

PLANNING PROOF OF EVIDENCE OF JONATHAN MARGINSON MA HONS (MRTPI)

THE GLASSMILL, 1 BATTERSEA BRIDGE, LONDON, SW11 3BZ

LPA REF: 2024/1322

APPEAL REF: APP/6002127

20 February 2026

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Appendices (Bound Separately)

Appendix A: Letter from the Appellant in relation to deliverability dated 20 February 2026

Appendix B: Pre-application letter dated 9 November 2018 from London Borough of Wandsworth

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Appendix D: Letter from Velocity dated 19 February 2026 in relation to transport

Appendix E: Letter from GIA dated February 2026 in relation to wind impact

Appendix F: Letter from Ramboll dated 18 February 2026 in relation to Whole Life Carbon and Circular Economy

Appendix G: Viability Report prepared by DS2 dated February 2026

Qualifications and Experience

Jonathan Marginson will say:

- I. I hold a First Class degree in Master of Arts (with Honours) in Town Planning from Heriot Watt University. I am a member of the Royal Town Planning Institute.
- II. I have 27 years' experience in the field of town planning. I am a Senior Director at DP9, a leading specialist independent planning consultancy. Prior to joining DP9 in 2008, I was Associate Director of Planning at GVA (now Avison Young). I have been involved in major urban development projects throughout the UK, but for the last 17 years my focus has been on projects in London. I have appeared at Mayoral Hearings and Local Plan Examinations and acted as an expert witness at ten public inquiries involving major development proposals in London and the south east.
- III. I have advised a wide variety of private and public-sector clients. I have been responsible for a range of projects within London, including a range of mixed use, retail, commercial, civic, education and residential developments. Examples include: the new U.S Embassy, Wandsworth; a major residential-led development at Westferry Printworks for 1,523 units which included the erection of five tall residential buildings, London Borough of Tower Hamlets; tall building projects for The Canary Wharf Group on the Isle of Dogs, including office towers at 1 and 10 Bank Street, Park Place and the 60 storey residential tower known as "Newfoundland"; Plot H1, Elephant and Castle for a new headquarter office building and, proposals to re-model and redevelop Liverpool Street Station, City of London; and proposals for comprehensive commercial-led development at Truman Brewer, London Borough of Tower Hamlets.
- IV. I was instructed in November 2025. I have visited the appeal site twice and the surrounding area. I was not personally involved in the planning applications to which the appeals relate. Before accepting the instruction, I undertook my own independent review of the case to satisfy myself that there is a sound planning case for the Proposed Development.
- V. DP9 were involved in the planning applications from the outset and I have liaised with colleagues in preparing my evidence. I have read all the background information and have made such enquiries as required to fulfil my duties as an expert witness. I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of

my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1.0 Introduction and Scope of Evidence

1.1 I appear at the Inquiry on behalf of Promontoria Battersea Ltd (the 'Appellant') in relation to the appeal with references: APP/6002127.

1.2 An application for planning permission (the 'Application') was submitted to the London Borough of Wandsworth ('LBW') by Appellant on the 21 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 considered at LBW's Planning Committee on 24 April 2025 with an officer recommendation to refuse the Application. The Decision Notice (CD 3.04) was issued on 3 June 2025 with two reasons for refusal listed, as outlined 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.”

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”

Scope of evidence

- 1.5 My evidence will principally focus on the two Reasons for Refusal by LBW which remain the matters of dispute between the Appellant and LBW. I also address other matters raised by the Inspector in the Case Management Conference held on 26 January 2025, the Rule 6 Party and other Interested Parties, where relevant, and other material considerations relevant to the determination of the Appeal.
- 1.6 My evidence will provide a description of the Appeal Site and its context, describe the Proposed Development and will then assess the Proposed Development against the Development Plan and other material considerations. I conclude my evidence by undertaking the planning balance of the Proposed Development. My evidence is structured as follows: -
- Section 3 – The Appeal Site and its Context
 - Section 4 – The Proposed Development
 - Section 5 – The Development Plan and Other Planning Policy Considerations
 - Section 6 – Main Issues – including Reasons for Refusal
 - Section 7 – Summary, Conclusion and Overall Planning Balance
- 1.7 My evidence should be read in conjunction with the Appellant’s Statement of Case (CD 8.01), evidence of the Appellant’s other expert witnesses, and the comprehensive material which supported the planning application.

2.0 The Site and its Context

- 2.1 The Appeal Site and surrounding area are described in detail in the SoCG (CD 7.01). The location of the Site is shown in Figure 2.1 below. A more contextual analysis of the Appeal Site and surrounding area is set out in the evidence of Mr Barbalov (CD 8.02). A comprehensive description of the planning history of the Appeal Site is also set out in the Statement of Common Ground ('SoCG') (CD 7.01).

Figure 2.1: Site Location Plan



- 2.2 The Appeal Site is located to the east of Battersea Bridge Road and is broadly rectangular in shape and 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. 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.

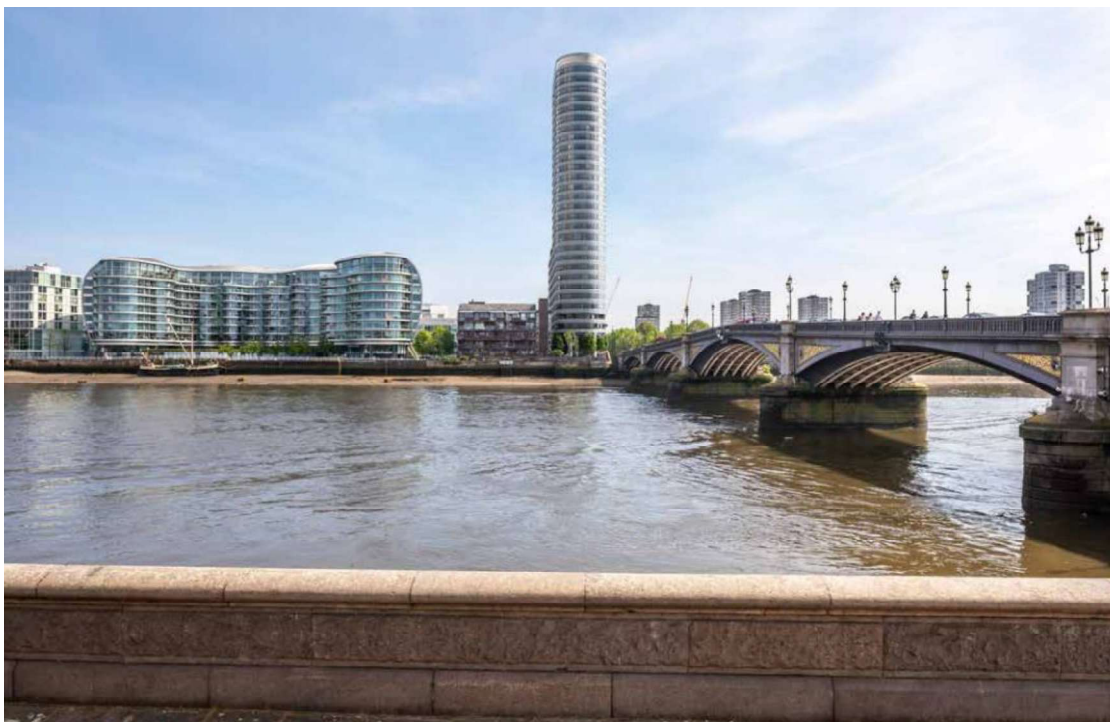
- 2.3 The Appeal Site is not within a Conservation Area. However, Westbridge Road Conservation Area is located to the south west of the Appeal Site along Battersea Church Road. Battersea Bridge to the immediate north is Grade II listed.
- 2.4 The Appeal Site is bound to the north by the River Thames 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 Appeal 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.

3.0 The Proposed Development

3.1 The Proposed Development is detailed in the SoCG (CD 7.01) and also the Proof of Evidence of Mr Barbalov (CD 8.02). In summary, 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). It includes:

- 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) 274 sqm (GIA) of community floorspace at lower ground, ground and first floor level;
- 6) 535 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.

Figure 3.1: View of the proposed development from the north side of the River Thames



3.2 The proposed building is broken up into three parts. A tall element is situated to the north of the Appeal Site fronting the River Thames at 29 storeys. The middle part is 10 storeys and this element extends along Battersea Bridge Road to Hester Road and rests on the base element, 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 element has balconies and winter gardens interspersed throughout the remaining accommodation.

4.0 Development Plan and Other Planning Policy Considerations

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') states that if, as in this case, regard is to be had to the development plan when making any determination under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for the Appeal Site for the purposes of Section 38(6) of the 2004 Act is the London Plan (March, 2021) (CD 5.01) and LBW Local Plan (July, 2023) (CD 5.02). I consider that the adopted development plan is up to date and can be given full weight in the determination of the planning application.

4.2 On the adopted Local Plan Policies Map (CD 5.02), the Appeal Site is subject to the following designations:

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

4.3 LBW have been undertaking a partial review of the Local Plan and the Local Plan Partial Review (CD 5.03) was submitted for Examination in April 2025. Public hearings took place on the 4 – 6 November 2025, and consultation on the Main Modifications took place from 26 November 2025 to 14 January 2026. The Local Plan Partial Review is currently programmed to be adopted in the Spring or Summer of 2026. Having regard to Paragraph 49 of the NPPF, as the Partial Review of the Local Plan is at an advanced stage, it would therefore have significant material weight in decision making. The Partial Review related to the following policies:

- LP23 - Affordable Housing
- LP24 - Housing Mix
- LP28 - Purpose Built Student Accommodation
- LP29 - Housing with Shared Facilities
- LP30 - Build to Rent

- LP31 - Specialist Housing for Vulnerable People and for Older People

4.4 The Mayor of London is also in the early stages of creating a new London Plan, publishing a direction of travel document in May 2025. Whilst this carries no weight, it does stress the importance of the need to significantly boost housing supply in London.

4.5 Within the SoCG (CD 7.01), the policies within the Development Plan that are relevant to the determination of the Appeal are set out. There are also a number of Supplementary Planning Guidance ('SPG') and Supplementary Planning Documents ('SPD') which are material considerations in the determination of the Appeal and these also form part of the SoCG (CD 7.01). National planning policy in the form of the National Planning Policy Framework ('NPPF') (December 2024) (CD 4.01) is also a material consideration in the determination of the Appeal as is the draft NPPF (CD 4.02).

4.6 I assess the Proposed Development against the Development Plan and other material considerations in Sections 5 and 6 of my Proof of Evidence.

5.0 Main Issues – Including Reasons for Refusal

5.1 In this section, I assess the Proposed Development against the policies of the Development Plan and then other material planning policy and considerations. This section primarily focuses on the two reasons for refusal by LBW. It is assumed that the Decision Notice (CD 3.04) specified all policies and proposals in the development plan which were relevant to the LBW decision¹, and that LBW accepts that the Proposed Development accords with all other policies in the Development Plan.

Principle of development

Development Plan

5.2 It is a requirement of Policy GG2 of the London Plan (CD 5.01) to enable, prioritise and make the best use of brownfield land which is highly accessible and promote higher density through a design-led approach (Parts A, B, C and D). The Appeal Site represents brownfield land in an urban area within a highly accessible location with a Public Transport Accessibility Level (“PTAL”) rating of 3. The Appeal Site also benefits from good access to open space, shops, services, jobs by walking and cycling, with easy access to central London.

5.3 I consider that the Appeal Site is exactly the type of location that Policy GG2 of the London Plan promotes for higher density development. I consider that the Appeal Site has the potential to make a significant contribution to the objectives for growth, and in particular housing, in LBW and London. I consider that the Proposed Development accords with Parts A, B and C of Policy GG2 of the London Plan.

5.4 The Appellants appointed Farrells, a highly experienced and world-renowned architect, to develop design proposals for the Appeal Site. Farrells undertook a thorough assessment of the character and nature of the Appeal Site’s context in determining the optimum capacity for development (see Design and Access Statement, CD 1.07). That assessment was undertaken in conjunction with townscape and heritage advice. I note that there was a thorough assessment of the Appeal Site’s spatial context both at a wider and local level. That assessment directly fed into the development of design options and the approach to height

¹ As required by Article 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

and scale and the ultimate design proposal. I note that the design evolved as it progressed through the planning process, with different heights and massing explored for the tower and plinth. Indeed, I note that the planning application was submitted at 34 storeys in height and then reduced to 29 storeys following feedback during the consultation process. I do not consider a change of this nature made during the determination of the planning application unusual on a proposal of this scale.

5.5 I consider that a design-led approach to determine the optimum capacity of development was applied at the Appeal Site, taking full account of local context and scale. I consider that design-led approach has resulted in a Proposed Development that, in my view, optimises the Appeal Site and makes the best use of it to meet identified housing need for LBW and London. For these reasons, I consider the Proposed Development accords with Part D of Policy GG2 of the London Plan (CD 5.01).

5.6 Part E of Policy GG2 of the London Plan (CD 5.01) is also met because in my view the Proposed Development is based on a thorough understanding of the existing place and the Proposed Development will contribute to growth, renewal and place-making adding to the character of the area. Part F of Policy GG2 is also met in my view as the Proposed Development delivers an Urban Greening Factor of 0.4 and meets net biodiversity requirements (plus 39.24%). I consider Part G is also met because the Proposed Development plans for good local walking, cycling and has good access to public transport. I do not consider Part H of Policy GG2 is relevant to the Proposed Development as this applies to making the best use of existing infrastructure assets for development.

5.7 Part A of Policy D3 of the London Plan (CD 5.01) states that *“all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations”* and that *“optimising site capacity means ensuring that development is of the most appropriate form and land use for the site”*. Part A of Policy D3 of the London Plan also states that the *“design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site’s context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 – Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D of the policy”*.

5.8 The mix of land uses was rightly supported in the Officer Report (paragraph 1.5, page 32 and paragraph 1.35, page 37, CD 3.01). I have already concluded that extensive design options

were explored and tested by the Appellant's team to determine the most appropriate form of development for the Appeal Site in relation to its context. In summary, I find that the form of development, in terms of its design, to be of the highest quality and the most appropriate form of development for the Appeal Site. I consider a design-led approach was followed by the Appellant's in accordance with Policy D3 of the London Plan (CD 5.01).

- 5.9 In relation to Part B of Policy D3 (CD 5.01), the policy states that *"higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2"*.
- 5.10 The Appeal Site has easy access to Clapham Junction by bus (12 minutes) with access to national rail services into central London and across the south, south east and south west. The Appeal Site is also within walking and cycling distance of other national rail, overground and tube stations including Imperial Wharf (20 minute walk/ 7 minutes cycle), Battersea Park Station (29 minute walk/ 8 minute cycle) and West Brompton (34 minute walk/ 11 minute cycle). The Appeal Site is within a 15 minute walk/ 4 minute cycle of Battersea Park Road Local Centre which has a range of food, non-food and services to meet day to day needs and an 8 minute walk to Battersea Park.
- 5.11 In my view, the Appeal Site is well connected to jobs, services and infrastructure. It is a site that is entirely appropriate for higher density development and one that should be proactively promoted. I consider the Proposed Development accords with Part B of Policy D3 of the London Plan (CD 5.01).
- 5.12 As I consider that Part B of London Plan Policy D3 (CD 5.01) applies to the Proposed Development, Part C would not apply as it relates to other areas. However, even if it were to apply, it is clear that the Appeal Site is one where there is an opportunity for incremental densification to occur.
- 5.13 I deal with the requirements of Part D of Policy D3 under Reason for Refusal 1 below when considering the overall design of the Proposed Development.
- 5.14 With regard to the loss of the existing office use on the Appeal Site, it is agreed with LBW, that the loss of 4,343sqm of office floor space is acceptable and compliant with Policy E1 of the London Plan, and Policies PM9, LP33, LP35 and LP59 of the Local Plan (paragraph 10.4, page 27, CD 7.01).

- 5.15 It is agreed with LBW that the Proposed Development is compliant with Policy E3 of the London Plan, and Policies LP38 and LP59 of the Local Plan in respect of the re-provision of 535sqm of modern, well serviced floor space that would be flexible and adaptable, ensuring its suitability for a wide range of future tenants, including start-ups and SMEs (paragraph 10.5, page 27, CD 7.01).
- 5.16 It is agreed with LBW that the provision of 110 self-contained residential units would contribute to meeting the capacity target for Wandsworth's Riverside and the overarching target of 20,311 for the borough taken as a whole. The Proposed Development will contribute to the delivery of housing in London and go towards meeting London's housing needs at a time of a dramatic drop off in housing delivery in the London market. LBW, like all London boroughs, needs to play its part in delivering housing for London in accordance with the London Plan. Consequently, it is agreed with LBW that the proposed residential component complies with London Plan Policy H1 and Local Plan Policies SDS1 and PM9 (paragraph 10.3, page 27, CD 7.01).
- 5.17 It is agreed between LBW and the Appellant that 50% affordable housing (by habitable room), meets the London Plan and Local Plan strategic requirement for affordable housing as per London Plan Policy H4 and Local Plan Policy LP23. It is also agreed the Proposed Development significantly exceeds the London Plan threshold (35%) at which the Application becomes eligible for the GLA's 'Fast Track' assessment route meaning an application stage viability appraisal and late stage review mechanisms are not required. It is therefore agreed between LBW and the Appellant that the Proposed Development complies with Policies H4, H5 and H6 of the London Plan and Policy LP23 of the Local Plan. (paragraph 10.57, page 34, CD 7.01).
- 5.18 It is agreed with LBW that the provision of a 189sqm restaurant would not undermine the vitality and viability of the borough's Town and Local Centres. Further it is agreed that the Proposed Development complies with the objectives of Policies PM9 and LP59 of the Local Plan which promote mixed-use development in Focal Points of Activity to increase activity and vibrancy along the riverside. (paragraph 10.6, page 28, CD 7.01).
- 5.19 It is agreed with LBW that the provision of a 274sqm community space is a positive offer and would be of notable public benefit to future occupiers. It is agreed that the community facility complies with Policy LP17 of the Local Plan. (paragraph 10.7, page 28, CD 7.01).

National Planning Policy Framework, December 2024 ('NPPF')

- 5.20 NPPF Paragraph 124 of the NPPF (CD 4.01) states that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*. Part c) of paragraph 125 states that *“planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”*. Part d) of Paragraph 125 states that *“planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”*.
- 5.21 The Proposed Development is located on brownfield land within an existing settlement. LBW and London have a pressing need to meet its identified housing needs which is established under the Development Plan. The NPPF makes clear that substantial weight should be given to the use of the brownfield land as proposed under the Proposed Development. Further, the NPPF is clear that in these circumstances unless there is substantial harm caused by the development, planning permission should be granted.
- 5.22 Officers were cognisant of paragraph 125c of the NPPF at the time of determination of the Application and I note that the Officer Report to the Planning Applications Committee (CD 3.01) does not identify substantial harm as a result of the Proposed Development, neither do the Reasons for Refusal or the LBW Statement of Case (CD 9.01). Notably, there is no substantial harm identified to any heritage assets. I have reviewed the Application documentation associated with the Proposed Development and note that no substantial harms are identified. The main harm identified in the Officer Report is to the spatial character of the location which is identified as significant harm. I consider the harm caused by the Proposed Development later in Section 5 of my Proof of Evidence but I do not identify any substantial harm arising from the Proposed Developments. Dr Miele concludes that *“the proposals are consistent with the character of the area, which is varied and includes contrasts in scale. In my opinion, the scheme will add positively to townscape character..”* (paragraph

xxxvi, page 6, CD 8.03). Consequently, I consider that paragraph 125c of the NPPF would support the grant of planning permission on the Appeal Site.

Draft National Planning Policy Framework, December 2025 ('draft NPPF')

- 5.23 The Government published a draft NPPF in December 2025 which is on consultation until 10 March 2026. The draft NPPF is described in the supporting document as *“a truly seismic regearing of the system – in support of growth, and through growth of hope and opportunity”*.
- 5.24 In the context of the Proposed Development, there are number of significant changes proposed to the current NPPF. First, there is a simplifying of the presumption in favour of sustainable development by removing the ‘tilted balance’ as currently applies under paragraph 11d of the NPPF. Draft Policy S4 states in relation the presumption in favour of sustainable development states that *“Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework”*. The supporting consultation document to the NPPF states that *“For urban land, this approach takes forward parts of our ‘brownfield passports’ work and builds on the December 2024 Framework update, by making development of suitable land in urban areas acceptable by default”* (bullet 1, Page 10, CD 4.02).
- 5.25 In applying Policy S4, part 2 lists out the circumstances (but not restricted to) in which the benefits of approving development are likely to be substantially outweighed by adverse effects. I note that parts 2 and 2b would not apply to the Proposed Development and only Part 2c could potentially apply which states *“Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances”*.
- 5.26 In my view, there are no substantially adverse effects identified in the draft NPPF or generated by the Proposed Development that could justify adopting a contrary position to that outlined in draft NPPF Policy S4; that the Proposed Development located in a settlement with its associated benefits should be approved.
- 5.27 Policy L3 of the draft NPPF relates to densities and part 2 states that *“Within this context development proposals for residential and mixed-use development within settlements should contribute to an increase in the density of the area in which they are situated. The existing*

character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential". That marks a change from the December 2024 NPPF and paragraphs 129 and 130, with a further expectation that new development should increase density in an area and existing character should not preclude optimising sites.

- 5.28 Annex A: Implementation of the draft NPPF, states that *"Development plan policies which are in any way inconsistent with the national decision-making policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework"*.
- 5.29 The Local Plan was adopted in July 2023. The evidence base that informed the Local Plan in relation to the identification of tall buildings, and the optimisation of sites, is the Urban Design Study dated 23 December 2021. That document was based on the NPPF dated February 2019. Since February 2019, there have been four new versions of the NPPF (July 2021, September 2023, December 2023 and December 2024).
- 5.30 Policy LP4 (tall and mid-rise buildings) of the Local Plan (CD 5.02) sets out the Local Plan's strategic policy approach on the location and height of buildings. Policy LP4 is based on the Urban Design Study of 23 December 2021 which is in itself based on the NPPF dated February 2019. In the context of the draft NPPF and its approach to density under Policy L3, there is a marked difference between the NPPF dated February 2019 and draft NPPF, with an expectation that new development should increase density in an area and existing character should not preclude optimising sites.
- 5.31 The approach of setting maximum heights for buildings that are mid-rise across LBW, and on the Appeal Site, in my view is inconsistent with the draft NPPF which places an expectation that density should be increased. Given the Appeal Site already hosts a building of 6 storeys, and represents under-utilised brownfield land in a settlement, there is a clear inconsistency between the objectives of Policy L3 of the draft NPPF and the adopted Local Plan Policy LP4. In my view, that raises the question of weight that should be attached to Policy LP4 of the Local Plan having regard to the advice in Annex A of the draft NPPF. If the Urban Design Study were to be undertaken now having regard to Policy L3 of the draft NPPF to inform Policy LP4, in my view the outcome is likely to be markedly different and the approach to the Appeal Site, an under-utilised brownfield site in a settlement with good access to public

transport, walking, cycling, jobs and services, would also be different in terms of the appropriateness of the Appeal Site for a tall building.

Summary on Principle of Development

- 5.32 I consider that the Appeal Site has the potential to make a significant contribution to the objectives for growth, and in particular housing, in LBW and London. In my view, the Appeal Site is well connected to jobs, services and infrastructure and is a site that is entirely appropriate for higher density development and one that should be proactively promoted. I consider that a design-led approach to determine the optimum capacity of development was applied at the Appeal Site, taking full account of local context and scale. I consider that the Proposed Development complies with London Plan Policies GG2 and D3 (CD 5.01).
- 5.33 It is agreed with LBW that the Proposed Development complies with the objectives of Policies PM9 and LP59 of the Local Plan which promote mixed-use development in Focal Points of Activity to increase activity and vibrancy along the riverside (paragraph 10.6, page 28, CD 7.01). With regard to the loss of the existing office use on the Appeal Site, it is agreed with LBW, that the loss of 4,343sqm of office floor space is acceptable and compliant with Policy E1 of the London Plan, and Policies PM9, LP33, LP35 and LP59 of the Local Plan (paragraph 10.4, page 27, CD 7.01). Further, it is agreed in the with LBW that the Proposed Development is compliant with Policy E3 of the London Plan, and Policies LP38 and LP59 of the Local Plan in respect of the re-provision of 535sqm of modern, well serviced office floor space (paragraph 10.5, page 27, CD 7.01).
- 5.34 It is agreed with LBW that the provision of 110 self-contained residential units would make a contribution to meeting the capacity target for Wandsworth's Riverside and the overarching target of 20,311 for the borough taken as a whole and complies with London Plan Policy H1 and Local Plan Policy SDS1 and PM9 (paragraph 10.3, page 27, CD 7.01). Further, it would meet the pressing need for housing in the London market. It is agreed with LBW that the provision of a 189sqm restaurant would not undermine the vitality and viability of the borough's Town and Local Centres and that the community facility is a positive addition that complies with Policy LP17 of the Local Plan (paragraph 10.7 and 10.8, page 28, CD 7.01).
- 5.35 It is agreed between LBW and the Appellant that 50% affordable housing (by habitable room), meets the London Plan and Local Plan strategic requirement for affordable housing

as per London Plan Policy H4 and Local Plan Policy LP23. It is also agreed the Proposed Development significantly exceeds the London Plan threshold (35%) at which the Application becomes eligible for the GLA's 'Fast Track' assessment route meaning an application stage viability appraisal and late stage review mechanisms are not required. It is therefore agreed between LBW and the Appellant that the Proposed Development complies with Policies H4, H5 and H6 of the London Plan and Policy LP23 of the Local Plan. (paragraph 10.57, page 34, CD 7.01).

- 5.36 The NPPF makes clear that substantial weight should be given to the use of the brownfield land as proposed under the Proposed Development to meet identified homes and other identified needs. Further, the NPPF is clear that in these circumstances unless there is substantial harm caused by the development, planning permission should be granted. I consider the harm caused by the Proposed Development later in Section 5 of my Proof of Evidence but I do not identify any substantial harm arising from the Proposed Development.

Housing need and delivery

Development Plan

- 5.37 Policy H1 of the London Plan (CD 5.01), in Table 4.1, sets a 10 year housing target of 19,500 homes for LBW. Part B, 1b), states that boroughs should *“encourage development on other appropriate windfall sites not identified in Development Plans through the Plan period, especially from the sources of supply listed in B2”*. Part B, 2, requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially *“sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary”*.
- 5.38 Policy SDS1, Part A of the Local Plan (CD 5.02) states that within the period 2023-2038, the Local Plan will provide for a minimum of 20,311 new homes with the provision of a minimum of 1,950 homes per year up until 2028/2029. Part A, I, of Policy SDS1 allocates the new homes within the Area Strategies, which includes Wandsworth Riverside. Under Part B of Policy SDS1, Table 2.2 identifies a total capacity of 1,098 for the Wandsworth Riverside Area. Part C, 1, of Policy SDS1 states that new homes will be delivered by *“Permitting development within the defined Area Strategy boundaries and associated Site Allocations where they comply with all other relevant policies of the Local Plan”*.

- 5.39 Part B, I, of Policy PM9 of the Local Plan states that *“Development within Wandsworth’s Riverside will help meet the borough’s housing target, as set out in Local Plan Policy SDS1”*. It identifies capacity to provide 904 homes by 2032/2033, over the first 10 years of the Local Plan.
- 5.40 It is material to understand the current housing delivery context within which the development of 110 residential units on the Appeal Site would take place. It is well known that the housing market in London has been in decline and that there are substantial challenges involved in housing delivery due to build cost inflation, stagnant housing prices, higher interest rates and Gateway 1 and 2 approval requirements. Whilst under the latest Housing Delivery Test 2023, LBW achieve 112%, the most recent data of housing delivery in LBW and London (produced by LBW and the GLA) indicates a different position and a significant decline in housing delivery.
- 5.41 At a London level, the latest London completions show that there has been a dramatic decrease in housing completions in 2025/26 with only 4,261 housing completions against an annual target of 52,287 homes – just 8.1% of target to date. The previous 4 years show a consistent under delivery of housing across London when measured against the London Plan housing target ranging from 63-76%.

Table 5.1: London Completions against London Plan target

Year	Completions	Target	% of Target
2025/26	4,261	52,287	8.1%
2024/25	33,180	52,287	63%
2023/24	33,731	52,287	65%
2022/23	36,864	52,287	71%
2021/22	39,603	52,287	76%

Source: London Datastore, 14 January 2026 [Residential completions dashboard - London Datastore](#) (CD 5.38)

- 5.42 For LBW, the latest AMR published in the Housing Trajectory Summary Tables 2024/25 (CD 5.17) and set out in Table 5.2 below, indicates a fall in completions in LBW for the year 2024/25 to 73% of Local Plan housing target. Noticeably, the number of housing starts has also decreased markedly to 571 in 2024/25, indicating the potential for a continuing decline

in housing completions moving forwards. The LBW housing trajectory projections for 2025/26 are 1,694, 1,497 for 2026/27, and 1,791 for 2027/28. For the next 3 years LBW is therefore not projected to meet its annual housing target of 1,950 units. That would represent 4 years of failing to meet its annual housing target which would suggest that LBW will not be meeting the Housing Delivery Test in the forthcoming years. Indeed, for the years 2024/25, 2025/26 and 2026/27 the projected annual delivery will be 4,619 units which is only 78% of the target over 3 years. Based on those projections, LBW under paragraph 79 of the NPPF, would require an action plan and a 20% buffer and may even fall into ‘tilted balance’ under Paragraph 11 of the NPPF.

Table 5.2: Housing completions against Local Plan target and starts in LBW

Year	Completions	Target	% of Target	Starts
2024/25	1,428	1,950	73%	571
2023/24	2,662	1,950	137%	797
2022/23	1,999	1,950	103%	1,926
2021/22	1,959	1,950	100%	1,332

Source: Table 5, Housing Trajectory Summary Tables 2024/25 (CD 5.17)

5.43 Strikingly, there were no social rented affordable housing starts in 2024/2025 in LBW, and only 42 social rented completions (Table 7, CD 5.17). That is highly concerning for a borough which has high levels of need for affordable housing, particularly in social rented housing. The latest Wandsworth’s Housing Needs Assessment (paragraph 6,4, page 80, CD 5.39) states that:

“There is an extremely high need for affordable to rent housing such as social or affordable rent. This accounts for the vast majority of the total need and the ability to deliver for this need is heavily constrained by viability factors. Figure 43 details a need for at least 8,223 Social Rent dwellings. This is 31% of the total need for 26,315 affordable and market dwellings of all tenures. In a net zero migration scenario, a total need for up to 17,223 Social Rent dwellings is identified, over two thirds of planned housing supply. In light of the particularly high need for social rented housing, and the fact there is a large unmet existing need for such housing, we would recommend the Council pursues a tenure split which maximises the delivery of social rented housing in the first instance.”

5.44 The problem of delivering affordable housing is not just an LBW issue. For London as a

whole, in 2025/26 the number of affordable housing completions was 1,184 (9,913 in 2024/25) and affordable housing starts were 449 (6,120 in 2024/25) (London Datastore, CD 5.38).

- 5.45 Given the above data on housing completions and starts, whilst LBW may have achieved 112% under the Housing Delivery Test 2023, the latest data shows that total housing completions and affordable housing pipeline in LBW has suffered a dramatic decline. The housing projections under the latest AMR (CD 5.17) all point towards LBW not meeting its annual housing target over the next 4 years and failing the Housing Delivery Test. I consider that is a material consideration in the determination of the Appeal and at the very least goes to the weight that should be attached to the 110 residential units that are proposed.
- 5.46 The decline in housing delivery in LBW is reflected across London as a whole, both in general housing delivery and affordable housing. It is that level of decline in housing delivery that prompted MHCLG and Mayor of London to recognise the dramatic and unprecedented fall in housing delivery and introduce emergency measures under a Ministerial Statement and draft LPG (CD 5.31).
- 5.47 The Local Plan recognises the housing delivery challenges and states that *“With a growing population, delivering high-quality, affordable homes to meet the needs of Wandsworth’s existing and future households is a key challenge for the new Plan”* (paragraph 17.1, page 353, CD 5.02) and that *“The Council will continue to be pro-active in promoting opportunities for new housing development on all suitable sites, including windfall sites and small sites, to meet its housing requirement as set out in Policy SDS1”* (paragraph 17.2, page 353, CD 5.02).
- 5.48 There is no dispute between the parties that the delivery of market and affordable housing will contribute to meeting housing needs in LBW and London. I consider this to be an important factor, irrespective of the 5 year housing land supply position, because the delivery of housing is one of, if not the most important, factor of national and local planning policy. Policy SDS1 sets a minimum housing target of 1,950 homes per year and not a maximum. The Local Plan does not seek to prevent or reduce the weight to be given to housing delivery even in circumstances where LBW are able to demonstrate a 5 year housing land supply.
- 5.49 Delivery of housing on the Appeal Site must be seen in the context of the dramatic decline in housing in London, which has resulted in unprecedented emergency measures by MHCLG

and GLA. LBW's role is not just to deliver housing for its borough but also to meet London's housing needs at every level whether that is market, affordable or specialist housing. LBW's own housing trajectory shows a continuing housing decline in delivery over the next 3 years. When considered alongside the stark fall in social rented affordable housing in LBW and London, which won't come forward without the provision of the market housing on the Appeal Site to financially support it, irrespective of the 5 year housing land supply it is clear in my view that the delivery of housing on the Appeal Site will make a substantial contribution to meeting LBW's and London's housing targets and increase delivery rates. The delivery of 110 residential units, of which 50% of the total habitable rooms is social rented affordable housing, is strongly supported under Development Plan policy and national planning policy and I consider is urgently required given the current housing crisis in London.

5.50 The LBW Statement of Case (CD 9.01) at paragraph 6.10 (2) in response to the Appellant Statement of Case and the weight to be attached to housing states that "*agreed but must be seen in context of 5 Year Housing Land Supply and delivery obligations being met*". The Proposed Development is designed so that affordable housing is integrated into the building and to present a tenure blind proposal. At no time during the application process did LBW raise any queries in relation to the delivery of housing and/or affordable housing. Indeed, I understand that LBW encouraged the Appellant to deliver 50% affordable housing – not surprising given the substantial and pressing need for affordable housing in London and the borough. No request for a viability assessment was raised by LBW – quite rightly in my view because there is no national or development plan policy that requires such and to do so would be contrary to London Plan Policy H5(E). The Officer Report gives significant weight to the delivery of affordable housing and raises no concerns in relation to delivery (paragraph 20.29, CD 3.01). DS2 also provide further commentary on deliverability of the Proposed Development in their report at Appendix G.

5.51 To assist the inquiry, the Appellant has provided a letter to clarify the Appellants position in respect of the delivery of the project. In summary, the letter confirms that in the Appellant's opinion the Proposed Development is both commercially viable and deliverable. The letter is contained at Appendix A of my Proof of Evidence.

5.52 LBW and the Appellant have been liaising in relation to the Council's 5 year housing land supply following the publication of its AMR (CD 5.17) on 14 January 2026. The result of those discussions, based on the Council's latest correspondence by email dated 17 January 2026

to the Appellant, is that the Council has indicated it has a 5.5 year housing land supply and not the 6.1 years reported under the AMR (CD 5.17); it is worthy of note that LBW had a 6.8 year housing land supply position in October 2024 (paragraph 20.14, page 178, CD 9.01). I remain unconvinced that the evidence put forward by the Council is sufficiently robust to meet the tests under the PPG and there remain queries on the deliverability of a number of sites. Nonetheless, in the interests of time and ensuring that the inquiry runs smoothly, the Appellant has agreed that the Council has a 5 year housing supply at 5.5 years.

- 5.53 The decrease to 5.5 years housing land supply, is not now “well above requirements” as indicated in LBW’s Statement of Case (paragraph 20.15, page 178, CD 9.01). I consider that the 5 year housing land supply is fragile, particularly given the uncertainties that remain in relation to the delivery of a number of sites in the AMR, and the continuing projected decline in housing delivery in the borough and London. That is a material consideration in the determination of the Appeal and must further add to the weight to be given to the delivery of housing on the Appeal Site.

Summary on housing need and delivery

- 5.54 It is well known that the housing market in London has been in decline for several years and that there are substantial challenges involved in housing delivery due to build cost inflation, stagnant housing prices, higher interest rates and Gateway 1 and 2 approval requirements. It is that level of decline in housing delivery that prompted MHCLG and Mayor of London to issue emergency measures to recognise the dramatic and unprecedented fall in housing delivery and introduce emergency measures under a Ministerial Statement and draft LPG (CD 5.31).
- 5.55 At a London level, the latest London completions show that there has been a dramatic decrease in housing completions in 2025/26 with only 4,261 housing completions against an annual target of 52,287 homes – just 8.1% of target. The previous 4 years show a consistent under delivery of housing across London when measured against the London Plan housing target ranging from 63-76%. For the years 2024/25, 2025/26 and 2026/27, the LBW projected annual delivery will be 4,619 units which is only 78% of the target over 3 years. Based on those projections, LBW under paragraph 79 of the NPPF would require an action plan and a 20% buffer and may even fall into ‘tilted balance’ under Paragraph 11 of the NPPF. The housing projections under the latest AMR (CD 5.17) all point towards LBW not meeting its housing targets over the next 4 years and failing the Housing Delivery Test. I consider

these projections are a material consideration in the determination of the Appeal and must add to the weight that should be attached to the 110 residential units that are proposed.

5.56 LBW and the Appellant have been liaising in relation to the Council's 5 year housing land supply following the publication of its AMR (CD 5.17) on 14 January 2026. The result of those discussions, based on the Council's latest correspondence by email dated 17 January 2026 to the Appellant, is that the Council has indicated it has a 5.5 year housing land supply and not the 6.1 years reported under the AMR (CD 5.17); it is worthy of note that LBW had a 6.8 year housing land supply position in October 2024 (paragraph 20.14, page 178, CD 9.01).

5.57 The decrease to 5.5 years housing land supply, is not now "well above requirements" as indicated in LBW's Statement of Case (paragraph 20.15, page 178, CD 9.01). I consider that the 5 year housing land supply is fragile, particularly given the uncertainties that remain in relation to the delivery of a number of sites in the AMR, and the continuing projected decline in housing delivery in the borough and London. That is a material consideration in the determination of the Appeal and must further support the weight to be given to the delivery of housing on the Appeal Site.

5.58 Irrespective of the 5 year housing land supply, it is clear in my view that the delivery of housing on the Appeal Site will make a substantial contribution to meeting LBW's and London's housing targets and increase delivery rates. The delivery of 110 residential units, of which 50% of the total habitable rooms is social rented affordable housing, is strongly supported under Development Plan policy and national planning policy and I consider is urgently required given the current housing crisis in London.

Reason for Refusal 1

5.59 Reason for Refusal 1 states:

"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

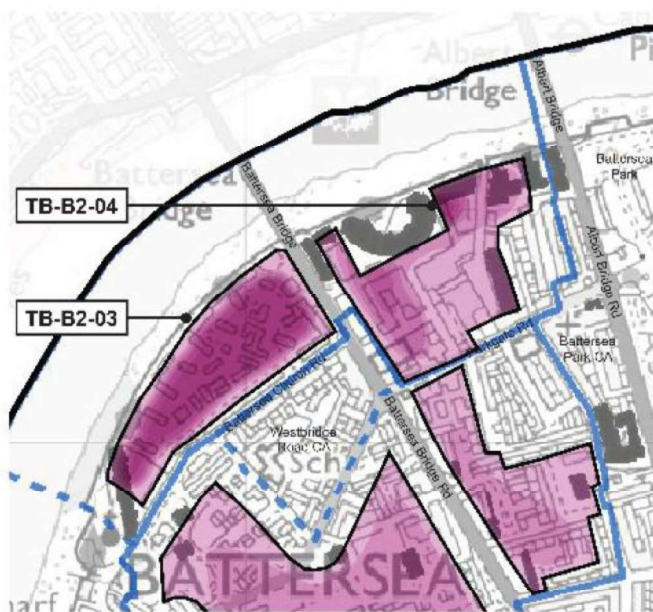
and Mid-rise Buildings) of the Wandsworth Local Plan 2023.”

Development Plan

- 5.60 The Appeal Site is identified on the Policies Map of the adopted Local Plan (CD 5.02) within an area of mid-rise buildings where 6 storeys is the maximum height. The Appeal Site adjoins and lies immediately west of an identified Tall Building Zone TB-B2-04. The Local Plan identifies TB-B2-04 (see Figure 1 below) and the 1980s housing estate (‘Morgans Wharf’) to the west of Battersea Bridge Road as an area where the prevailing height is 3-18 storeys and the appropriate height for tall buildings is 7-12 storeys (Appendix 2, page 457, CD 5.02).

Figure 5.1: Extract from Local Plan

TB-B2-03 and TB-B2-04



Existing prevailing height: 3-18 storeys

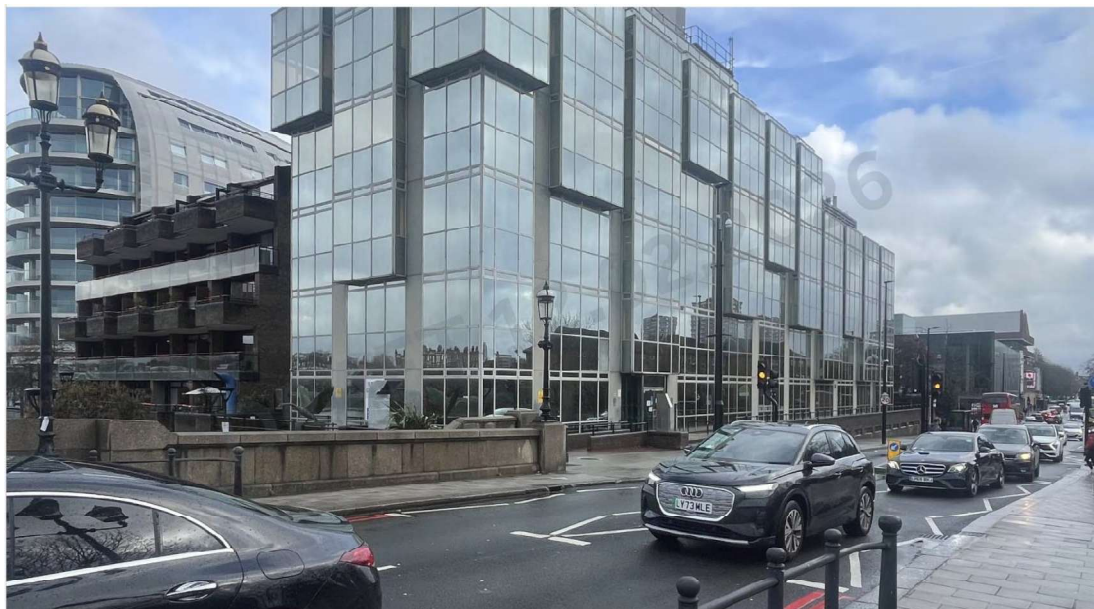
Appropriate height: 7-12 storeys (21-36m)

- 5.61 Local Plan Policy LP4: tall and mid-rise buildings (strategic policy) is listed in Reason for Refusal 1 and is the primary policy in relation to the assessment of tall buildings. The formulation of this policy was based on the Urban Design Study of 23 December 2021 (CD 5.16). Dr Miele observes that the conclusions reached in relation to the appropriate heights for buildings in the Battersea Riverside character area identified in the Urban Design Study were based on the sensitivity of the River Thames and Battersea Park to change, the

sensitivity of the Westbridge Road Conservation Area to change and impact on the setting of the listed buildings: Battersea Bridge, Albert Bridge and St Mary's Church. As Dr Miele observes at paragraph 3.24 (page 21, CD 8.03), the Urban Design Study will always have limitations not being site specific. I acknowledge that is understandable given the strategic nature of the Urban Design Study but the Appellant has now undertaken such work allowing for a robust assessment of the impact on the River Thames, Battersea Park and heritage assets to be properly understood. I consider that the conclusions of the Urban Design Study therefore need to be viewed in that context.

5.62 Turning to the Appeal Site, it is situated on Battersea Bridge Road, immediately to the east of Battersea Bridge which is Grade II listed. The Appeal Site is currently occupied by a 5-6 storey existing office building that was developed in the 1980s. The building is of mirror glass and metal cladding and typical of its era. When viewed from the north, the roofscape presents a plethora of unattractive plant and telecommunications equipment. I agree with Dr Miele the existing office building can be considered to be 'crudely designed'. I consider it to be of very limited architectural quality making no meaningful contribution to the townscape.

Figure 5.2: Existing office building on the Appeal Site viewed from Battersea Bridge



5.63 I consider that the existing building and its public realm perform very poorly in urban design terms. The building presents blank and dead frontage to Battersea Bridge Road and the River, offering no animation or interest. The public space fronting the River is unattractive, with hard surfaces of low quality materials. The public realm is generally unusable due to its

layout and level changes, and is unwelcoming.

- 5.64 My opinion on the quality of the existing building is consistent with those expressed by Officers in pre-application discussions on a similar tall building proposal in 2018:

“The existing building is a dated 1980’s office block clad in reflective glass and with a significant amount of unattractive visual clutter at roof level. The building detracts from the setting of the listed bridge and the Battersea Bridge Road streetscene. The proposal offers an opportunity to replace it with a building of much greater architectural quality.” (page 5/6, Appendix B)

- 5.65 There has been no material change in the physical circumstances of the Appeal Site since that time which should result in a different conclusion being reached by Officers.

- 5.66 Visually, the existing building and the Appeal Site are at a prominent point being located on the River adjacent to the Grade II listed Battersea Bridge. The dominant features in the immediate townscape are the large scale structure of Battersea Bridge and the wide and expansive River Thames, measuring some 225m in width at the point of the Appeal Site.

- 5.67 Immediately east of and adjoining the Appeal Site is Thameswalk Apartments, a brick building which is of 6 storeys which appears to have been built at the same time as the existing office building on the Appeal Site. Beyond the Thameswalk Apartments lies Albion Riverside, a U-shaped modern building designed by Foster & Partners which is of a substantial scale and 11 storeys in height. To the south of the Appeal Site is located the modern Dyson building of the Royal College of Arts which is 3-6 storeys. To the west of Battersea Bridge is a low density 1980s planned residential estate (‘Morgans Wharf’) that is 4 storeys, gated and fronts the River.

- 5.68 Being located at the bend in the River, the spatial context of the Appeal Site is extensive, it abuts Battersea Bridge on the main national route north and south through London and sits between two Tall Building Zones. There are a number of tall buildings which are visible and experienced from the Appeal Site and various viewpoints on the north and south of the River. These taller buildings include: Worlds End Estate (20 storeys), Chelsea Waterfront (37 storeys), Belvedere Heights (20 storeys), Lombard Wharf (26 storeys), Montevetro (19 storeys), Selworthy and Park House (19 storeys) and Gardiner, Macey, Cramer and Compton House (21 storeys, part of the Surrey Lane Estate) (see page 17, CD 1.07).

- 5.69 These individual taller buildings form part of the visual background to the Appeal Site and part of the spatial context and riverside character of the area. From my visit to the Appeal Site, you are fully aware of the presence of these modern, taller buildings in the wider area and these form part of the overall urban and townscape experience. West of Battersea Bridge both on the north and south side of the River Thames I consider there is a spatial character that emerges of generally low and mid-rise buildings with interventions of tall, modern buildings. Hence, the proposition being put forward on the Appeal Site, of a tall building surrounded by mid-rise buildings, is not out of step with the spatial hierarchy and riverside character of the area.
- 5.70 Located at the bend in the River, the abutment to Battersea Bridge, being on the main national route north and south through London and its location between two Tall Building Zones, in my view means that Appeal Site is not ordinary. This is exactly the type of site that I believe the Inspectors' in their report on Local Plan Policy LP4 (CD 6.11) were contemplating could accommodate a tall building outside of a Tall Building Zone.
- 5.71 I agree that the Proposed Development would result in a transformative change to the immediate character and appearance of the area, as is often the case with the introduction of a tall building. However, I do not agree with Reason for Refusal 1 that the change will be incongruous or result in a building that is overbearing. The provision of a tall building on the Appeal Site would be in contrast with the immediate height of mid-rise buildings but that change would be a positive one in my view, replacing a building of poor architectural quality that is failing to optimise the Appeal Site with a building of the highest architectural quality. I consider its scale and architecture would complement the scale and architecture of Albion Riverside and read together in views from the north and Battersea Bridge, the two would form a coherent and understandable group of buildings. In townscape terms, the building could also perform and have the benefit of marking Battersea Bridge on the south side of the River Thames, aiding legibility and acting as a landmark gateway into the borough.
- 5.72 I note that in the pre-application discussions for a tall building on the Appeal Site in 2018, Officers views were consistent with my own: *"A tall building in this location next to Battersea Bridge - a gateway to the borough- would act as a landmark and reference point. This location is therefore considered appropriate for a tall building"* (page 5, Appendix B).
- 5.73 Officers have expressed specific concerns in relation to the harm to the Westbridge Conservation Area which lies to the south west of the Appeal Site and is an area of consistent

building heights of around 2-3 storeys. In townscape terms, the Proposed Development would be visible in views 17, 20, 21 and 26 from the Westbridge Conservation Area. Officers considered in their Committee Report that the Proposed Development would be “*overly dominant*” have a “*deleterious impact on townscape and streetscape views in the Conservation Area*” and would be “*grossly out of scale with its surroundings and impact on one’s experience of the more intimate scale and consistent form of buildings within the Conservation Area*”. The presence of the Proposed Development in these townscape views is typical of many parts of London where taller modern buildings emerge against the backdrop of low and mid-rise buildings. Dr Miele observes that “*the scale change is perceived from Westbridge Road Conservation Area and related areas at an oblique angle, and from areas of land where scale contrasts are an established part of the asset’s character*” (paragraph 6.45, page 55, CD 8.03). Dr Miele concludes that “*the proposals do not undermine our ability to appreciate the historic, architectural characteristics of this surviving historic townscape*” (paragraph 10.122, page 101, CD 8.03). I agree with Dr Miele that there is no harm to the townscape or streetscape from the Westbridge Road Conservation Area.

- 5.74 I do not agree with Officers that the proposal would be so visually dominant in views to the extent that it would detract from the arches of Battersea Bridge over the River Thames. Battersea Bridge has a strong ‘industrial’ character and its scale and architectural robustness mean that in my view there would be no dilution of the appreciation of Battersea Bridge as a result of the Proposed Development. Dr Miele concludes that “*the proposals do not harm the ability to appreciate the engineering and aesthetic interest of the bridge; and in certain respects, the proposals do more, enhancing appreciation of the bridge’s significance*” (paragraph 10.71, page 98, CD 8.03). I agree.
- 5.75 Dr Miele has undertaken his own assessment of the impact of the Proposed Development on townscape views and heritage impact. Dr Miele concludes some limited, and therefore relatively low, less than substantial harm to Albert Bridge, when seen over part of the Embankment and a positive heritage benefit to the setting of Battersea Bridge (paragraph xli, page 7, CD 8.03). In townscape terms, Dr Miele concludes that the proposals are consistent with the character of the area, and will add positively to townscape character (paragraph xxxvi, page 6, CD 8.03).
- 5.76 It is notable that heritage does not form part of Reason for Refusal 1. I address the statutory and policy requirements when considering the impact on heritage assets in paragraphs 5.115- and 5.143 below. In summary, it is agreed between the Appellant and LBW that if the

Proposed Development generates a level of less than substantial harm to some heritage assets and that such harm would need to be outweighed by the public benefits of the Proposed Development in line with paragraph 215 of the NPPF.

5.77 Before I turn to a detailed assessment of the specific Development Plan policies referred to in Reason for Refusal 1, it is important to consider the design quality of the Proposed Development. As the LBW Statement of Case (CD 9.01) states, *“The LPA is not seeking dismissal of the appeal on detailed design per se,..”*. I would infer that to mean architectural design, e.g the external appearance of the building, its materiality, fenestration and façade details. The Officer Report (CD 3.01), at paragraphs 2.97-2.101 assesses the architectural quality of the building. Officers do not raise any issue with the architectural quality of the building. It is agreed between the Appellant and LBW in the Statement of Common Ground that *“the proposed detail and materiality are generally acceptable”*.

5.78 The GLA Stage 1 report (CD 11.08) was supportive of the form, massing and architectural quality stating:

“42. The reduction in the proposed shoulder height since pre-application stage is positive and beneficial to the building’s proportions, and relates better to the immediate context than earlier iterations.

43. Overall, the architectural quality of materials proposed is good. The tower is slender in long-range and mid-range views, in part helped by the simple and legible approach to massing and the curved profile of the tower. The tower has a legible base, middle and crown in line with Policy D9 of the London Plan. The base is particularly successful at creating an animated and lively pedestrian experience. Whilst GLA officers are of the view that the crown could be better articulated, overall the proposed materials and the architectural language is considered appropriate.”

5.79 Two sessions were held with the Design Review Panel (‘DRP’) prior to the submission of the planning application in December 2023 and February 2024. The Appellant made the decision not to go back to the DRP prior to submission of the Application on the basis that it considered that the majority of the design related comments had been addressed or if they had not, there were sound reasons why a different approach was being adopted both in design and planning terms.

- 5.80 I note that key comments made by the DRP were around the justification of the height and harm (including heritage harm) and whether this would be outweighed by benefits. In the DRP letter of 6 March 2025 (CD 12.02), it is stated that *“we are not convinced the public benefits offered as mitigation are sufficient”*. Evidently it is not in the DRP’s remit to opine on whether the package of public benefits outweigh the harm caused by the development. The DRP position is not shared by LBW, who find that harm to heritage assets is outweighed by public benefits.
- 5.81 The comments of the DRP were not ignored; clear responses were given to each point raised at the two DRP’s as set out in the Design and Access Statement (pages 23 and 24, CD 1.07). Those responses addressed matters in relation to ground floor layout, access, base of the building, public realm and planting. Where comments of the DRP were not taken on board, the reasons for this were explained.
- 5.82 Policy D4 of the London Plan (CD 5.01) advises that Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny. It is agreed between LBW and the Appellant (paragraph 10.36, page 32, CD 7.01) that Policy D4 has been met as the Proposed Development was considered before the DRP in December 2023 and February 2024.
- 5.83 It should also be remembered that the DRP are solely focused on achieving what is considered to be the ‘best possible design outcome’, whereas the Appellant and LBW have to consider other factors which are critical to the functionality and deliverability of the Proposed Development and ultimately the wider planning balance. The comments of the DRP therefore need to be seen in that context.
- 5.84 Mr Barbalov’s and Dr Miele’s Proofs of Evidence (CD 8.02 and CD 8.03), set out in detail the design rationale for the Proposed Development and outline and assess its architectural quality. I rely on Mr Barbalov’s and Dr Miele’s evidence on architectural quality.
- 5.85 In relation to the assessment of the design against Development Plan policy, Policy LP1 and PM1 of the Local Plan (CD 5.01) are not listed within Reason for Refusal 1. Nonetheless, I have assessed the Proposed Development against Policy LP1 and PM1 below.

Table 5.3: Assessment against Policy LP1 of the Local Plan

<p>A. Development proposals must reflect and demonstrate that the following principles have been applied having had regard to their relevance within the context of the scale and nature of the development proposed:</p> <p>1. Use a design-led approach to optimise the potential of sites so that the layout and arrangement of buildings ensure a high level of physical integration with their surroundings and consideration of broader placemaking.</p> <p>2. 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 and the emerging character (where the context is changing).</p>	<p>It is agreed between LBW and the Appellant that the Proposed Development adopted a design-led approach in accordance with Policy D4 of the London Plan (paragraph 10.36, page 32, CD 7.01).</p> <p>Mr Barbalov’s (CD 8.02) and Dr Miele’s Proof of Evidence (CD 8.03) explain in detail the approach to scale, massing and appearance of the Proposed Development and the impact on the townscape. I consider that the scale and massing of the Proposed Development responds to its immediate and wider context providing a building of the highest quality. The taller element is set within the broad spatial context of the River Thames and the numerous towers that appear within the wider area. The rear element steps down to 10 storeys to reflect the more mid-rise buildings of the RCA and Albion Riverside. The scale and massing proposed would relate positively to the two Tall Building Zones to the east and west (TB-B2-03 and 04) which propose heights of 7-12 storeys.</p>
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	<p>The layout of the building takes advantage of its physical characteristics as a narrow site with differing levels, optimising the Appeal's Site potential for housing and delivering active and permeable ground floor frontages to enliven the River Thames and Battersea Bridge Road. The Proposed Development will make a positive contribution to the local character of the area, in contrast to the existing building on the Appeal Site that is of low quality, and a negative contributor to the character of the area.</p>
<p>3. Demonstrate meaningful and consistent engagement with local communities that gives them the opportunity to shape development from the early stages and throughout the planning process.</p>	<p>The Proposed Development was the subject of a series of public consultation events with local communities from an early stage and comments were used to shape the development. Details are provided in the Statement of Common Ground (paragraph 5.6-5.9, pages 16-17, CD 7.01) and in the Statements of Community Involvement.</p>
<p>4. Avoid creating a canyon effect through appropriate set back; and by stepping down heights to avoid adverse impacts on local character and the street scene.</p>	<p>There would be no canyoning effect as a result of the Proposed Development. The building represents a singular form and it benefits from the wide expanse of the River Thames to the north and Battersea Bridge to the west. The taller element is located to the north on the River with a step down to the south along Battersea Bridge Road as a transition to the mid-rise and lower scale buildings that exist in the</p>

<p>5. Ensure the urban grain and site layout take account of and improve existing patterns of development and movement, permeability and street widths in order to contribute positively to well-being and enhance active travel.</p> <p>6. Provide recognisable, legible and tree-lined street networks and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and to promote accessibility, social interaction, health and well-being.</p> <p>7. Include well-located public spaces that support a wide variety of activities, and provide a high quality public realm, satisfying the criteria set out in London Plan Policy D8.</p>	<p>immediate context. Dr Miele finds no adverse impacts on local character or street scene as a result of the Proposed Development.</p> <p>The Proposed Development would improve permeability around the Appeal Site by delivering significant enhancements to the public realm to the River Thames; improving accessibility for all. There would be improvements to the public realm along Battersea Bridge and to the south on Hester Road. These improvements would all contribute to enhancing active travel by foot and cycle.</p> <p>Trees are provided along Battersea Bridge Road and to the public realm fronting the River Thames. The Appeal Site's edges are well defined by the proposed building to the River Thames, Battersea Bridge Road and Hester Road with a strong base to the building and active ground floors. The active ground floors include restaurant, residential, office and community uses which all contribute to activity and informal and formal social interaction, and health and well-being.</p> <p>The main public space is located at the River Thames and will deliver a high quality public realm with hard and soft landscaping, accessible to all. The public space will include public art, an amphitheatre and enhanced lighting.</p>
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<p>8. Ensure that the proposed finishing materials and façade design (such as the degree of symmetry, variety, the pattern and proportions of windows and doors and their details) demonstrate an appreciation and understanding of vernacular, local character and architectural precedents in the local area, while not preventing or discouraging appropriate innovation.</p>	<p>Under the building’s colonnade along Battersea Bridge Road are raised planters, trees, high quality paving, seating and lighting. Further planting and public realm improvements are proposed to Hester Road. I consider the criteria under Policy D8 of the London Plan to be satisfied.</p> <p>The design of the façade has been carefully considered by the Appellant’s design team. The ground floor western façade along Battersea Bridge Road takes direct inspiration from the rhythm and language of Battersea Bridge, expressed through a five-arched colonnade that incorporates entrances and active uses while creating a protected threshold away from the road. The middle part of the building is of horizontal terracotta banding and glazing and draws on the design inspirations and precedents in the area. There are variations in the ratio of solid to glass to address solar shading and the different local context.</p> <p>Terracotta and light grey metal are proposed for the middle and upper parts of the facades of the building, providing a consistent appearance that responds appropriately to the building’s height and its townscape context. The material reflects the colour and texture range found in the surrounding area, allowing the building to relate positively to its context while maintaining a contemporary</p>
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<p>9. Maximise active frontages / ground floor uses facing main pedestrian routes, having regard to the location of the site; and ensure that ground floor design provides high-quality and safe access for pedestrians and cyclists.</p> <p>10. Demonstrate an integrated approach to hard and soft landscape design which maximises urban greening, integrates existing and incorporates new, natural features into a multifunctional network that supports quality of place, biodiversity and water management.</p> <p>11. Minimise opportunities for crime and antisocial behaviour including terrorist activities in a site-specific manner, based</p>	<p>character. Terracotta has been selected for its durability, longevity, environmental performance, and suitability for prefabrication.</p> <p>The crown of the building has a gently curved plan reducing perceived mass and creates a refined, understated profile when viewed both along and across the River Thames.</p> <p>The ground floor of the building maximises active frontage to the River Thames and Battersea Bridge Road through the provision of restaurant, residential, office and community uses. The ground floor colonnade provides a double height space that provides a strong visual presence to the street and provides high quality and safe access for pedestrians and cyclists.</p> <p>Urban greening has been maximised and the target of 0.4 has been achieved in accordance with Policy G5 of the London Plan (CD 5.01) and LP57 of the Local Plan (CD 5.02). The Proposed Development exceeds the 10% Biodiversity net Gain at plus 39.24%. A SuDS strategy which includes green (or brown) roofs and rainwater garden is proposed to manage surface water.</p> <p>The Metropolitan Design Out Crime Officer was consulted on the Application and requested that a Management Plan be</p>
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<p>on an understanding of the locality and the potential for crime and public safety issues.</p> <p>12. Achieve the highest standards of accessible and inclusive design, in accordance with the London Plan Policy D5.</p>	<p>prepared to address matters of anti-social behaviour, terrorism and crime. LBW and the Appellant have agreed that a planning condition be attached to any forthcoming planning permission to require a public realm management plan, details of security equipment and Secure by Design.</p> <p>The Proposed Development has been designed to the highest standards given the context of the project, so that it can be comfortably and independently used by people living in and visiting the development, and the wider community. The Design and Access Statement includes a section on inclusive access (Chapter 11, page 126, CD 1.07). It is agreed between LBW and the Appellant that the Proposed Development accords with Policy D5 of the London Plan (paragraph 10.50, CD 5.01).</p>
<p>B. The Council will secure the creation of beautiful, well-designed and high-quality places by:</p> <ol style="list-style-type: none"> 1. Encouraging the use of its pre-application service; 2. Encouraging meaningful developer-led public engagement in advance of the submission of a planning application; 3. Undertaking a review of the design of appropriate major schemes using the Council's Design Review Panel; and 4. Expecting the development of 	<p>The Appellant entered into an extensive pre-application process, undertook public engagement and two DRP's. The Appeal Site is not sufficient in scale to require a masterplan approach.</p>

masterplans or concept frameworks where sites are clustered.	
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5.86 Based on my assessment above, I consider that the Proposed Development accords with Policy LP1 of the Local Plan (CD 5.02). I consider that the Proposed Development is of the highest quality and would meet the test for a tall building under paragraph 14.36 of the Local Plan which states tall buildings “*must be of exemplary design*”.

5.87 In relation to Policy PM1, Part A of the Local Plan (5.02) states that “*Planning permission will be granted where the proposed development positively addresses the Placemaking, Inclusive Growth and People First principles and where the development would be in accordance with all other relevant development plan policies and the detailed requirements and considerations set out in the Area Strategies and Site Allocations*”. The Placemaking, Inclusive Growth and People First Principles are outlined in Table 3.1 of the Local Plan (pages 41 and 42, CD 5.02) and I assess compliance below:

Table 5.4: Extract of Table 3.1 of the Local Plan

Placemaking	Inclusive Growth	People First
<p>Manages traffic and provides good public transport connectivity.</p> <p>Comment: The Proposed Development delivers walking and cycling improvements, and has good accessibility to public transport.</p>	<p>Provides an active local economy that delivers work and opportunity.</p> <p>Comment: The Proposed Development delivers affordable workspace that will provide local economic activity and employment opportunities.</p>	<p>Supports active travel (walking and cycling) that ensures ease of movement and accessibility.</p> <p>Comment: The Proposed Development improves walking and cycling around the Appeal Site to improve accessibility as well as short- and long-term cycle parking and required standards. A Travel Plan is proposed to be conditioned as part of the S106 Agreement to support non-car use.</p>
<p>Provides and values inclusive, accessible and connected open spaces for recreation.</p> <p>Comment: The Proposed Development delivers high standards of inclusive access and improvements to open space.</p>	<p>Provides sustainable housing (type, tenure and affordability) to meet local need.</p> <p>Comment: The Proposed Development includes 50% social rented housing (by habitable room) along with</p>	<p>Ensures that day-to-day facilities are accessible (15-minute neighbourhood).</p> <p>Comment: The Proposed Development is located in a highly accessible area and within a 15 minute walk/ 4 minute cycle of Battersea</p>

	private housing in a mix of unit types to meet local housing need.	Park Road Local Centre which has a range of food, non-food and services to meet day to day needs.
<p>Promotes identity in the townscape and values heritage.</p> <p>Comment: The Proposed Development will deliver a memorable and distinctive building of high quality in the townscape which has had regard to heritage.</p>	<p>Responsive development, through site allocations, that promotes contextual development to meet local social, environmental and economic need.</p> <p>Comment: For the reasons given above, it is considered the Proposed Development is contextual and will deliver a wide range of social, environmental and economic benefits as identified further below.</p>	<p>Improves and maximises lifestyle choice (in transport, housing, leisure and work).</p> <p>Comment: The Proposed Development will deliver short and long term cycle parking and required standards. A Travel Plan is proposed to be conditioned as part of the S106 Agreement to support non-car use.</p>
<p>Ensures good and lasting urban design and architectural practice to create beautiful places and a coherent built form.</p> <p>Comment: The Proposed Development is of the highest architectural quality which is founded on strong urban design principles to deliver improved street edges, activity and spaces.</p>		
<p>Delivers efficient infrastructure and built resilience (including digital connectivity).</p> <p>Comment: The Proposed Development includes a community centre, open space improvements, child playspace and provision for digital infrastructure.</p>	<p>Promote and support mixed-use development.</p> <p>Comment: The Proposed Development is mixed use and include residential, restaurant, office and community uses.</p>	<p>Improves and maximises physical and mental health and well-being.</p> <p>Comment: The delivery of the public open space, rooftop amenity space for residents and the provision of the community space will all improve physical and mental health and well-being.</p>
<p>Engages with nature to support biodiversity and climate change management through blue/green infrastructure and sustainable drainage.</p> <p>Comment: The Proposed</p>		

Development includes green (or brown roofs), SuDs and biodiversity improvements.	
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- 5.88 For the reasons set out in Table 5.4 above, I consider that the Proposed Development complies with Part A of Policy PM1 of the Local Plan (CD 5.02). In relation to Part B of Policy PM1, this requires a masterplan approach to sites that form part of a cluster in an Area Strategy – the Appeal Site does not form part of a cluster. Part B further states that outside of clusters, planning applications should demonstrate that proposals will not prejudice the development of adjoining sites. The Appeal Site adjoins Thameswalk Apartments to the east, which is an established residential development that is unlikely to come forward for development in the future, and to the west is Battersea Bridge and to the south Hester Road. Therefore, I consider that the Proposed Development would not prejudice any future development on adjoining sites and the Proposed Development complies with Part B of Policy PM1. In relation to Part C of Policy PM1, this merely confirms that further guidance that is published in relation to an Area Strategy will be a material consideration. Overall, I therefore consider that the Proposed Development complies with Policy PM1 of the Local Plan.
- 5.89 I have already considered above Parts A, B and C of Policy D3 of the London Plan (CD 5.01). Part D of Policy D3 provides design criteria in relation to form and layout, experience and quality and character. The criteria under these policies is similar to that under Policy LP1 of the Local Plan and I find compliance with Part D of Policy D3 of the London Plan. Part E of Policy D3 of the London Plan does not apply as it relates to site allocations and the Appeal Site is not a site allocated for development.
- 5.90 Turning to the specific requirements of Policy PM9 and Policy LP4 of the Local Plan (5.02). Part 4 of Policy PM9 states that *“Development proposals for tall or mid-rise buildings in Wandsworth’s Riverside will only be supported in zones identified in Appendix 2. Any proposal for a tall or mid-rise building will need to address the requirements of Policy LP4 (Tall and Mid-rise Buildings) as well as other policies in the Plan as applicable”*. Part A of Policy LP4 states that *“buildings which are 7 storeys or over, or 21 metres or more from the ground level to the top of the building (whichever is lower) will be considered to be tall buildings”*. The Proposed Development would be considered a tall building for the purposes of Policy LP4 and the Local Plan.

5.91 Part B of Policy LP4 is similar to Part 4 of Policy PM9 and states that *“Proposals for tall buildings will only be appropriate in tall building zones identified on tall building maps included at Appendix 2 to this Plan, where the development would not result in any adverse visual, functional, environmental and cumulative impacts”*. The Appeal Site is not located in a Tall Building Zone on the maps in Appendix 2. Part B further states that *“Planning applications for tall buildings will be assessed against the criteria set out in Parts C and D of the London Plan Policy D9 and those set out below as follows”*. Policy LP4 of the Local Plan therefore aligns with Policy D9 of the London Plan (5.01) in that where a tall building is outside a Tall Building Zone, the assessment criteria for a tall building would be applied and in this case that is parts B (1-19), Parts C, D, E, F, G and H of Policy LP4 along with Part C and D of Policy D9 of the London Plan. In Tables 5.5 and 5.6 below, I undertake an assessment of the Proposed Development against Policy LP4 and Policy D9 below.

Table 5.5: Assessment against Policy LP4 of the Local Plan

Policy	Assessment
B.	
Visual Impacts	
1. That the proposal respects and responds to key views and their associated corridors towards and from strategic landmarks and heritage assets across both the borough and neighbouring boroughs. That the proposal respects and responds to key views and their associated corridors towards and from strategic landmarks and heritage assets across both the borough and neighbouring boroughs.	Dr Miele has undertaken an assessment of the visual impact of the Proposed Development on key view and heritage assets and concludes some limited, and therefore relatively low, less than substantial harm to Albert Bridge, when seen over part of the Embankment and as detailed above, a positive heritage benefit to the setting of Battersea Bridge. In townscape terms, Dr Miele concludes that that the proposals complement this townscape character and add to it positively, enhancing it, by adding another distinguished building.
2. The proposed location of the tall building(s) must avoid creating substantial visual interruptions in areas	The Appeal Site’s immediate context is not within a location where there are very consistent building heights and/ or roof

<p>with otherwise very consistent building heights and/or roof lines.</p>	<p>lines. The heights and scales of buildings vary considerably in the immediate context from 4 -11 storeys with wide variation in architectural style and roof lines.</p> <p>The Westgate Conservation Area to the south is an area of Victorian villas with relatively consistent building heights and roof lines and the Proposed Development would be visible from within the Conservation Area, for example View 20 of the Built, Heritage and Townscape Assessment. However, based on Dr Miele's conclusions on townscape impact, I do not consider that would amount to a substantial visual interruption.</p>
<p>3. Proposals should be designed to reflect and respond to an analysis of relevant key view corridors towards the site to ensure the location, form, detailing and prominence of the tall building(s) are appropriate within the wider context.</p>	<p>Farrells worked closely with Montagu Evans through the design process to test key view corridors towards the Appeal Site. This work had a direct influence on the form of the Proposed Development, for example the adoption of a plinth/ lower block to the rear landward side and a taller element to the River, as well the architectural detailing of the building.</p>
<p>4. The design of the lower, middle and upper parts of any tall building should result in the creation of a visually coherent scheme both in terms of the building itself, how it relates to the surrounding area and how it would appear in any mid-range and long-range views.</p>	<p>The building has been designed to have a clear base, middle and top which is legible and visually coherent in local, mid and long-range views. Dr Miele's Proof of Evidence (CD 8.03) outlines in detail how the proposals relate to the surrounding area and appear in mid-range and long-range views.</p>
<p>5. Planning applications should be supported by graphic 3D modelling. The</p>	<p>The planning application included a comprehensive set of graphic 3D modelling</p>

<p>3D modelling must incorporate any existing tall buildings or those where an extant planning permission is in place to ensure that the individual and cumulative impact of the proposal is fully assessed including in relation to its impact on the existing skyline.</p>	<p>included in the Built, Heritage, Townscape and Visual Impact Assessment (CD 1.03).</p>
<p>6. Development proposals affecting the setting and approaches of the Westminster World Heritage Site, will be required to address all criteria set out in Part B of Policy LP3.</p>	<p>All of the criteria under Part B of Policy LP3 has been addressed. The Proposed Development would not affect the setting of the Westminster World Heritage Site.</p>
<p><i>Spatial Hierarchy</i></p>	
<p>7. The massing of any proposed tall buildings should be proportionate to the local environment, including when taking into consideration the width of publicly accessible areas adjacent to the proposed building(s) as well as the proximity to public open spaces, parks and watercourses, and should be designed so as not to create an overbearing impact having regard to its context.</p>	<p>For the reasons previously set out above, I do not consider that the Proposed Development would create an overbearing impact having regard to its context, when that context is properly understood. Whilst there will be a notable change in height and scale as a result of the Proposed Development, Dr Miele concludes that that the Proposed Development complements the townscape character and adds to it positively, enhancing it, by adding another distinguished building.</p>
<p>8. Where tall buildings are proposed to be located in close proximity to publicly accessible areas, measures should be incorporated to soften their edges and create high-quality public spaces including through the use of generously sized, safe and attractive walkways and the introduction of soft landscaping, including trees of an appropriate scale for the space to which it relates.</p>	<p>The immediate public areas of the Appeal Site would be subject to extensive improvements which will deliver high quality public spaces, trees and planting. The public space to the River Thames will be transformed into a high quality public space that is far more accessible and attractive to all. Soft landscaping treatment is proposed to soften the edges adjacent to the River Thames. Trees,</p>

	planters and ornamental planting are proposed along Battersea Park Road to soften the edges and improve the attractiveness of the street.
<i>Tall buildings near the River Thames frontage</i>	
9. Tall buildings should not result in the creation of development which would impede the outlook and/or amenity of occupiers of existing buildings or users of public spaces having regard to their relationship with the river frontage.	The River frontage would not be impeded for occupiers of existing buildings or users of the public space.
10. Where appropriate, the massing of proposed tall buildings should take into account their landward facing orientation and provide sufficient articulation, including through devices such as a 'step down,' in order to provide an appropriate transition between the proposed building(s) and those of a lower height.	Careful consideration was given by Farrells to the treatment of elevations that face the River Thames or are visible in views along the River. The proposed building includes a step down and lower element of 10 storeys away from the River Thames as a deliberate mechanism to reduce the building's mass when viewed from the River Thames and other viewpoints. Further information is contained in the Proof of Evidence of Dr Miele (CD 8.03).
11. Where relevant any proposed tall building(s) should be set back from the Thames Path to ensure that it continues to provide a welcoming public route or where it would provide an opportunity to enhance its attractiveness and usability.	The proposed building is set back from the River Thames by 16.2m allowing for the delivery of high quality public realm and the continuation of the Thames Path. The proposed public realm would result in a significant upgrade to the public realm in terms of layout, accessibility, paving, lighting, planting, biodiversity and public art provision.
<i>Microclimate and Lighting</i>	
12. The design of any tall building should avoid including lighting features which	LBW and the Appellant agree that the lighting associated with the Proposed

<p>adversely impact on the occupiers of surrounding buildings (particularly those in residential use), as well as on night-time vista and panoramas and fauna.</p>	<p>Development will not adversely affect neighbours in the adjoining flats. (paragraph 10.26, page 30, CD 7.01).</p>
<p>13. The design and glazing of any proposed tall building should take into account its use at night, minimise light spill that would result in light pollution and avoid creating unacceptable solar glare onto any publicly accessible areas or where it would have an adverse effect on the amenity of occupiers of adjoining buildings.</p>	<p>Compliance with this part of Policy LP4 is agreed between the Appellant and LBW (paragraph 10.26, page 30, CD 7.01).</p>
<p>14. Building materials should be capable of ensuring that the proposals would not contribute to the urban heat island effect as a result of thermal radiation or the release of anthropogenic (waste) heat. Regard should be had to Policy LP10 (Responding to the Climate Crisis).</p>	<p>The Proposed Development was the subject of an Overheating Assessment that is contained in the Energy Strategy. The Overheating Assessment was reviewed by the GLA and the LBW and found to be acceptable and compliant with Policy LP10 of the Local Plan. Compliance with this part of Policy LP4 is agreed between the Appellant and LBW (paragraph 10.26, page 30, CD 7.01).</p>
<p>15. Planning applications should be supported by a shade analysis that clearly demonstrates that any shadow created by a proposed tall building(s) would not give rise to solar gain such as to cause thermal discomfort for users of publicly accessible and private spaces.</p>	<p>An overshadowing assessment was included as part of the planning application (CD 1.11). The results of the overshadowing indicate that it would not give rise to solar gain to the extent there would be discomfort for users of the publicly accessible and private spaces. Compliance with this part of Policy LP4 is agreed between the Appellant and LBW (paragraph 10.26, page 30, CD 7.01).</p>
<p><i>Ground Floor Uses and Public Realm</i></p>	

<p>16. Proposals for tall buildings should incorporate active frontages at ground floor. The main access to any proposed tall building should be located within a frontage facing a main street or publicly accessible area and should provide a safe, welcoming and clearly defined entrance.</p>	<p>Active ground floor frontages are proposed within the building along Battersea Park Road and to the River Thames. These include the provision of a restaurant facing the River accessed from Battersea Park Road, two residential lobbies accessed from Battersea Park Road, an office entrance from Battersea Park Road and a community space fronting Battersea Park Road and Hester Road. The entrances to the various uses are clearly defined and welcoming. Compliance with this part of Policy LP4 is agreed between the Appellant and LBW (paragraph 10.27, page 31, CD 7.01).</p>
<p>17. The lower sections of any tall building should provide for pedestrian weather protection (such as colonnades) along the main frontages of the building and should incorporate the use of high-quality materials and human-scale detailing that encourages social interaction and animates the ground floor external environment.</p>	<p>A colonnade is provided to the ground floor of the building along Battersea Park Road and fronting the River Thames which provides weather protection and also ensures the building has a human scale at street level. The proposed materials to the building and public realm are of high quality. The restaurant, office, community and residential lobbies all provide opportunities for informal and formal social interaction.</p>
<p>18. Where ground floor non-residential uses are proposed, the public realm should be enhanced through the incorporation of public spaces such as plazas at their entrance unless it can be clearly demonstrated that such an approach would not be appropriate.</p>	<p>The public realm along Battersea Park Road at the frontage to the River Thames will be significantly enhanced. The colonnade will provide additional public realm and 'breathing space' to the street for the variety of ground floor uses. Compliance with this part of Policy LP4 is agreed between the Appellant and LBW (paragraph 10.27, page 31, CD 7.01).</p>

<p>19. Sites which have existing through routes or are capable of accommodating through routes must ensure that such routes are maintained or provided to support ease of movement and connectivity.</p>	<p>There are no existing through routes but significant enhancements are proposed to the riverside walks that run east to west and other improvements outside the red line which will be delivered under a S278 Agreement. Compliance with this part of Policy LP4 is agreed between the Appellant and LBW (paragraph 10.27, page 31, CD 7.01).</p>
<p>C</p>	
<p>The Council will seek to restrict proposals for tall buildings outside the identified tall building zones.</p>	<p>Noted but the criteria under Policy LP4 of the Local Plan in relation to tall buildings still applies.</p>
<p>D.</p>	
<p>Proposals for tall buildings should not exceed the appropriate height range identified for each of the tall building zones as set out at Appendix 2 to this Plan. The height of tall buildings will be required to step down towards the edges of the zone as indicated on the relevant tall building map unless it can be clearly demonstrated that this would not result in any adverse impacts including on the character and appearance of the local area.</p>	<p>The Proposed Development is not located in a Tall Building Zone so Part D is not directly relevant. Nonetheless, for the reasons previously given above, it is considered that the proposal will not result in any adverse impacts on the character and appearance of the area.</p>
<p>E.</p>	
<p>Buildings which do not fall within the definition of a tall building as set out in Part A, but are 5 storeys or over, or 15 metres or more from the ground level to the top of the building (whichever is lower) will be considered to be mid-rise buildings.</p>	<p>This is not relevant to the Proposed Development given it is a building of 29 storeys.</p>
<p>F.</p>	

<p>Proposals for mid-rise buildings will be supported in tall and mid-rise building zones identified at Appendix 2, where the development would:</p> <ol style="list-style-type: none"> 1. Be located and designed in order to create a step down between the proposed development and buildings within the surrounding area; 2. Respond appropriately in height, scale and massing to existing buildings in the surrounding area, and protect or enhance heritage assets, including their settings; 3. Respect the scale, width and proportion of adjacent buildings, streets and watercourses, and local character, and avoid adverse effects on key characteristics, valued features and sensitivities as identified in the relevant character area profile set out in the Council’s Urban Design Study (2021); and 4. Provide a varied and interesting roofline, respond to surrounding architectural styles, avoid the creation of long homogeneous blocks of development and create active frontages at ground floor level. 	<p>None of this criteria is applicable to the Proposed Development as it is not a mid-rise building.</p>
<p>G.</p>	
<p>The Council will seek to restrict proposals for mid-rise buildings outside the identified tall and mid-rise building zones.</p>	<p>This is not applicable as the Proposed Development is not a mid-rise building.</p>
<p>H.</p>	
<p>Proposals for mid-rise buildings should not exceed the appropriate height identified within the relevant mid-rise building zones as identified at Appendix 2</p>	<p>This is not applicable as the Proposed Development is not a mid-rise building.</p>

of this Plan.	
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Table 5.6: Assessment against London Plan Policy D9

Policy D9, Parts C and D	Comment
C. 1) Visual Impacts	
<p>a) The views of buildings from different distances:</p> <p>i) long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views</p> <p>ii) mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality</p> <p>iii) immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building</p> <p>b) whether part of a group or stand-alone, tall buildings should reinforce the spatial</p>	<p>Dr Miele has carried out a full assessment of the impact on long-range, mid-range and intermediate views. See my assessment above against Policy LP4.</p> <p>For the reasons previously given, in my view the Proposed Development would</p>

<p>hierarchy of the local and wider context and aid legibility and wayfinding</p>	<p>reinforce the spatial hierarchy of the local and wider context and it would aid legibility and wayfinding in relation to the Battersea Bridge.</p>
<p>c) architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan</p>	<p>Mr Barbalov's Proof of Evidence explains the architectural quality of the building and its materials. The materials have all been chosen to ensure that they are robust with a long lifespan.</p>
<p>d) proposals should take account of, and 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</p>	<p>Policy D9 allows for the public benefits to be weighed against the level of harm identified to heritage assets and I have undertaken that assessment in paragraphs 5.115-5.143 and concluded that in this case the public benefits do outweigh the heritage harm identified. For the reasons previously given, I consider that the building would make a positive contribution to the character of the area.</p>
<p>e) buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it</p>	<p>It is agreed between the Appellant and LBW that there is no harm to World Heritage Sites (paragraph 10.13, page 29, CD 7.01).</p>
<p>f) buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river</p>	<p>The open quality of the River Thames would remain unaffected by the Proposed Development. The Proposed Development would not result in a canyon effect. The Proposed</p>

<p>g) buildings should not cause adverse reflected glare</p> <p>h) buildings should be designed to minimise light pollution from internal and external lighting</p>	<p>Development would significantly improve the riverside public realm.</p> <p>It is agreed between the Appellant and LBW that the proposed buildings would not cause adverse reflected glare (paragraph 10.13, page 29, CD 7.01).</p> <p>A condition is expected in relation to details of external lighting on any forthcoming planning permission.</p>
<p>2) Function Impact</p>	
<p>a) the internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants</p> <p>b) buildings should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm. Servicing, maintenance and building management arrangements should be considered at the start of the design process</p> <p>c) entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there</p>	<p>The Proposed Development has been designed with the advice of a Fire Engineer. The Appeal Site follows the relevant guidance of BS9991 and Part B (relating to safety). Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.21, page 30, CD 7.01).</p> <p>Servicing of the building will take place from the rear so there will be no disturbance to the public realm. The building contains its own building management office. Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.21, page 30, CD 7.01).</p> <p>The ground floors of the building, including their entrances have been carefully placed to ensure they face public streets and spaces. There will be</p>

<p>is no unacceptable overcrowding or isolation in the surrounding areas</p> <p>d) it must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building</p> <p>e) jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and</p>	<p>no unacceptable overcrowding. Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.21, page 30, CD 7.01).</p> <p>A Transport Statement has been submitted (CD 1.20). which concludes that the proposal will not generate any significant adverse transport impacts on the surrounding area and the transport infrastructure is capable of accommodating the quantum of development. The Proposed Development includes enhancements to the riverside walk along with public realm improvements to Battersea Bridge Road. The Proposed Development also includes financial contributions to be secured under a S106 Agreement to Healthy Street Corridor Improvements, car club membership and Travel Plan. Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.21, page 30, CD 7.01).</p> <p>The Proposed Development includes a community use, office, affordable workspace and restaurant uses which will generate employment opportunities. The Proposed Development also includes obligations to be secured under the S106 Agreement to enter into a Local Employment and Enterprise Agreement securing an Employment and Skills Plan</p>
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<p>maximises the role of the development as a catalyst for further change in the area</p> <p>f) buildings, including their construction, should not interfere with aviation, navigation or telecommunication, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings</p>	<p>and Local Procurement Plan with a target of jobs, training and apprentices as well as an Employment and Enterprise Contribution of £91,506.25. Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.21, page 30, CD 7.01).</p> <p>London Heliport and Gatwick Airport has been consulted and raised no objection. Heathrow Airport has raised an objection but the objection can be overcome by the attachment of planning conditions which the Appellant is prepared to accept. There is not expected to be any impact on navigation, telecommunication or the generation of solar energy to adjoining buildings as a result of the Proposed Development. Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.21, page 30, CD 7.01).</p>
<p>3) Environmental impact</p>	<p>Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.22, page 30, CD 7.01).</p>
<p>a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building.</p>	<p>Daylight, sunlight and wind assessments have been submitted and considered as part of the Application and the effect on open spaces found to be acceptable.</p>

<p>b) air movement affected by the building(s) should support the effective dispersion of pollutants, but not adversely affect street-level conditions.</p>	<p>It is not considered that air movements created by the building would cause issues in relation to air pollution.</p>
<p>c) noise created by air movements around the building(s), servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building.</p>	<p>There is not anticipated to be any noise generated from air movements around the building. A Noise Impact Assessment (CD 1.12) has been submitted and the levels of noise generated by the Proposed Development are considered to be within acceptable limits. A planning condition is expected to be attached to any forthcoming planning permission.</p>
<p>4) Cumulative Effects</p>	<p>Compliance with this part of Policy D9 is agreed between the Appellant and LBW (paragraph 10.23, page 30, CD 7.01).</p>
<p>4) cumulative impacts the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.</p>	<p>Dr Miele has considered the cumulative effect of planned tall buildings in the area in townscape terms (CD 8.03).</p>
<p>D. Public Access</p>	
<p>Free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the</p>	<p>It is agreed between the Appellant and LBW that Part D of London Plan Policy D9 is not applicable in respect of the Proposed Development due to the residential nature of the proposal and potential management issues with public</p>

building to afford wider views across London.	access and occupier security. (paragraph 10.24, page 30, CD 7.01).
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- 5.92 Policy LP4 should be read as a whole in determining the Proposed Development’s compliance. Policy LP4 operates in the same way as Policy D9 of the London Plan, in that it is not a “gateway” policy that sets a prohibition on the development of tall buildings outside tall building zones but rather it requires an assessment against the criteria listed under Parts B, C, D, E, F, G and H and then a consideration of compliance. That is how Policy D9 of the London Plan operates as confirmed in the Master Brewer High Court decision (CD 13.07).
- 5.93 In considering how Policy LP4 is intended to operate, the Inspectors’ report into the Local Plan Examination in Public is helpful (CD 6.11). The Regulation 19 draft Local Plan wording for Part C was originally drafted to state that proposals for tall buildings outside tall building zones “*will not be permitted*”. However, the Inspectors’, following consideration of representations regarding the application of Policy LP4, proposed a modification under MM146 by deleting “*will not be permitted*” and replacing it with “*The Council will seek to restrict proposals for tall buildings outside of the identified tall building zones*”, ensuring that the policy is in general conformity with the London Plan. I consider that is important because the Inspectors’ recognised that without such modification to Policy LP4, it would not have been in conformity with London Plan Policy D9 which does not set an absolute prohibition on the development of tall buildings outside of tall building zones.
- 5.94 In that context, while the Proposed Development not being located in a Tall Building Zone would not meet the first section of Part B of Policy LP4 which states “*Proposals for tall buildings will only be appropriate in tall building zones identified on tall building maps included at Appendix 2 to this Plan*” and Part C of Policy LP4, a proposal for a tall building must be capable of meeting the requirements of Policy LP4 if it complies with other parts of Policy LP4. Even if the conclusion reached was that there was a partial conflict with Policy LP4, if the Development Plan is read as whole, and in particular Policy D9C of the London Plan for which I conclude below the Proposed Development complies, then it must be the case that the Proposed Development would comply with the Development Plan when read as whole.
- 5.95 I consider that Parts D, E, F, G and H of Policy LP4 are not directly relevant to the Proposed Development. I have carried out an assessment against the criteria 1-19 in Part B of Policy

LP4 and I find the Proposed Development is in compliance. The criteria in Part B, 1-19 of Policy LP4 is similar to Policy D9 of the London Plan and focuses on assessing the quality of the tall building proposal and its environmental, social and economic impacts. It is a set of detailed criteria that is evidently fundamental to the acceptability of a tall building and is the criteria applied to all tall buildings in LBW whether in or outside a Tall Building Zone. It therefore follows, if the criteria under Part B, 1-19 is met, which I consider it is in this case, then despite the Proposed Development not being located in a Tall Building Zone, the Proposed Development in my view complies with Policy LP4 when read as a whole. An alternative approach which simply dismissed a tall building because it is not in a tall building zone would be inconsistent with the operation of Policy D9 of the London Plan and the Master Brewer High Court decision (CD 13.07).

5.96 The same locational conflict occurs with Part A, 4 of Policy PM9 but Part A, 4 of Policy PM9 directs to an assessment against the criteria in Policy LP4. As I consider the proposals comply with the criteria in Policy LP4, I find compliance with Part 4 of Policy PM9. Even if there was considered to be a breach of Policy LP4 and consequently Part 4 of Policy PM9, I still consider that the Proposed Development would comply with the development plan when read as a whole for the reasons given in paragraph 5.94 above. I assess the other parts of Policy PM9 below.

5.97 In relation to London Plan Policy D9, the Proposed Development would not comply with Part B, 3 as it is not a location identified in the Local Plan for a tall building. However, I have carried out an assessment of the Proposed Development against Part C of Policy D9 of the London Plan in Table 5.5 above and I find that the Proposed Development is in compliance with Part C. As the Proposed Development complies with Part C, I consider that when read as a whole, the Proposed Development accords with Policy D9 of the London Plan.

5.98 I have considered and assessed the remaining elements of Policy PM9 of the Local Plan. The following elements of Policy PM9 are not relevant to the determination of the Proposed Development:

- Part A, 1 as it relates to Putney.
- Part A, 2 as it refers to site allocations in Wandsworth Town.
- Part A, 3 as it refers to specific locations and areas that do not cover the Appeal Site.
- Part A, 7 as the Proposed Development does not propose any works that may affect the ecology of the River Thames.

- Part A, 9 as it relates to the Thames Tideway Tunnel project.
- Part B, 2 as it relates to Battersea Square.
- Part B, 5 as it relates to sports based and leisure use of the river.
- Part B, 6 as it relates to urban logistics hubs.
- Part B, 7 as it relates to use of the river for passenger and freight transport.
- Part C, 3 as it relates to York Road and Lombard Road.
- Part C, 7 as it relates to water based travel.

5.99 I have dealt with Part A, 4 above in paragraph 5.96. Part A, 5 relates to valued views and vistas identified on Map 11.1, which have been considered by Dr Miele in his Proof of Evidence and he confirms that the proposals have only limited impact on those views which point away from the Appeal Site. I consider the Proposed Development accords with Part A, 6 by delivering high quality public realm to the riverside along with enhanced public realm to Battersea Park Road. By providing improved public open space, urban greening, increasing biodiversity and provision of SuDS, I consider the Proposed Development aligns with the objectives for All London Green Grid as set out in the Green Infrastructure and Open Environment: All London Green Grid, SPG (CD 5.36) and therefore meets the requirements of Part A, 8. In respect of Part B, 1 and 3, I consider the Proposed Development accords as it will contribute to the 904 home target in Wandsworth Riverside and is within the Focal Point of Activity where residential-led development and mixed uses that increase activity along the riverside are promoted. The loss of the existing quantum of employment floorspace on the Appeal Site and the provision of new employment floorspace including affordable workspace has been agreed under the Statement of Common Ground (CD 7.01) and therefore I consider Part B, 4 is met. I consider Part C, 1 and 2 is met as the Proposed Development will provide improved public realm to the river improving access by walking and cycling. In relation to Part C, 4 I consider that the Proposed Development will contribute to the cultural strategy for the River Thames and this part of Policy PM9 is met. I consider Part C, 5 is met as the Proposed Development includes new public art as well as making a financial contribution to a cultural action plan. In relation to Part C, 6, consideration has been given by Dr Miele to the Battersea Park Management and Maintenance Plan in considering the setting of Battersea Park.

5.100 For the above reasons, based on my assessment, I consider that the Proposed Development accords with Policy PM9 of the Local Plan.

National Planning Policy Framework ('NPPF')

5.101 The reason for refusal cites that the Proposed Development is contrary to the NPPF (CD 4.01). Paragraph 135 of the NPPF states that *“planning policies and decisions should ensure that developments:*

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

5.102 I consider that the Proposed Development meets the above criteria by delivering a building of the highest architectural that is appropriate to its context, is functional and robust. The building responds to its location on the River Thames, its immediate and spatial context and through a robust assessment of townscape and heritage impact assessment, optimises the Appeal Site for development. I consider that the Proposed Development will present a memorable building that alongside the improvements to public open space and active

ground floor to the River Thames, will create a distinctive place for residents, workers and visitors. The Proposed Development has been designed to be safe, inclusive and accessible to all with high quality amenity spaces provided for residents at roof level. I find no conflict with the design objectives in the NPPF.

- 5.103 Paragraph 139 of the NPPF (CD 4.01) states that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*. Conversely, paragraph 139 states that *“significant weight should be given to: development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”*. Whilst I have identified a conflict with elements of Policy LP4 due to the Appeal Site not being located in a Tall Building Zone, overall I have found the Proposed Development in compliance with design Policies LP1, LP4, PM1 and PM9 of the Local Plan and Policy D9 of the London Plan. Dr Miele has assessed the proposal against the National Design Guide and found it to be compliant. In these circumstances, I consider the Proposed Development to be well designed and that significant weight should be given to the design of the Proposed Development in accordance with paragraph 139 of the NPPF.

Summary on Reason for Refusal 1

- 5.104 I agree with Dr Miele the existing office building can be considered to be ‘crudely designed’. I consider it to be of very limited architectural quality making no meaningful contribution to the townscape. I consider that the existing building and its public realm perform poorly in urban design terms. The building presents blank and dead frontage to Battersea Bridge Road and the River, offering no animation or interest. The public space fronting the River is unattractive, with hard surfaces of low quality materials. The public realm is generally unusable due to its layout and levels, and is unwelcoming.
- 5.105 Being located at the bend in the River, the spatial context of the Appeal Site is extensive. There are a number of tall buildings which I observed to be visible and experienced from the Appeal Site and various viewpoints on the north and south of the River. These taller

buildings include: Worlds End Estate (20 storeys), Chelsea Waterfront (37 storeys), Belvedere Heights (20 storeys), Lombard Wharf (26 storeys), Montevetro (19 storeys), Selworthy and Park House (19 storeys) and Gardiner, Macey, Cramer and Compton House (21 storeys, part of the Surrey Lane Estate) (see page 17, CD 1.07).

- 5.106 These individual taller buildings form part of the visual background to the Appeal Site and part of the spatial context and riverside character of the area. From my visit to the Appeal Site, you are fully aware of the presence of these modern, taller buildings in the wider area and these form part of the overall urban and townscape experience. West of Battersea Bridge both on the north and south side of the River Thames I consider there is a spatial character that emerges of generally low and mid-rise buildings with interventions of tall, modern buildings. Hence, the proposition being put forward on the Appeal Site, of a tall building surrounded by mid-rise buildings, is not out of step with the spatial hierarchy and riverside character of the area.
- 5.107 I do not agree with Officers that the proposal would be so visually dominant in views to the extent that it would detract from the arches of Battersea Bridge over the River Thames. Battersea Bridge has a strong ‘industrial’ character and its scale and architectural robustness mean that in my view there would be no dilution of the appreciation of Battersea Bridge as a result of the Proposed Development. Dr Miele concludes that *“the proposals do not harm the ability to appreciate the engineering and aesthetic interest of the bridge; and in certain respects, the proposals do more, enhancing appreciation of the bridge’s significance”* (paragraph 10.71, page 98, CD 8.03). I agree.
- 5.108 Dr Miele has undertaken his own assessment of the impact of the Proposed Development on townscape views and heritage impact. Dr Miele concludes some limited, and therefore relatively low, less than substantial harm to Albert Bridge, when seen over part of the Embankment and a positive heritage benefit to the setting of Battersea Bridge (paragraph xli, page 7, CD 8.03). In townscape terms, Dr Miele concludes that the proposals are consistent with the character of the area, and will add positively to townscape character (paragraph xxxvi, page 6, CD 8.03).
- 5.109 I have carried out an assessment of the Proposed Development against Policy D9 of the London Plan and Policies LP4 and PM9 of the Local Plan, being the policies referenced in Reason for Refusal 1. Policy LP4 should be read as a whole in determining the Proposed Development’s compliance. Policy LP4 operates in the same way as Policy D9 of the London Plan, in that it is not a “gateway” policy that prohibits the development of tall buildings

outside Tall Building Zones but rather it requires an assessment against the criteria listed under Parts B, C, D, E, F, G and H and then a consideration of compliance. That is how Policy D9 of the London Plan operates as confirmed in the Master Brewer High Court decision (CD 13.07).

- 5.110 While the Proposed Development not being located in a Tall Building Zone would not meet the first section of Part B of Policy LP4 and Part C of Policy LP4, a proposal for a tall building in my view must clearly be capable of meeting the requirements of Policy LP4 if it complies with other parts of the Policy. I consider that Part B, 1-19 of Policy LP4 are met, and that Parts I consider that Parts D, E, F, G and H of Policy LP4 are not directly relevant to the Proposed Development. In my view, the Proposed Development complies with Policy LP4 when read as a whole.
- 5.111 As I consider the proposals comply with the criteria in Policy LP4, I find compliance with Part 4 of Policy PM9. I consider that the Proposed Development accords with the remaining relevant parts of Policy PM9 of the Local Plan.
- 5.112 In relation to London Plan Policy D9, the Proposed Development would not comply with Part B, 3 as it is not a location identified in the Local Plan for a tall building. However, I have carried out an assessment of the Proposed Development against Part C of Policy D9 of the London Plan in Table 5.5 above and I find that the Proposed Development is in compliance with Part C. As the Proposed Development complies with Part C, I consider that when read as a whole, the Proposed Development accords with Policy D9 of the London Plan.
- 5.113 I find no conflict with the design objectives outlined in paragraph 135 of the NPPF. I consider the Proposed Development to be well designed and that significant weight should be given the design of the Proposed Development in accordance with paragraph 139 of the NPPF.

Reason for Refusal 2

- 5.114 It is intended that a S106 Agreement will be completed prior to or at the closure of the public inquiry. The Heads of Terms and associated financial contributions were discussed prior to the Planning Applications Committee on 24 April 2024 and are set out in Section 19 of the Officer Report (CD 3.01). The Appellant is confident that the S106 Agreement is capable of agreement and on this basis Reason for Refusal 2 should fall away.

Other Matters

Heritage

- 5.115 S.66 of the Planning and Listed Buildings and Conservation Area Act 1990 places a statutory duty on Local Planning Authorities in considering whether to grant planning permission for development which affects a listed building or its setting, to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply as the Appeal Site is not located within a Conservation Area.
- 5.116 Paragraph 202 of the NPPF (CD 4.01) notes that heritage *“assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*. Paragraph 212 of the NPPF states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)”*. Paragraph 213 of the NPPF states that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*.
- 5.117 Paragraph 215 of the NPPF (CD 4.01) states that 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 including, where appropriate, securing its optimum viable use.
- 5.118 The draft NPPF (CD 4.02), under Policies HE4, HE5 and HE6 broadly reflects the current NPPF (CD 4.01) in its approach to conserving and enhancing heritage assets and assessing developments that affect heritage assets. However, under Policy HE6, the draft NPPF has removed the reference to ‘less than substantial harm’ as appears under paragraph 215 of the current NPPF and instead simplified the approach to positive effect, harm or substantial harm. Part 3 of Policy HE6 states *“Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits*

can include securing the long-term re-use of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.”.

5.119 Policy HC1 of the London Plan under Part C (CD 5.01) states that *“development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process”.* If harm were to be identified to heritage assets, there would be conflict with Policy HC1 of the London Plan (CD 5.01) as it does not include the ‘balancing exercise’ as set out in paragraph 215 of the NPPF (CD 4.01) neither does Policy LP3 of the Local Plan (CD 5.02) in relation to proposals that result in less than substantial harm. However, I note Policy D9, Part C1d of the London Plan (CD 5.01) does allow the consideration of public benefits where there is heritage harm and states *“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”.*

5.120 LBW in its Statement of Case (CD 9.01), find no harm to less than substantial harm to heritage assets as listed in Table 1 (page 19). Where LBW identify less than substantial harm, it is in the low to middle range. The GLA in their Stage 1 report (CD 11.08) find no harm to less than substantial harm at the low to middle level with slight differences between the impact on individual heritage assets compared to LBW. Historic England in its letters of 6 November 2024 and 19 June 2024 (CD 11.10 and 11.11), find no harm to a low level of harm to heritage assets. Whilst Historic England are not explicit in their letters, that low level of harm is assumed to fall within the category of less than substantial harm for the purposes of the NPPF.

5.121 Dr Miele has carried his own assessment of the harm caused by the Proposed Development (CD 8.03) to heritage assets. Dr Miele finds there is no harm to heritage assets with the exception of Albert Bridge where Dr Miele finds less than substantial harm at the low end. Dr Miele finds an enhancement to the setting of the Grade II Battersea Bridge as a result of the Proposed Development.

5.122 While I note that there are variations in the level of harm identified to individual heritage assets identified by LBW, GLA, HE and the Appellant, all agree a range of no harm to less

than substantial harm. I note the Battersea Society consider that there is an under estimation of the harm to heritage assets by Officers in the Officer Report (paragraph 6, CD 10.01). Accordingly, as required by the NPPF and Policy D9 of the London Plan, I have therefore considered the public benefits of the Proposed Development and these are set out below:

1. Housing

- 5.123 The Proposed Development would deliver 110 residential units. It is agreed between LBW and the Appellant that the 110 homes would provide an economic benefit through the numerous supply chains and trades that will be engaged to deliver the Proposed Development (paragraph 10.94, page 40, CD 7.01). It is agreed between the Appellant and LBW that the new homes would provide a social benefit as they would contribute to housing supply through the use of previously developed land (paragraph 10.94, page 40, CD 7.01). It is agreed with LBW that the new homes will also provide an environmental benefit as they would be contained within an energy efficient building (paragraph 10.94, page 40, CD 7.01).
- 5.124 I would add to the above that the delivery of 110 homes on the Appeal Site has to be seen in the context of the dramatic decline in housing delivery in LBW and London and the consequential emergency measures brought in by the MHCLG and the GLA. I have analysed the position of current and future housing delivery in LBW and London in paragraphs 5.37-5.53 above and found that housing completions, starts and projections for London and LBW all point towards LBW not meeting its housing targets over the next 4 years and failing the Housing Delivery Test. Further, that the 5 year housing land supply has declined from 6.8 years in October 2024 to 5.5 years supply in January 2026. It is evident that housing delivery and supply in LBW and London is fragile which further supports the weight to be given to housing under the Proposed Development.
- 5.125 Given the national and development plan policy position that supports housing in settlements on brownfield highly accessible land and the decline in current and future housing delivery in LBW and London, I consider the Officer Report was wrong to attribute only moderate weight to housing delivery. Paragraph 125c of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. I consider that there are no substantial harms generated by the Proposed Development.

5.126 Given this is a brownfield site in an existing settlement meeting pressing housing needs at a time of dramatic declining housing delivery in LBW and London, I give the provision of housing on the Appeal Site **substantial** weight.

2. Affordable housing

5.127 Of the 110 residential units proposed, 54 of these are affordable housing (50%) all at social rent levels with M4(3)(2)(b) wheelchair accessible units which would provide a social benefit by producing a range of homes that meet the needs of present and future generations. The quantum of affordable housing exceeds the London Plan Policy H5 and Local Plan Policy LP23 threshold requirements.

5.128 I have identified in paragraph 5.43 that strikingly, there were no social rented affordable housing starts in 2024/2025 in LBW, and only 42 social rented completions (Table 7, CD 5.17). That is highly concerning for a borough which has high levels of need for affordable housing, particularly in social rented housing. For London as a whole, in 2025/26 the number of affordable housing completions was 1,184 (9,913 in 2024/25) and affordable housing starts were 449 (6,120 in 2024/25) (London Datastore, CD 5.38).

5.129 The LBW Statement of Case (CD 9.01) at paragraph 6.10 (2) in response to the Appellant Statement of Case and the weight to be attached to housing states that *“agreed but must be seen in context of 5 Year Housing Land Supply and delivery obligations being met”*. The Proposed Development is designed so that affordable housing is integrated into the building and to present a tenure blind proposal. At no time during the application process did LBW raise any queries in relation to the delivery of housing and/or affordable housing. Indeed, I understand that LBW encouraged the Appellant to deliver 50% affordable housing – not surprising given the substantial and pressing need for affordable housing in London and the borough. No request for a viability assessment was raised by LBW – quite rightly in my view because there is no national or development plan policy that requires such and to do so would be contrary to London Plan Policy H5(E). The Officer Report gives significant weight to the delivery of affordable housing and raises no concerns in relation to delivery (paragraph 20.29, CD 3.01). There is no justification in my view to reduce the weight to the delivery of 50% affordable housing.

5.130 Given this is a brownfield site in an existing settlement meeting pressing affordable housing need at a time of declining affordable housing delivery in LBW and London, delivering above the Development Plan thresholds, I give the provision of affordable housing on the Appeal Site **substantial** weight.

3. Community facility

5.131 The Proposed Development will deliver a community facility of 274sqm at peppercorn rent in perpetuity with no service charge which would provide a social benefit as the facility would foster the local community's health, social and cultural well-being. The community facility is located over three floors in a prominent position on Battersea Bridge Road. I agree with the Officer Report (paragraph 20.29, CD 3.01), that the facility will foster the local community's health, social and cultural well-being.

5.132 For the above reasons, I consider that the provision of the community facility should be given **significant** weight.

4. Affordable workspace

5.133 The Proposed Development includes 535sqm GIA of affordable office workspace at first floor accessed from Battersea Bridge Road. The affordable workspace is at 80% of prevailing market rates for 30 years (in accordance with Policy LP38 of the Local Plan), is modern, flexible and adaptable, ensuring its suitability for a wide range of future tenants, including start-ups and SMEs. The affordable workspace would be an economic benefit of the Proposed Development and as stated in the Officer Report (paragraph 20.29, CD 3.01), this would help to build a strong, responsive and competitive economy.

5.134 For the above reasons, I give this **significant weight**.

5. Public realm/ landscaping and River Thames path access

5.135 The existing public realm/ space fronting the River is unattractive, with hard surfaces of low quality materials. The public realm is generally unusable due to its layout and levels, and is unwelcoming.

- 5.136 The proposed building is set back from the River Thames by 16.2m allowing for the delivery of high quality public realm and the continuation of the Thames Path. The proposed public realm would result in a significant upgrade to the public realm in terms of layout, accessibility, paving, lighting, planting, biodiversity and public art provision. I agree with the Officer Report (paragraph 20.29, CD 3.01) that the public space to the River is well-designed, while providing a safer, more coherent space with enhanced accessibility to support the community's health, social and cultural well-being.
- 5.137 As well as the improvements to the River Thames frontage, the proposals also include public realm and landscaping improvements along Battersea Bridge Road and to the rear of the Appeal Site on Hester Road which include hard and soft landscaping and tree planting. The Proposed Development includes a contribution to Healthy Streets of £436,812 which will go towards improvements along Battersea Bridge Road.

For the above reasons, I consider the public realm and landscaping works should be given **significant** weight.

6. Architecture and urban design

- 5.138 I have concluded above that the Proposed Development will deliver a high quality architectural building which will result in positive transformative change to the Appeal Site and local area. The proposed building will be memorable and distinctive. The ground floor of the building will provide activation to the river through the provision of a restaurant/ café and activation along Battersea Bridge Road with residential, office and community spaces and entrances. The Proposed Development will replace a building that is of low architectural quality that makes no contribution to the townscape or activation of the River Thames or surrounding streets and spaces.
- 5.139 For the above reasons, I give **significant** weight to the replacement of the current building on the Appeal Site with the Proposed Development which is of high architectural quality.

7. Biodiversity Net Gain and Urban Greening Factor

- 5.140 The Proposed Development results in a Biodiversity Net Gain of 39.24% which is above the +10% legislative requirement. Further, the Proposed Development will deliver an Urban Greening Factor of 0.4 in accordance with Policy G5 of the London Plan (CD 5.01) and LP57

of the Local Plan (CD 5.02). These biodiversity improvements are in contrast to the current Appeal Site and its building which offers low biodiversity and greening.

- 5.141 For the above reasons, I give **moderate** weight to Biodiversity net Gain and Urban Greening Factor.

Summary on heritage harm verses public benefits

- 5.142 LBW in the Statement of Case (paragraph 5.41, CD 9.01), state that *“It is the LPA’s view that the public benefits as identified, work together suitably to produce a cumulative impact that addresses the low and middle levels of harm to designated heritage assets identified within Table 1 and in this respect, compliance with the NPPF is considered to have been demonstrated. There is no heritage reason for refusal advanced by the LPA,..”*. Whilst LBW may attach lesser weight to the public benefits than I do above, they have reached the same conclusion that the public benefits of the Proposed Development outweigh the level of harm to heritage assets even in circumstances where LBW place a higher level of harm to heritage assets than Dr Miele has in his Proof of Evidence.

- 5.143 In my view, I consider that the delivery of 110 residential units of which 50% are social rented affordable homes on a brownfield site in a settlement are substantial benefits (items 1 and 2); community floorspace, affordable workspace, public realm/ landscaping and River Thames path access, architecture and urban design are significant benefits (items 3, 4, 5, 6); and Biodiversity Net Gain and Urban Greening Factor are moderate benefits (item 7). In my judgement, applying the legislative tests in S.66 and S.72 and giving considerable importance and weight to the impact on the heritage assets, if there is found to be low to middle less than substantial harm, I consider the public benefits outweigh that harm.

Flood risk

- 5.144 The Appellant has been in discussions with the EA to agree a Statement of Common Ground. At the time of writing the Proof of Evidence, those discussions remain ongoing.

- 5.145 The Appellant has reached agreement with LBW on the position in relation to flood risk and flood defences and that is set out comprehensively in the SoCG (paragraphs 10.70-10.76, page 37, CD 7.01). I note that the existing set back from the back of the river wall is 14.3m and the Proposed Development will deliver a 16.2m set back. There is therefore an

enhancement and betterment to the existing situation. I am satisfied that with the requisite planning condition in relation to an intrusive survey of the structure of the existing flood defence wall and the obligations in the S106 Agreement in relation to extending the flood defence wall, the objections from the EA are addressed and the Proposed Development meets Policy LP12 of the Local Plan.

Daylight and sunlight

5.146 LBW and the Appellant agree that the daylight and sunlight implications of the Proposed Development for surrounding properties are acceptable and comply with Policy LP2 of the Local Plan (paragraph 10.44, CD 5.02). A number of interested parties have raised concerns in relation to the impact of the Proposed Development on daylight and sunlight to existing neighbouring properties, notably DPDS for Mr Stuart Gulliver and Ms Amanda Henricks, including an assessment by Anstey Horne (CD 11.14), and Thameswalk Residents Association.

5.147 GIA have provided a technical note addressing the matters raised by the interested parties and this is included in Appendix C of my Proof of Evidence. GIA conclude that on the basis of verified data, robust methodology, and appropriate contextual comparison, the Proposed Development's daylight, sunlight, and overshadowing effects are demonstrably acceptable. Further, that the conclusions of the 15 October 2024 (updated April 2025) (CD 1.11 and 1.12) Daylight, Sunlight and Overshadowing Report remain accurate and fully supported, confirming that the Proposed Development achieves outcomes consistent with established urban planning practice and precedent.

Outlook and privacy

5.148 Matters in relation to outlook and privacy are dealt with comprehensively in the Officer Report (paragraphs 5.1-6.8, CD 3.01). I agree with Officers analysis of the impact of the Proposed Development on privacy and outlook to neighbouring properties and consider that it would not result in unacceptable levels of overlooking, in accordance with Policy LP2 of the Local Plan. LBW and the Appellant agree that the Proposed Development complies with Policy LP2 of the Local Plan and no significant harm can be identified in terms of privacy and outlook (paragraph 10.41, page 32, CD 7.01).

EIA

- 5.149 The Appellant submitted a formal EIA Screening Opinion to LBW on 13 March 2024 (given reference: 2024/0764) in relation to:

“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.”

- 5.150 On 18 April 2024, LBW wrote to the Appellant confirming that *“the Local Planning Authority considers that the proposal is not likely to have significant effects on the environment and the proposal does not require an Environmental Statement, under the terms of the 2017 EIA Regulations, to accompany any future application”*. That was the same conclusion reached by the Appellant’s consultant Temple. A range of technical documents were submitted with the Application to assess the potential impacts of the Proposed Development and how these could be mitigated.

Transport and construction

- 5.151 A number of interested parties have raised the matter of construction impact of the Proposed Development, including the recent change in the road layout, type and manner of construction, the need for details on traffic management and construction and concerns about the weight limit on Battersea Bridge. As part of the Application, the Appellant submitted an outline Construction Logistics Plan (CD 1.14) and a Construction Environmental Management Plan (CD 1.15). There are also proposed to be a series of planning conditions that will ensure that the details of construction are submitted and approved by LBW prior to the commencement of development which include:

- Plans showing demolition and construction phases
- Deconstruction and Construction Environmental Management Plan
- Construction Environmental Management Plan Biodiversity
- Air quality monitoring

- Details of crane height and lighting
- Construction hours

5.152 Velocity have also prepared a response to the matters raised by interested parties and this is included in Appendix D. In summary, Velocity conclude that they see no reasonable grounds for which the proposals should not be considered acceptable insofar as they relate to highway and transport matters. Further, that the more recent changes to the surrounding highway network have no material impact to the Proposed Development, and do not require any change of strategy with regards to construction logistics.

Wind

5.153 It is agreed between LBW and the Appellant that subject to an appropriate planning condition requiring the submission of further details of wind mitigation measures, the wind impacts of the Proposed Development are acceptable. However, I note that DPDS for Mr Stuart Gulliver and Ms Amanda Henricks (CD 11.14), raise in their representations concerns in relation to the levels of wind that will be experienced as a result of the Proposed Development and the approach of attaching a planning condition to any forthcoming planning permission to set out and approve details of mitigation.

5.154 A Wind Microclimate Assessment Report, April 2024 (CD 1.22) and a Wind Microclimate Technical Note, October 2024 (CD 1.23) were submitted with the Application, the latter report was submitted following a reduction in height to the tower. GIA have undertaken a further assessment of wind conditions around the Appeal Site using the latest landscaping design and their conclusions are reported in their report included in Appendix E. GIA conclude that:

“It is apparent that the results presented in Figures 3, 4 and 5 demonstrate that the results of the February 2026 CFD testing are consistent with the results presented in the October 2024 Wind Technical Note. As such, the impact of any changes to the landscaping scheme since the original Wind Microclimate Assessment are negligible and the results presented in the April 2024 Wind Microclimate Assessment report remain a worst case scenario for wind conditions.”

5.155 GIA also address specific comments made by DPDS for Mr Stuart Gulliver and Ms Amanda

Henricks. GIA conclude that the wind impacts of the Proposed Development are acceptable.

Whole Life Carbon and Circular Economy

- 5.156 It is agreed between LBW and the Appellant (paragraph 10.65, page 35, CD 7.01) that the Proposed Development meets the GLA benchmarks and all criteria with regards to GLA Whole Life Carbon Guidance (2022). The Whole Life Carbon Assessment submitted with the Application (CD 1.22), was reviewed by the GLA at Stages 1 and 2 and by LBW's Sustainability Consultants and found to be appropriate and comply with Policy LP10 of the Local Plan (CD 5.02) and Policy SI12 of the London Plan (CD 5.01).
- 5.157 It is agreed between LBW and the Appellant that the Proposed Development's design and construction would reduce material demands and enable re-use. Further that the Circular Economy principles are acceptable with regards to the requirements of London Plan Policy SI7 (CD 5.01) and the GLA's guidance (2022). (paragraph 10.68, page 36, CD 7.01)
- 5.158 Ramboll (formerly Temple) have reviewed the representations (DPDS Consulting, January 2026) and the Targeting Zero report (June 2024), appended to interested parties representations from the Thameswalk Residents Association (TWRA) dated 26 January 2026 (Appendix F). Ramboll conclude that the updated Whole Life Carbon Assessment and the Circular Economy Statement reports are fully approved and supported by the GLA, LBW's Sustainability Consultants and the Appellant's design team, confirming the Proposed Development achieves outcomes consistent with the established policy and guidance.
- 5.159 DS2 has also undertaken an assessment to determine the viability of continuing the existing use and/ or refurbishing the existing building for offices (Appendix G). DS2 conclude that *"it is highly improbable that any reasonable investor or developer would commit significant financial resource and time to the Site with an expectation that this would yield the economic value that derives a reasonable return for risk. There is no reasonable prospect that a continuation of the existing use, either with or without refurbishment, is a feasible or viable proposition"* (paragraph 5.14). As retaining or refurbishing the existing building for offices is not viable, the Circular Economy Statement (CD 1.31) confirms that the existing building's elements will be reused on other sites (e.g. reclaimed bricks, glass panels, lighting). Where materials cannot be deconstructed and reused, they will be demolished, recycled, and reused to minimise the amount of waste produced.

Summary, Conclusion and Overall Planning Balance

- 6.1 In determining the Proposed Development, Section 38(6) of the 2004 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan for the Appeal Site for the purposes of Section 38(6) is the London Plan (2021) (CD 5.01) and London Borough of Wandsworth Local Plan (CD 5.02).

Principle of development

- 6.2 I consider that the Appeal Site has the potential to make a significant contribution to the objectives for growth, and in particular housing, in LBW and London. In my view, the Appeal Site is well connected to jobs, services and infrastructure and is a site that is entirely appropriate for higher density development and one that should be proactively promoted. I consider that a design-led approach to determine the optimum capacity of development was applied at the Appeal Site, taking full account of local context and scale. I consider that the Proposed Development complies with London Plan Policies GG2 and D3 (CD 5.01).
- 6.3 It is agreed with LBW that the Proposed Development complies with the objectives of Policies PM9 and LP59 of the Local Plan which promote mixed-use development in Focal Points of Activity to increase activity and vibrancy along the riverside (paragraph 10.6, page 28, CD 7.01). With regard to the loss of the existing office use on the Appeal Site, it is agreed with LBW, that the loss of 4,343sqm of office floor space is acceptable and compliant with Policy E1 of the London Plan, and Policies PM9, LP33, LP35 and LP59 of the Local Plan (paragraph 10.4, page 27, CD 7.01). Further, it is agreed in the with LBW that the Proposed Development is complaint with Policy E3 of the London Plan, and Policies LP38 and LP59 of the Local Plan in respect of the reprovision of 535sqm of modern, well serviced office floor space (paragraph 10.5, page 27, CD 7.01).
- 6.4 It is agreed with LBW that the provision of 110 self-contained residential units would make a

contribution to meeting the capacity target for Wandsworth's Riverside and the overarching target of 20,311 for the borough taken as a whole and complies with London Plan Policy H1 and Local Plan Policy SDS1 and PM9 (paragraph 10.3, page 27, CD 7.01). Further, it would meet the pressing need for housing in the London market. It is agreed with LBW that the provision of a 189sqm restaurant would not undermine the vitality and viability of the borough's Town and Local Centres and that the community facility is a positive addition that complies with Policy LP17 of the Local Plan (paragraph 10.7 and 10.8, page 28, CD 7.01).

6.5 It is agreed between LBW and the Appellant that 50% affordable housing (by habitable room), meets the London Plan and Local Plan strategic requirement for affordable housing as per London Plan Policy H4 and Local Plan Policy LP23. It is also agreed the Proposed Development significantly exceeds the London Plan threshold (35%) at which the Application becomes eligible for the GLA's 'Fast Track' assessment route meaning an application stage viability appraisal and late stage review mechanisms are not required. It is therefore agreed between LBW and the Appellant that the Proposed Development complies with Policies H4, H5 and H6 of the London Plan and Policy LP23 of the Local Plan. (paragraph 10.57, page 34, CD 7.01).

6.6 The NPPF makes clear that substantial weight should be given to the use of the brownfield land as proposed under the Proposed Development to meet identified homes and other identified needs. Further, the NPPF is clear that in these circumstances unless there is substantial harm caused by the development, planning permission should be granted. I have considered the harm caused by the Proposed Development in Section 5 of my Proof of Evidence and I do not identify any substantial harm arising from the Proposed Developments.

Housing need and delivery

6.7 It is well known that the housing market in London has been in decline for several years and that there are substantial challenges involved in housing delivery due to build cost inflation, stagnant housing prices, higher interest rates and Gateway 1 and 2 approval requirements. It is that level of decline in housing delivery that prompted MHCLG and Mayor of London to issue emergency measures to recognise the dramatic and unprecedented fall in housing delivery and introduce emergency measures under a Ministerial Statement and draft LPG (CD 5.31).

6.8 At a London level, the latest London completions show that there has been a dramatic decrease in housing completions in 2025/26 with only 4,261 housing completions against an annual target of 52,287 homes – just 8.1% of target. The previous 4 years show a consistent

under delivery of housing across London when measured against the London Plan housing target ranging from 63-76%. For the years 2024/25, 2025/26 and 2026/27, the LBW projected annual delivery will be 4,619 units which is only 78% of the target over 3 years. Based on those projections, LBW under paragraph 79 of the NPPF would require an action plan and a 20% buffer and may even fall into 'tilted balance' under Paragraph 11 of the NPPF. The housing projections under the latest AMR (CD 5.17) all point towards LBW not meeting its housing targets over the next 4 years and failing the Housing Delivery Test. I consider these projections are a material consideration in the determination of the Appeal and must add to the weight that should be attached to the 110 residential units that are proposed.

6.9 LBW and the Appellant have been liaising in relation to the Council's 5 year housing land supply following the publication of its AMR (CD 5.17) on 14 January 2026. The result of those discussions, based on the Council's latest correspondence by email dated 17 January 2026 to the Appellant, is that the Council has indicated it has a 5.5 year housing land supply and not the 6.1 years reported under the AMR (CD 5.17); it is worthy of note that LBW had a 6.8 year housing land supply position in October 2024 (paragraph 20.14, page 178, CD 9.01).

6.10 The decrease to 5.5 years housing land supply, is not now "well above requirements" as indicated in LBW's Statement of Case (paragraph 20.15, page 178, CD 9.01). I consider that the 5 year housing land supply is fragile, particularly given the uncertainties that remain in relation to the delivery of a number of sites in the AMR, and the continuing projected decline in housing delivery in the borough and London. That is a material consideration in the determination of the Appeal and must further support the weight to be given to the delivery of housing on the Appeal Site.

6.11 Irrespective of the 5 year housing land supply, it is clear in my view that the delivery of housing on the Appeal Site will make a substantial contribution to meeting LBW's and London's housing targets and increase delivery rates. The delivery of 110 residential units, of which 50% of the total habitable rooms is social rented affordable housing, is strongly supported under Development Plan policy and national planning policy and I consider is urgently required given the current housing crisis in London.

Reason for Refusal 1

6.12 I agree with Dr Miele the existing office building can be considered to be 'crudely designed'. I consider it to be of very limited architectural quality making no meaningful contribution to the

townscape. I consider that the existing building and its public realm perform poorly in urban design terms. The building presents blank and dead frontage to Battersea Bridge Road and the River, offering no animation or interest. The public space fronting the River is unattractive, with hard surfaces of low quality materials. The public realm is generally unusable due to its layout and levels, and is unwelcoming.

- 6.13 Being located at the bend in the River, the spatial context of the Appeal Site is extensive. There are a number of tall buildings which I observed to be visible and experienced from the Appeal Site and various viewpoints on the north and south of the River. These taller buildings include: Worlds End Estate (20 storeys), Chelsea Waterfront (37 storeys), Belvedere Heights (20 storeys), Lombard Wharf (26 storeys), Montevetro (19 storeys), Selworthy and Park House (19 storeys) and Gardiner, Macey, Cramer and Compton House (21 storeys, part of the Surrey Lane Estate) (see page 17, CD 1.07).
- 6.14 These individual taller buildings form part of the visual background to the Appeal Site and part of the spatial context and riverside character of the area. From my visit to the Appeal Site, you are fully aware of the presence of these modern, taller buildings in the wider area and these form part of the overall urban and townscape experience. West of Battersea Bridge both on the north and south side of the River Thames I consider there is a spatial character that emerges of generally low and mid-rise buildings with interventions of tall, modern buildings. Hence, the proposition being put forward on the Appeal Site, of a tall building surrounded by mid-rise buildings, is not out of step with the spatial hierarchy and riverside character of the area.
- 6.15 I do not agree with Officers that the proposal would be so visually dominant in views to the extent that it would detract from the arches of Battersea Bridge over the River Thames. Battersea Bridge has a strong 'industrial' character and its scale and architectural robustness mean that in my view there would be no dilution of the appreciation of Battersea Bridge as a result of the Proposed Development. Dr Miele concludes that *"the proposals do not harm the ability to appreciate the engineering and aesthetic interest of the bridge; and in certain respects, the proposals do more, enhancing appreciation of the bridge's significance"* (paragraph 10.71, page 98, CD 8.03). I agree.
- 6.16 Dr Miele has undertaken his own assessment of the impact of the Proposed Development on townscape views and heritage impact. Dr Miele concludes some limited, and therefore relatively low, less than substantial harm to Albert Bridge, when seen over part of the

Embankment and a positive heritage benefit to the setting of Battersea Bridge (paragraph xli, page 7, CD 8.03). In townscape terms, Dr Miele concludes that the proposals are consistent with the character of the area, and will add positively to townscape character (paragraph xxxvi, page 6, CD 8.03).

- 6.17 I have carried out an assessment of the Proposed Development against Policy D9 of the London Plan and Policies LP4 and PM9 of the Local Plan, being the policies referenced in Reason for Refusal 1. Policy LP4 should be read as a whole in determining the Proposed Development's compliance. Policy LP4 operates in the same way as Policy D9 of the London Plan, in that it is not a "gateway" policy that prohibits the development of tall buildings outside Tall Building Zones but rather it requires an assessment against the criteria listed under Parts B, C, D, E, F, G and H and then a consideration of compliance. That is how Policy D9 of the London Plan operates as confirmed in the Master Brewer High Court decision (CD 13.07).
- 6.18 While the Proposed Development not being located in a Tall Building Zone would not meet the first section of Part B of Policy LP4 and Part C of Policy LP4, a proposal for a tall building in my view must clearly be capable of meeting the requirements of Policy LP4 if it complies with other parts of the Policy. I consider that Part B, 1-19 of Policy LP4 are met, and that Parts I consider that Parts D, E, F, G and H of Policy LP4 are not directly relevant to the Proposed Development. In my view, the Proposed Development complies with Policy LP4 when read as a whole.
- 6.19 As I consider the proposals comply with the criteria in Policy LP4, I find compliance with Part 4 of Policy PM9. I consider that the Proposed Development accords with the remaining relevant parts of Policy PM9 of the Local Plan.
- 6.20 In relation to London Plan Policy D9, the Proposed Development would not comply with Part B, 3 as it is not a location identified in the Local Plan for a tall building. However, I have carried out an assessment of the Proposed Development against Part C of Policy D9 of the London Plan in Table 5.5 above and I find that the Proposed Development is in compliance with Part C. As the Proposed Development complies with Part C, I consider that when read as a whole, the Proposed Development accords with Policy D9 of the London Plan.
- 6.21 I find no conflict with the design objectives outlined in paragraph 135 of the NPPF. I consider the Proposed Development to be well designed and that significant weight should be given the design of the Proposed Development in accordance with paragraph 139 of the NPPF.

Reason for Refusal 2

- 6.22 It is intended that a S106 Agreement will be completed prior to or at the closure of the public inquiry. The Heads of Terms and associated financial contributions were discussed prior to the Planning Applications Committee on 24 April 2024 and are set out in Section 19 of the Officer Report (CD 3.01). The Appellant is confident that the S106 Agreement is capable of agreement and on this basis Reason for Refusal 2 should fall away.

Planning balance and overall conclusion

- 6.23 The Proposed Development complies with key policies in the Development Plan relating to optimisation, housing, affordable housing, office use, community use, design, townscape and heritage which are London Plan Policies GG2, D3, E1, H1, H4, H5, H6, D9, G5, S112 and S117; Local Plan Policies PM1, PM9, LP1, LP2, LP4, LP10, LP17, LP23, LP34, LP35, LP38, LP57, LP62 and SDS1.
- 6.24 It is agreed between LBW and the Appellant that the impact of the Proposed Development on daylight and sunlight to surrounding properties is acceptable and complies with Policy LP2 of the Local Plan (CD 5.02). The Officer Report to Committee concluded that the harm to daylight and sunlight was at a low level and within tolerable parameters (paragraph 20.27, CD 3.01). I agree, noting that the majority of daylight reductions occur to the properties on 6 Hester Road which are already compromised by its design (which includes access decks, stairs and vertical slot windows). Whilst there would be some further reductions, the majority of rooms perform well under NSL. I therefore conclude that, on balance, there is no harm to the daylight and sunlight to surrounding properties and even if it was concluded there were, it would be at a very low level.
- 6.25 There is no reason for refusal in relation to the impact of the Proposed Development on heritage assets. Dr Miele has carried his own assessment of any harm caused by the Proposed Development to heritage assets. Dr Miele finds there is no harm to heritage assets with the exception of Albert Bridge where Dr Miele finds less than substantial harm at the low end. Dr Miele finds an enhancement to the setting of the Grade II Battersea Bridge as a result of the Proposed Development.
- 6.26 While I note that there are variations in the level of harm identified to individual heritage assets identified by LBW, GLA, HE and the Appellant, all agree a range of no harm to less than

substantial harm. I note the Battersea Society consider that there is an under estimation of the harm to heritage assets by Officers in the Officer Report (paragraph 6, CD 10.01).

- 6.27 A conflict with Policy HC1 of the London Plan and Policy LP3 of the Local Plan arises as the policies do not include a “balancing exercise” of harm to heritage assets verses public benefits in contrast to paragraph 215 of the NPPF. However, I note Policy D9, Part C1d of the London Plan (CD 5.01) does allow the consideration of public benefits where there is heritage harm and states *“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”*.
- 6.28 The Development Plan is up to date and can be given full weight. I do not consider that other material considerations contained in the NPPF, NPPG, National Design Guide or any other material considerations, indicate that a decision should be made otherwise than in accordance with the Development Plan in this case.
- 6.29 In my view, I consider that the delivery of 110 residential units of which 50% are social rented affordable homes on a brownfield site in a settlement are substantial benefits; community floorspace, affordable workspace, public realm/ landscaping and River Thames path access, architecture and urban design are significant benefits; and BNG and UGF are moderate benefits. In my judgement, applying the legislative tests in S.66 and S.72 and giving considerable importance and weight to the impact on the heritage assets, if there is found to be low to middle less than substantial harm, I consider the public benefits outweigh that harm. Further, I consider that the public benefits outlined above, demonstrably outweigh the very limited harm to daylight and sunlight to neighbouring properties.
- 6.30 As I find that the public benefits outweigh harm to heritage assets, I consider the Proposed Development would still be in compliance with the Development Plan when read as whole and that the Appeal should be allowed and I would respectfully request that Inspector finds accordingly. In accordance with paragraph 11c of the NPPF, I consider the Proposed Development should be granted planning permission without delay.
- 6.31 Should the Inspector conclude that the Proposed Development does not accord with the Development Plan when read as a whole, then it will need to be considered whether other material considerations outweigh the conflict. In my view, the other material considerations

listed in paragraph 6.29 above weigh heavily in favour of the grant of planning permission and would outweigh any conflict with the Development Plan in this case.

6.32 Further, Paragraph 125c of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. I consider that there are no substantial harms generated by the Proposed Development.