfully selected and has been led by the aspiration to have a graceful and visually interesting building which will change in response to various weather and lighting conditions. Moreover, several iterations have been tested during the design development to ensure that the tall element appears elegant in the townscape setting.
- 3.18 The design is fully outlined within the Design and Access Statement submitted alongside application 2024/1322 prepared by Farrells.

Landscaping and public realm

- 3.19 The Proposed Development provides high-quality public realm. Improved pedestrian links is one of the key objectives and primary public benefits of the Proposed Development. From the project's inception, a key focus has been on how the Proposed Development could enhance the surrounding area, particularly the Thames Path and access to it from Battersea Bridge.

- 3.20 The current state of the Thames Path in this location presents a series of challenges with regard to accessibility resulting in an underused space fronting the Thames as outlined on page 15 of the DAS dated October 2024. The proposal will significantly enhance the Thames Path and improve the pedestrian experience as illustrated within Section 9 of the DAS. These improvements will be secured through a S106 Agreement.
- 3.21 The improved Thames Path will benefit from the addition of high quality landscape design, with the opportunity for public artwork in collaboration with the RCA, increased planting, improved lighting and incidental play space. The intention is to retain any trees of value, where possible, whilst delivering a net uplift of over 20 trees across the Appeal Site.
- 3.22 Outdoor play space is also proposed in support of the residential development, contained on the top of the podium level of the building. This purpose designed area is accessible to residents of the affordable tenure only and will provide quality spaces for the younger age groups. This play area includes areas for the children to appreciate nature, and to provide sensory play and space for movement and adventure, while adequate safety is ensured through a balustrade.
- 3.23 The proposed landscape strategy also delivers a 39.24% biodiversity net gain and an Urban Greening Factor score of 0.40, inline with the policy requirements set out in the Development Plan.
- 3.24 The landscaping and public realm strategy is outlined in full within the Landscaping Strategy (within the Design and Access Statement) prepared by Exterior Architecture.

Car and cycle parking

- 3.25 The proposals include a total of 18 parking spaces, including five accessible parking spaces. Based on the provision of 110 dwellings, this equates to 16% of the total number of dwellings, and represents a significant decrease in the existing provision of 33 spaces. The parking spaces would be provided within a secure car park at basement level and include 5 disabled accessible bays.
- 3.26 The Proposed Development includes two separate cycle stores, one for the tower element and one for the podium element, the stores provide a total of 212 cycle spaces at basement level.

- 3.27 The Proposals Development also includes 10 secure long-stay cycle parking spaces at ground level of the employees/ occupants of the non-residential land uses. It also proposes 12 short stay cycle parking bays to be located within the public realm.
- 3.28 A Transport Assessment, draft Car Park Management Plan, draft Delivery and Servicing Plan and Travel Plan were prepared by Velocity and submitted alongside the planning application and demonstrate that the Proposed Development would not create a materially harmful impact on any part of the transport network.

Energy and Sustainability

- 3.29 The Proposed Development seeks to deliver a sustainable development, exceeding the requirements of the London Plan and the Local Plan. The energy strategy includes the utilisation of low carbon and renewable energy resources and will achieve a 65% carbon emissions saving over Part L for the domestic element.

Environmental Considerations

- 3.30 A number of environmental impacts have been robustly assessed, specifically in relation to daylight and sunlight, overshadowing, noise, microclimate, air quality and flood risk. The respective assessments indicate that the Proposed Development does not create any unacceptable environmental impacts.

4.0 PLANNING HISTORY

- 4.1 The Site has a detailed planning history, mainly relating to planning applications for minor alterations to the existing building. A full schedule of which can be found within Appendix 1 of the Planning Statement.
- 4.2 The key planning history for the Site is summarised in Table 4.1 below:

Table 4.1: Planning History

| Reference | Description | Determination |
|-----------|--|---|
| 2024/0764 | EIA Screening in accordance with requirements of Reg. 6(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for the comprehensive redevelopment of the site including demolition of all existing structures; construction of a residential-led, mixed use development, providing up to 142 new homes, within a building height of up to ground and 33 storeys (34 storeys total); public realm and associated landscaping. | EIA not required. |
| 2018/1311 | Determination as to whether prior approval is required for change of use from offices on first, second, third and fourth floors (Class B1(a)) to residential (Class C3) to provide 13 x 1-bedroom, 14 x 2-bedroom and 1 x 3-bedroom flats with associated basement bin/cycle storage and 23 parking spaces | Prior Approval Given 03/05/2018 (Not implemented) |
| 2018/1212 | Determination as to whether prior approval is required for change of use from offices on first, second, third, fourth and fifth floors (Class B1(a)) to residential (Class C3) to provide 13 x 1-bedroom, 14 x 2- bedroom, 1 x 3-bedroom and 1 x 4- bedroom flats with | Prior Approval Given 03/05/2018 (Not implemented) |

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| | associated basement bin/cycle storage and 23 parking spaces. | |
| 81/N/2441 | Erection of a mixed development comprising 3,810 sqm offices and 17 flats | Approved 27/11/1981 |
| 80/N/2129 | Erection of a mixed development comprising offices, 15 residential units and a pub/ restaurant | Approved 26/09/1980 (Not Implemented) |

5.0 PLANNING CONSIDERATIONS

Development Plan

- 5.1 The Development Plan comprises the London Plan 2021 (March 2021) (the “London Plan”) and the London Borough of Wandsworth Local Plan (July 2023) (the “Local Plan”).
- 5.2 LBW are in the process of reviewing their Local Plan and are currently at Regulation 22 stage, with the Local Plan Partial Review submitted for Examination in April 2025 and the public hearings scheduled to take place at the beginning of November 2025. The review is currently programmed to be adopted Spring/ Summer 2026.
- 5.3 Having regard to Paragraph 49 of the NPPF, as the Partial Review of the Local Plan is going through Examination, at the current time the policies within it which are subject to objection will generally attract little if any weight.

Other Material Considerations

National Planning Policy Framework (“NPPF”)

- 5.4 Relevant national planning guidance is contained within the NPPF published December 2024 (as updated in February 2025).

National Planning Practice Guidance (“NPPG”)

- 5.5 The NPPG is a web-based resource that is updated by the Ministry for Housing, Communities, and Local Government from time to time.

Supplementary Planning Documents and Guidance

- 5.6 There is also a range of topic related Supplementary Planning Documents (“SPDs”) and Guidance prepared by the GLA and the LBW that are referred to, where appropriate, in the Planning Statement which accompanied the Application. The full list of relevant SPD’s is included within the SoCG accompanying this Appeal.

Application to Proposed Development

- 5.7 The Appellant’s evidence will demonstrate that the Proposed Development complies with the Development Plan when read as a whole. On this basis, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.
- 5.8 The Appellant will demonstrate the ways in which the Proposed Development accords with the NPPF and the relevant SPDs and planning guidance published by the

GLA and the LBW. The Appellant will show that there are no material considerations which would justify a decision otherwise in accordance with the Development Plan.

- 5.9 Contrary to the assertions of the LBW, the Proposed Development is of an appropriate height and scale for the Appeal Site and considered to create a positive change within the townscape.
- 5.10 The Heritage, Townscape and Visual Impact Assessment ('HTVIA'), prepared by Montagu Evans in support of the planning application, confirms that the Proposed Development is not considered to be of an excessive height and scale. It concludes that the Proposed Development does not give rise to any adverse effects on the heritage assets in the study area, whilst the architectural qualities of the Proposed Development are considered to demonstrably improve the appearance and function of the surrounding townscape.
- 5.11 Further, as noted in the HTVIA, if heritage harm were to be found, it would be less than substantial and at the very low end of that scale. The officer report to the Planning Committee set out the alleged harm caused to the setting of designated heritage assets to be less than substantial at a lower and middle level of the spectrum of less than substantial harm.
- 5.12 In the circumstances for the reasons set out within the HTVIA this is overstated but in any event this level of harm would be significantly outweighed by the significant heritage, economic, social and environmental public benefits of the Proposed Development.
- 5.13 As a result, the Proposed Development would be supported by the provisions of the Development Plan including but not limited to London Plan Policy D9 and NPPF paragraph 215 and by the Development Plan when read as a whole.

6.0 GROUNDS OF APPEAL

6.1 As set out in Section 6.0 of the Planning Statement submitted alongside the Application, the Appellant's team fully assessed the Proposed Development against the relevant planning policy and has identified how the Proposed Development complies with the Development Plan when taken as a whole and is supported by the wider benefits the scheme would bring.

6.2 The issues for consideration at the planning inquiry in relation to the Appeal are set out within the two reasons for refusal provided by LBW. The second reason for refusal, the absence of a completed S106 Agreement, is clearly capable of resolution between the parties. The Appellant's response to the reasons for refusal (which also sets out the Appellant's case) is below.

Reason for Refusal 1:

The proposal, by reason of its excessive height and scale, within an established local spatial character that is predominantly low-rise, while also being located within a low-rise policy zone, would represent an unacceptable and incongruous transformative change within the location that would significantly harm the spatial character of the same location. The significant harm identified has not been outweighed by material considerations that indicate otherwise. As such, the proposal is considered to be contrary to the NPPF 2024, Policy D9 (Tall buildings) of the London Plan 2021 and Policies PM9 (Riverside) and LP4 (Tall and Mid-rise Buildings) of the Wandsworth Local Plan 2023.

6.3 It will be demonstrated, through design, townscape, heritage and visual evidence, that the proposed height and scale of the Proposed Development are appropriate for the Appeal Site and its context. It will be demonstrated that the Proposed Development does not create unacceptable and incongruous transformative change that would significantly harm the spatial character of the location. It will be demonstrated that the proposal will bring positive change to the local spatial character of the area. It will be demonstrated that the immediate surrounding context of Albion Riverside, Battersea Bridge, embedded in the wider riverain townscape of the River Thames, which is characterised by a multitude of tall and very tall buildings, particularly near bridges, is of a significant scale and that the scale of the Proposed Development is considered appropriate.

6.4 The height and scale of the Proposed Development has been the subject of extensive pre-application engagement with key stakeholders including the LBW and the Wandsworth Review Panel (WDRP). It represents the optimisation of an underutilised

building and brownfield Site. The Appellant will demonstrate that the Proposed Development is the most appropriate form of development for the Appeal Site.

6.5 In support of a tall building on the Appeal Site and the opportunity presented, the HTVIA summarises the case as:

- The Proposed Development stands at Battersea Bridge, a key arrival point that marks arrival in the Borough from Kensington and Chelsea and the north;
- The proposed height is a result of local townscape studies, which identified that bridges along the River Thames are often signposted by tall to very tall developments and an assessment of the sensitivities of surrounding heritage assets, particularly the Chelsea Royal Hospital, Battersea Park, Albert Bridge, Battersea Bridge and conservation areas in LBW and on the northside of the river;
- The Proposed Development is not near an existing group of tall buildings, but would establish a successful relationship with the taller elements nearby, particularly at Lots Road, Chelsea Waterfront, and Lombard Wharf. Together, these tall buildings would make a positive – and varied – contribution to London’s skyline;
- The Proposed Development would not adversely impact on strategic or local views;
- Design excellence is achieved: The building is successfully sculpted and split into a clearly legible base, middle and top zone, using high quality, durable materials;
- The Proposed Development presents active frontages onto the surrounding streets that contribute to an animated streetscape along Battersea Bridge Road and the interface with the Thames Path, Hester Road and the Royal College of Art. An improved access point would be established from the Site to the Thames Path, providing improved connectivity for pedestrians and cyclists, as well as new planting, trees and a terrace for the public to enjoy views across the river.

6.6 It will be demonstrated that the proposed height and scale would present a positive change to the location, which, combined with the proposed architectural approach, creates a building which is of exceptional design quality. To demonstrate this the Appellant will include updated CGI’s and appropriate visuals within its evidence.

London Plan Policy D9 and Wandsworth Local Plan Policies PM9 and LP4

6.7 It will be demonstrated that the Proposed Development accords with the abovementioned policies of the London Plan (2021) and the Wandsworth Local Plan (2023). Section 6 of the Planning Statement submitted alongside the application and conducts a policy analysis against each of the policies listed above and concludes the Proposed Development is compliant.

Public Benefits

6.8 It will be demonstrated that that there are substantial heritage, economic, social, and environmental benefits which the Proposed Development would provide in what is a highly sustainable location. The Appellant's evidence will describe the range of public benefits, that will be secured by planning condition or section 106 agreement, including:

1. Optimising development potential of an underutilised building and brownfield site in a key gateway location through the delivery of a sustainable, high-quality development of exceptional architectural quality;
2. Significant contribution towards the borough's housing target through provision of 110 much needed homes in a range of unit sizes;
3. The delivery of a significant quantum of affordable homes. The 54 of the C3 residential homes (50% by habitable room of the total) are all offered as social rented affordable homes;
4. The delivery of a well-designed and sustainable building that will enhance the local townscape and the character and quality of the immediate streetscape as well as the settings of several designated heritage assets, in combination with the public realm improvement work;
5. Provision of high-quality, flexible workspace, all of which will be affordable (80% of prevailing market rent for 30 years) and suitable for start-ups and SMEs, contributing positively to the surrounding creative quarter;
6. Provision in perpetuity of a community space serving the local community which is to be provided to a charity or other community group on a peppercorn lease;
7. Provision of a ground floor restaurant serving the local area and activating this section of the Thames Path;
8. Significant upgrades along the Thames Path, delivering multifunctional public realm and enhanced pedestrian and cycle routes;
9. An improved streetscape and pedestrian experience along Battersea Bridge Road;
10. Provision of a space for public artwork within the public realm, to be co-designed in collaboration with RCA students;

11. Delivery of an exemplar of sustainability, incorporating a range of net zero carbon measures in construction and operation;
 12. Promotion of sustainable travel options through the provision of extensive cycle facilities which will cater to all age groups and levels of mobility;
 13. The delivery of substantial economic benefits during the construction and operational phases, including job creation, worker and resident expenditure, tax revenues and business rates; and
 14. Significant Community Infrastructure Levy (CIL) and Section 106 contributions to assist in the provision of infrastructure improvements for the borough.
- 6.9 The Appellant will provide detailed evidence on the social, economic and environmental benefits of the Proposed Development as part of its evidence.

Reason for Refusal 2:

In the absence of a completed Section 106 planning obligation the proposal fails to meet the objectives of Policy LP62 (Planning Obligations) of the Wandsworth Local Plan 2023. In order to mitigate the policy conflict as identified, a Section 106 planning obligation would be required to include, but not be limited to:

Housing - Provision of 54 social rent units; - To secure a minimum of 10% of units meeting Building Regulation 'Wheelchair User Dwellings' M4(3) standards with final design agreed in consultation with OT advisor; - Operation management plan for the communal amenity spaces; - Play Space contribution of £147,300.

Sustainability - Carbon off-setting payment of £157,917; - Be Seen energy monitoring.

Highway and transport: - Exclusion from CPZ; - Car club membership and driving credit for residents; - To secure a construction management plan; - To secure a travel plan and Transport Officer Monitoring Fee of £730.00; - To secure highways works (under a section 278 agreement) to complete public realm improvements within the highway boundary north of the development. These include level changes, the addition of steps, and planting; - Healthy Street Corridor Improvements contribution of £436,812.00 to TfL.

Others areas: - Best endeavours for raising of the flood defence to TE2100 plan level - Enhancements to the Thames river wall adjacent to the development site with

installation of timber fenders (Option 1), or, contribution made to a local river restoration effort (Option 2); - Air quality monitoring during construction contribution of £30,000; - Health Care contribution of £30,000; - To enter into a Local Employment and Enterprise Agreement securing Employment and Skills Plan and Local Procurement Plan, with the target number of job, training and apprenticeship places based on the Council's Planning Obligations SPD - To secure payment of Employment and Enterprise Contribution based on the Council's Planning Obligations SPD (£91,506.25); - Art and Culture contribution of £110,000; - Monitoring fee in accordance with calculation set out in the Planning Obligations SPD.

- 6.10 The Appellant has prepared a Section 106 agreement and will share a draft with LBW. Draft Section 106 Heads of Terms (HOTs) are included at Appendix 4, and a draft Section 106 agreement will be submitted to PINS ahead of the inquiry.
- 6.11 Throughout the determination period the Appellant sought to agree the Heads of Terms and contributions with LBW prior to the Planning Committee. This included a meeting with Transport for London to discuss the Healthy Streets Contribution.
- 6.12 The Appellant considers that it is evidently capable that a S106 Agreement can be agreed between the parties and that there will be compliance with Policy LP26 of the Local Plan and the Planning Obligations SPD. Should a S106 Agreement not be possible, the Appellant will put forward a Unilateral Undertaking to comply with Policy LP26 of the Local Plan and the Planning Obligations SPD.

7.0 THE APPEAL PROCEDURE AND EVIDENCE

7.1 In light of the PINS Procedural Guide (June 2025) a public inquiry is clearly the most appropriate procedure to determine the Appeal. This is for the following reasons:

- The nature of the issues raised in the Reasons for Refusal and the need for expert evidence to be submitted in response, particularly in relation to the question of design, architectural quality, townscape and planning balance supports the need for an inquiry. This is a matter which the Appellant believes requires testing by formal cross-examination by Counsel. The Appellant has instructed Leading Counsel to conduct the Appeal on its behalf for this purpose.
- The Proposed Development has raised substantial local interest (both in terms of objection and support exceeding thousands of representations) that warrants further consideration at an inquiry.

7.2 At present and subject to the views of any Inspector at the Case Management Conference regarding the key issues for consideration at the inquiry, the Appellant intends to call three expert witnesses in relation to LBW's Reasons for Refusal on the following topics:

1. Architecture and design;
2. Townscape and heritage; and
3. Planning.

7.3 The Appellant reserves the right to call upon additional expert witnesses if they are required. At this stage, the Appellant considers that the Inquiry is likely to last 8 sitting days (based on the assumption that the Inquiry is held in person).

8.0 AREAS OF AGREEMENT AND COMMON GROUND

- 8.1 As outlined within the introduction of this SoC, a draft Statement of Common Ground (SoCG) has been issued to LBW for agreement and that draft version is submitted alongside this Appeal which should be read in conjunction with this SoC. It is intended that a final form of statement of common ground will be agreed with LBW and issued to Inspector before the opening of the Inquiry, to narrow the issues in dispute.
- 8.2 The Section 106 Heads of Terms and associated financial contributions had been discussed between the Appellant and the LBW prior to the Planning Committee on the 24th April 2025. It is intended a final draft S106 Agreement incorporating these will be agreed and issued to the Inspector before the opening of the Inquiry. A copy of the draft Heads of Terms for the S106 Agreement are included at Appendix 4.

9.0 CONCLUSIONS

- 9.1 The Proposed Development accords with the Development Plan when read as a whole and attracts a statutory presumption in favour of the grant of planning permission. The Appellant considers there are no material considerations that would suggest a decision otherwise in accordance with the Development Plan.
- 9.2 Notwithstanding, should it be concluded that the Proposed Development does not accord with the Development Plan and does result in any degree of harm to the setting of any designated heritage asset or the spatial character of the location, then the public benefits would readily outweigh any perceived harm to enable the appeal to be allowed nonetheless.
- 9.3 The Appellant considers that following a proper consideration of the Proposed Development and of planning policy and planning guidance including the advice contained in the NPPF, the Reasons for Refusal are misplaced.

**Appendix 1 – London Borough of Wandsworth Planning Officer Committee
Report**

Appendix 2 – London Borough of Wandsworth Decision Notice (3rd June 2025)

Appendix 3 – List of Application Documents and Post Submission Material

Appendix 4 – Draft S106 Agreement Heads of Terms

Appendix 5 – Draft Conditions Heads of Terms