

**STATEMENT OF CASE OF THE LONDON BOROUGH OF WANDSWORTH**

**APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**(AS AMENDED)**

**BY**

**PROMONTORIA BATTERSEA**

**IN RESPECT OF THE APPEAL AGAINST THE DECISION BY THE LONDON BOROUGH  
OF WANDSWORTH TO REFUSE PLANNING PERMISSION FOR THE DEVELOPMENT  
OF**

**1 BATTERSEA BRIDGE ROAD, LONDON, SW11 3BZ**

**Appeal reference number: 6002127**

**LPA Reference: 2024/1322**

## 1. INTRODUCTION

- 1.1. This statement of case has been prepared by the London Borough of Wandsworth (the 'Local Planning Authority' or 'LPA' or 'the Council') in respect of an appeal by Promontoria against the refusal of an application for Full Planning Permission for the following proposed development at 1 Battersea Bridge Road, London SW11 3BZ:

*'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'.*

- 1.2. The application was reported to the Planning Applications Committee on 24 April 2025 when the Committee resolved to refuse planning consent subject to the GLA Stage 2 Referral for the following reasons, in accordance with the Officer Recommendation:

*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 (Wandsworth Riverside) and LP4 (Tall and Mid-rise Buildings) of the Wandsworth Local Plan 2023.*

*2) In the absence of a completed Section 106 planning obligation the proposal fails to meet the objectives of Policy LP62 (Planning Obligations) of the Wandsworth Local Plan 2023.*

- 1.3. The GLA Stage 2 Response was issued on 21 May 2025 which advised that the Deputy Mayor was content to allow the LPA to determine the case itself, subject to any action that the Secretary of State may take, and did not therefore wish to take over the application for his own determination. The Decision Notice was subsequently issued on 3 June 2024.

### Grounds for Appeal

- 1.4. The Appeal against the LPA's decision to refuse planning permission was lodged by the Applicant on 1 December 2025. The Appellant's Grounds for Appeal as set out in their Statement of Case may be summarised as follows:

1. The proposed development complies with the Development Plan when read as a whole and is in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.
2. The proposed development accords with the NPPF and relevant SPDs and Planning Guidance produced by GLA and LBW and there are no material circumstances that would justify a decision otherwise in accordance with the Development Plan.
3. The proposed development is of an appropriate height and scale for the site and is considered to create a positive change in the townscape.
4. The HTVIA produced by Montagu Evans confirms the proposed development is not of an excessive height and scale and does not give rise to any adverse effect on heritage assets whilst the architectural qualities demonstrably improve the appearance and function of the townscape.
5. If heritage harm is caused, it is found it would be less than substantial and at the lower end of the scale. The LBW report set out alleged harm caused to be less than substantial at lower and middle end of the spectrum of less than substantial harm. For the reasons set out in the HTVIA, this is overstated but in any event the level of harm would be significantly outweighed by the significant heritage, economic, social and environmental public benefits.
6. As a result, the development would be supported by the Development Plan including but not limited to London Plan Policy D9 and NPPF Para 215 and by the Development Plan when read as a whole

### **Scope of LPA's Statement of Case**

- 1.5. This Statement of Case has been prepared to respond to the Appellant's Grounds of Appeal. It sets out the case that the Local Planning Authority will put forward in evidence at a Public Inquiry and why it believes the Appeal should be dismissed.
- 1.6. Together with the Officer's Report to the Planning Applications Committee (the 'OR'), which is included at Appendix A, the Statement of Case sets out the reasons for refusal and the key aspects of the LPA's case.
- 1.7. The LPA will be represented by leading counsel at the Public Inquiry and make legal submissions in support of its case at the Inquiry as prove necessary. The LPA also respectfully reserves the right to introduce additional documents or matters in the light of the evidence and submissions made by the Appellant and/or others in the period before and during the Inquiry.

## **Structure of the Statement of Case**

1.8. The structure of this Statement is as follows:

- Section 1: Introduction
- Section 2: The Appeal Site
- Section 3: Proposed Development
- Section 4: Relevant policies and guidance
- Section 5: The LPA's Case
- Section 6: Summary Response to the Appellant's Statement of Case
- Section 7: Conclusions

## **2. THE APPEAL SITE**

- 2.1. The appeal site (the 'Site') is 0.115ha and is located on the east side of Battersea Bridge Road adjoining the River Thames riverside walk to the north, Hester Road to the south and a service road next to 4 Hester Road to the east.
- 2.2. A fuller description of the Site is set out on pages 1 and 2 of the OR.

### **Planning Designations**

- 2.3. The Development Plan for the purposes of the Appeal comprises the London Plan 2021 ('London Plan') and the Wandsworth Local Plan 2023 ('WLP').
- 2.4. The Site is subject to a number of planning designations.

#### *Area Strategy- Wandsworth Riverside*

- 2.5. The Site is located within the Wandsworth Riverside Strategic Policy Area under Policy PM9 of the WLP. Development proposals for tall or mid-rise buildings in Wandsworth's Riverside will only be supported in zones identified in Appendix 2 of the WLP. Policy PM9 states that 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 WLP as applicable.

#### *Focal Point of Activity- Ransomes Dock*

- 2.6. The Site is located within the Ransomes Dock Focal Point of Activity which was first designated in the 2016 Local Plan. Policy LP59 of the WLP states that

*'Within Focal Points of Activity uses including restaurants, cafes, bars, cultural space and small-scale retail will be permitted in order to create vibrant and active places, subject to compliance with Policy LP43 (Out of Centre Development). High-quality and well-designed public spaces with good access should be provided to form new destinations which are designed to make full use of the amenities offered by the riverside. Successful clusters of existing economic floorspace should be re-provided, where possible, in accordance with Policy LP35 (Mixed Use Development on Economic Land).'*

#### *Mid Rise Building Area*

- 2.7. The Site is located in mid-rise zone MB-B2-02 as defined under Policy LP4 of the WLP (Map 23.31 Battersea Mid-rise Building Zone (WLP Appendix 2 p.471) with a specified maximum height of 6 storeys. Parts G and H of Policy LP4 states that proposals for mid-rise buildings should not exceed the appropriate height within the relevant mid-rise building zone.

*Thames Policy Area*

2.8. The Site is located within the Thames Policy Area as defined in the WLP while being also a London Plan designation. WLP Policy LP59 states

*'Along the riverside within the Thames Policy Area, mixed-use development will be supported where it would create safe high-quality environments, provide new homes, leisure, social and cultural infrastructure facilities, provide public spaces, incorporate riverside walks and cycle ways and increased public access to the river'.*

*Flood Zones 2 and 3b*

2.9. The Site is located within Flood Zones 2 and 3b on the adopted WLP.

### **3. PROPOSED DEVELOPMENT**

- 3.1. The proposed development is described in pages 4 – 14 of the OR.

### **4. RELEVANT POLICIES AND GUIDANCE**

- 4.1. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that the decision maker must have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2. In its evidence, the LPA will demonstrate that the proposed development does not comply with the Development Plan, when considered as a whole, and that there are no material circumstances which would justify a decision being taken otherwise than in accordance with the Development Plan. Key Development Plan policies and other material planning policy considerations are set out below.

#### **Development Plan**

##### *The London Plan 2021*

- 4.3. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.
- 4.4. The London Plan Policy D9 Tall Buildings is considered to be material. Policy D9 is split into three parts, Part A definition, Part B location and Part C impacts. D9, Part A requires tall buildings to be defined in Local Plans and the LPA has defined these as being 7 storeys or 21 metres or more from ground level to the top of the building within Policy LP4. It has defined Mid-rise buildings as 5-6 storeys. D9, Part B requires that the locations for tall buildings be identified in Local Plans.
- 4.5. D9, Part C assesses tall buildings in terms of their visual, functional and environmental impacts.
- 4.6. The application has been assessed against the criteria set out in Parts B, C and D of the London Plan Policy D9. Reason for Refusal 1 states that the proposed development is considered to be contrary to London Plan Policy D9 (Tall Buildings).

The proposed development is in clear and substantial conflict with Policy D9, including since it is not proposed in a location identified for a tall building in the Local Plan (Part B.3), it would have a negative visual impact and would be visually dominant and out of scale in the local townscape (Part C 1a) and does not reinforce the spatial hierarchy of the local and wider context (Part C 1b). A full assessment of the proposed development against all of the requirements of Policy D9, not limited to those referred earlier in this paragraph, is included in the OR (para 2.159) and will be addressed in evidence. Policy D9 is addressed further in section 5 of this Statement.

#### *Wandsworth Local Plan 2023*

- 4.7. The WLP was adopted in 2023 and is less than five years old. Therefore, this is not a case where the presumption in favour of sustainable development under paragraph 11(d) of the NPPF and the ‘tilted balance’ applies. Under the 2024-2025 Annual Monitoring Report the LPA has a five-year housing land supply of 5.8 years (with 5% buffer) and a Housing Delivery Test result of 112%. At no stage has the Appellant sought to question or to contradict these matters or to suggest that either the LPA does not have the requisite housing land supply or that there has been a failure in terms of housing delivery.
- 4.8. The LPA commenced a consultation on amendments to its adopted Local Plan (Wandsworth Local Plan Partial Review - Publication (Regulation 19) Consultation). The amendments propose revisions 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.
- 4.9. The Local Plan Partial Review was submitted for Examination in April 2025, the public hearings took place on the 4th – 6th November 2025, and the consultation on the Main Modifications took place from 26th November 2025 to 14th 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 material weight in decision making.
- 4.10. The strategic policy covering Wandsworth’s Riverside in the WLP is set out in Policy PM9 (Riverside (Strategic Policy)). Policy PM9 Part A.4 states...

*‘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.’*

4.11. Policy PM9 Part A.6 states...

*‘Opportunities to enhance the experience and quality of the public realm through carefully considered well designed proposals that can create beautiful, high-quality, well-designed, accessible, and inclusive public spaces are encouraged. These should provide elements that encourage dwell time, such as seating, parklets and public art, which facilitate community and cultural use. Proposals should use imaginative landscape design that can contribute to the greening of these spaces.’*

4.12. In accordance with London Plan Policy D9, Policy LP4 (Tall and Mid-rise Buildings) of the WLP identifies locations where tall buildings will be considered acceptable together with height parameters for each location. In conformity with the London Plan. Policy LP4 Part B 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, where the development would not result in any adverse visual, functional, environmental and cumulative impacts’.*

4.13. The site is not located within a tall building zone. The site adjoins (but is outside) Tall Building Zone TB-B2-04 to the east (where 7 to 12 are considered appropriate). Policy LP4 and Appendix 2 identifies the site within a Mid-rise buildings zone (MB-B2-02) where 6 storeys as a maximum is considered to be appropriate.

4.14. The application has been assessed against the criteria set out in Parts A to H of Policy LP4. LP4 Part B focuses on visual impacts, spatial hierarchy, tall buildings near the Thames frontage, microclimate and lighting and ground floor uses and the public realm.

4.15. It is acknowledged that representations were made in respect of Policies PM9 and LP4 by the then freeholders of the appeal site at the Regulation 18 and Regulation 19 Stages of the Local Plan. The sequencing of this will be further addressed in the LPA’s evidence. Notwithstanding these representations, the Inspectors at the Local Plan Inquiry found the Plan and its policies to be sound.

4.16. Reason for Refusal 1 states that the proposed development is considered to be contrary to WLP Policies PM9 (Wandsworth Riverside and LP4 (Tall and Mid Rise Buildings). A full assessment of the proposed development against the requirements of Policies PM9 and LP4 is included in the OR (Table 2, para 2.159). A clear and substantial conflict arises with several parts of both policy PM9 and LP4. T arises and this conflict will be addressed in detail in evidence. Policy PM9 Part A4 states that development proposals for tall or mid-rise buildings will only be supported in zones identified in the Local Plan. Similarly, Policy LP4 Part C states the Council will seek to restrict proposals for tall buildings outside the identified tall building zones and Policy LP4F sets out the requirements for mid-rise buildings which should not exceed the appropriate height identified in the Local Plan. The site is not within a zone identified for tall buildings but is located within a mid-rise building zone where the appropriate height is defined as 6 storeys.

### **Other Material Planning Considerations**

*The National Planning Policy Framework and its associated Planning Practice Guidance*

4.17. The NPPF and associated PPG contains policy and guidance which is relevant in assessing the planning balance of the proposal

4.18. Within chapter 2 (Achieving sustainable development) of the NPPF, para 8 states

‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).’ This paragraph then goes on to list the three overarching objectives, as stated above, which, in the interest of clarity, are as follows:

*a) **an economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.*

*b) **a social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.*

*c) **an environmental objective** - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

4.19. The concluding sentence within para 9 of the NPPF continues on the theme of sustainable development and states:

*‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.’*

4.20. The NPPF restates the primacy of the development plan in paragraph 15:

*The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings*

4.21. Para 125 (c) of the NPPF is relevant and states that planning 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’*

4.22. Para 135 of the NPPF sets out six criteria that planning decisions should achieve. While all six categories are relevant, of particular importance is 135c which states that development should ensure that they...

*‘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)’.*

4.23. NPPF para 139 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’.*

4.24. Within chapter 16 (Conserving and enhancing the historic environment) of the NPPF, para 212 states

*'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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'* in accordance with paragraph 213 of the NPPF, any harm to the significance of a designated heritage asset should require clear and convincing justification.'

4.25. Para 215 states

*'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** (Officer emphasis) of the proposal including, where appropriate, securing its optimum viable use.'*

4.26. In terms of public benefits, the 'Historic environment' category of the PPG advises (para 020)

*'Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.'*

4.27. Within chapter 11 (Making effective use of land) of the NPPF, para 125(c) states...

*'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 (Officer emphasis) would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'*

4.28. Within the PPG, the 'Effective use of land' category was recently updated (27 February 2025) to provide advice on how to apply para 125(c) of the NPPF when making decisions on planning applications. The advice states...

*'When determining such proposals, decision makers will need to take account of this policy alongside other policies within the Framework taken*

*as a whole. As an example, where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 215 (which requires the public benefits of the proposals to be weighed against the less than substantial harm) would still need to be applied. Where relevant, decision makers will need to provide a clear articulation of how paragraph 125(c) has been demonstrably considered and applied alongside other policies.'*

### *Planning and Design Guidance*

#### *Wandsworth Urban Design Study (December 2021) and evolution of WLP LP4*

- 4.29. The Wandsworth Urban Design Study (December 2021) was adopted and produced in accordance with the London Plan 2021, and is the design evidence which underpins the WLP's growth strategy for the purposes *inter alia* of LP Policies D1 Parts A and B, D9 Parts A and B and WLP Policies PM9 and LP4. The WLP and the evidence supporting it including the Urban Design Study (December 2021) were examined by Planning Inspectors at the Examination hearings into the soundness of the now adopted WLP, held in November 2022. The Inspectors accepted the evidence base and found the Local Plan to be sound, subject to main modifications. Local Plan was adopted in July 2023. The UDS (December 2021) in assessing Tall Building Zone TB-B2-04 which is located immediately to the east of the site states... 'Evidence gathered through site visits and the character area profile indicate that the height of Albion Riverside sits positively along the riverside, with the scale of the building responding to the adjacent uses and the width of the River Thames. It is also largely set back to create a more generous feeling of space along the river frontage. The heights of buildings generally along the riverfront here are considered to be at capacity. Increases in height would risk adversely affecting the character of the River Thames including the north bank which includes a number of designated conservation areas by the Royal Borough of Kensington and Chelsea. Taller development would also sit uncomfortably between the two listed bridges (Battersea, grade II and Albert, grade II\*) and would affect views from within Battersea Park Registered Park and Garden. Buildings should step down towards the approaches to the listed Battersea Bridge and Albert Bridge to maintain their visual prominence and preserve their setting'.
- 4.30. The Appellant has referred to and appears to intend to rely on a draft version of the Urban Design Study, which informed a reg 18 consultation process. The draft UDS is not considered material to the appeal.

4.31. However, the Urban Design Study 2020 and the Regulation 18 version of the WLP were produced under the emerging London Plan 'Intend to publish' version which included an earlier version of London Plan Policy D9 which did not specify a tall buildings definition and leaving up to LPAs to define what is considered a tall building for specific localities.

## **5. THE LPA'S CASE**

- 5.1. The LPA considered the application in accordance with the requirements in section 70(2) of the TCPA 1990, section 38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF. The LPA concluded that the proposed development was not in accordance with London Plan Policy DP9 and WLP Policies PM9 and LP4 and that material considerations did not justify a decision otherwise than in accordance with the Development Plan.
- 5.2. Full details of the assessment which was undertaken by the LPA are set out in the OR which was considered by Planning Applications Committee at the meeting on 24<sup>th</sup> April when it was resolved to refuse the application in accordance with the Officer recommendation and recommended reasons for refusal. In arriving at the recommendation Officers applied the requirements of the NPPF which seek to achieve sustainable development, and have balanced the benefits, along with disbenefits, of the proposal against these overarching objectives. To this end, the material weight that the individual components of the proposal are considered to achieve, are required to be balanced against the harm identified.
- 5.3. A summary of the key planning considerations and balancing exercise undertaken by officers is set out below. These form the basis of the case to be presented in evidence by the LPA.
- 5.4. The two main areas where the proposal was considered to result in harm are the impacts to heritage assets (Wandsworth Local Plan Policy LP3), and the urban design impacts of the tall building (Wandsworth Local Plan Policy LP4). Officers assessed the proposal's individual components in the context of how much weight Officers considered each could be afforded in the planning balance.

### **Tall Buildings/Urban Design Assessment**

- 5.5. The WLP follows the approach taken by the London Plan in identifying locations within the borough where tall buildings may be appropriate and sets out design parameters for each location in terms of the maximum heights that would be acceptable. These are based on the sound evidence base provided by the Wandsworth Urban Design Study, which assessed all the character areas in the borough. Outside of the locations which were identified as being appropriate, the rest of the borough was deemed not suitable for tall buildings and to introduce tall buildings into such a locations, as proposed here, is considered to cause harm. The Site is located within a designated Mid-rise zone with a maximum parameter height of 6 storeys, or 18m in height which, at a proposed 29 storeys, is significantly exceeded. The proposed 29 storey height of the development also significantly

exceeds the maximum parameter height of 12 storeys within the adjacent tall building zone.

- 5.6. The spatial character in the vicinity of the site varies from 2 to 6 storeys with the adjacent residential building at the Thameswalk Apartments and offices within Hester Road. Further to the east the 11-storey Albion Riverside. In assessing the adjacent tall building zone TB-B2-04, the Urban Design Study states...

*'The heights of buildings generally along the riverfront here are considered to be at capacity. Increases in height would risk adversely affecting the character of the River Thames including the north bank which includes a number of designated conservation areas by the Royal Borough of Kensington and Chelsea. Taller development would also sit uncomfortably between the two listed bridges (Battersea, grade II and Albert, grade II\*) and would affect views from within Battersea Park Registered Park and Garden. Buildings should step down towards the approaches to the listed Battersea Bridge and Albert Bridge to maintain their visual prominence and preserve their setting.'*

- 5.7. The Appellants presented various schemes at pre-application stage, focussing on two options for a 33 and a 38-storey tower. The proposals were submitted to the Wandsworth Design Review Panel ('DRP') on 13 December 2023 and on 16 February 2024. At the first DRP the 38-storey building was presented and the Panel stated, *'Whilst we are not against height per se, we are not convinced on the need for height in this location and do not think the narrative presented is clear and robust enough'*. The second scheme presented was ground plus 33 storeys with a shoulder block of 10 storeys. The Panel stated *'As before, the Panel remains unconvinced that marking the bridge is an argument for a tall building in this location. The constrained site for the tower and the amenities offered do not mark a broader opportunity of placemaking for the wider community, which might be supported'*. In addition, at pre-application stage GLA officers considered that a 'landmark' for the river bridge could be an appropriate design principle to apply when re-developing this site. However, as outlined at pre-application stage, they stated this does not mean that a building of significant height is considered appropriate on that basis.
- 5.8. When the application was submitted the height of the proposed tower was at 33 storeys plus ground. Following a period of consideration of the consultation responses to the initial submitted height, the applicant submitted revised proposals reducing the height down to 28 storeys plus ground (29 storeys) with a 10-storey shoulder block to the south. The revised scheme was not presented to the Design Review Panel prior to submission of the planning application.

- 5.9. In terms of its location, the proposed building would be significantly taller than its surroundings and would appear visually dominant in views upstream and downstream along the River Thames. Only the two towers at Chelsea Creek of 37 and 25 storeys would compete visually, however, these are sited in a part of the Thames that is far less verdant and open.
- 5.10. The Appellant's rationale for a tall building beside Battersea Bridge is claimed to derive from their townscape analysis of London. It is in this analysis which they suggest that the many bridges across the River Thames in the central section from Hammersmith to Tower Bridge are identified as markers or landmarks which contribute to the visual announcement of crossing points while celebrating the architecture of the bridges. This rationale for a tall building to mark this particular crossing point is not supported by the LPA. The introduction of a tall building as proposed in this location would detract from the Bridge and the character of the wider area. This is supported by the Wandsworth Urban Design Study which states that tall buildings should step down towards the listed bridges rather than to mark them. This urban design relationship is considered to be harmful
- 5.11. A building comprising a 29 storey tower, with a 10 storey shoulder block, in this location is not compliant with WLP Policy LP4 Part B, as it lies within a mid-rise zone where the maximum height is 6 storeys or 18 metres. It is considered non-compliant with part B of D9 of the London Plan for the same reason. It cannot be considered to be a proportionate response to the local environment. This is due to the significant degree of change in the scale of visual obstruction that is proposed within the location, that has no existing buildings in the immediate vicinity that could be truly regarded as visually conspicuous.
- 5.12. London Plan Policy D9 C requires that development proposals must address a number of impacts. In terms of visual impacts these are specified in terms of long-range views, mid-range views and immediate views. These have been assessed by the Heritage, Townscape and Visual Impact Analysis as part of the planning application. These views have been analysed and supplemented by Officers wider consideration of the visual impacts in terms of townscape character and designated heritage assets both within the borough as well as neighbouring boroughs. In summary, the proposed building will form a prominent and visually jarring addition to the area, in stark contrast to the surrounding built form and landscape context. This includes a significant visual dominance in views from the river and surrounding townscape. It is clear that the negative visual effect will be far reaching due to the height and scale of the proposed development in relation to the prevailing spatial character of the area.

- 5.13. Policy LP4 Part B.2 states that the proposed location of tall buildings must avoid creating substantial visual interruptions in areas with otherwise very consistent building heights and/or roof lines. There is a consistency of height in the immediate vicinity of the site of 2 to 6 storeys, within an area characterised by mainly residential streets therefore the proposed building would form a significant change in scale both in terms of the 10 storey element and 29 storey tower. The 10 storey element does little to form a step down to the surrounding buildings as, in itself, it is much taller than the surrounding context. The degree of visual interruption that the proposal would introduce is considered to be harmful within this policy context.
- 5.14. LP4 Part B.7 and 8 discusses spatial hierarchy, and 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 a harmful impact having regard to its context. The proposed tower would have an overly dominant impact adjacent to the River Thames. and at 29 storeys, cannot be considered a proportionate response to the local environment. This is due to the significant degree of change in the scale of visual obstruction that is proposed within the location, that has no existing buildings in the immediate vicinity that could be truly regarded as visually conspicuous. The spatial hierarchy of the area around the site is generally 2 to 6 storeys with only the Albion Riverside building departing from that established form and adding to existing cumulative harms in the form of tall buildings in the wider setting. This renders the proposal to be a dramatic and unwarranted design response to a location where such substantial change was not anticipated through the WLP. This is considered to be harmful and would represent an unjustified transformative change in the spatial hierarchy of the location resulting in significant harm to the character of the area and contrary to the objectives within WLP Policy LP4,
- 5.15. From the north the tower would appear slender, yet demonstrably prominent in views, whereas when viewed from the sides, its bulk and scale reveal its over dominance in the townscape and riverscape contrary to London Plan Policy D9C and Policy LP4 B.
- 5.16. Details of the assessment undertaken are provided in paras 2.1- 2.16 and paras 2.56-2.95 of the OR.

### *Heritage Impact Assessment*

- 5.17. The proposed development impacts on multiple designated heritage assets including the highest national designations of grade I and II\*. The harm caused to the setting of important designated heritage assets has been assessed by the LPA as, in all cases, being less than substantial at a lower and middle level as set out in Table 1 of the OR. As such, the harm caused by the proposed development to these multiple heritage assets would need to be weighed against public benefits as per the requirements of NPPF paragraph 215, and this was done within the planning balance of the proposal.
- 5.18. The Appellants submitted a revised set of 26 views as part of the Built Heritage, Townscape and Visual Impact Appraisal (BHTVIA). These demonstrate the impact of the proposed tower from as far afield as Hyde Park and the grade I listed Royal Hospital in Kensington and Chelsea. It is highly visible from Battersea Park, a grade II\* Registered Historic Park and Garden as the tower would rise above and through the treeline.
- 5.19. Whilst all impacts have been assessed by both the LPA and the Appellant there are differences in the assessment of the extent of harm to designated heritage assets.

*Table 1: Indirect Setting Impacts on Heritage Assets (as assessed by LPA)*

<b>Heritage Asset</b>	<b>Category of Harm</b>	<b>Extent of Harm</b>
Westminster World Heritage Site	No harm	No harm
Hyde Park, Registered Park and Garden, Grade I and the Royal Parks Conservation Area	Less than substantial harm	Low
Church of St Mary and churchyard wall and gates, listed Grade I	Less than substantial harm	Low
Royal Hospital Chelsea and associated buildings, listed Grade I and the Chelsea Royal Hospital Conservation Area (RBKC) and the associated Chelsea Physic Garden, a Registered Park and Garden, Grade II	Less than substantial harm	Low
Albert Bridge, listed Grade II*	Less than substantial	Middle

Numbers 4, 5, 6 and 15 Cheyne Walk, Queens House, listed Grade II* and Swan House and Garden Corner, listed Grade II*	Less than substantial harm	Low
Battersea Bridge, listed Grade II	Less than substantial	Middle
Battersea Park, Grade II* Registered Park and Garden and the associated Battersea Park Conservation Area and the listed buildings within the area	Less than substantial	Middle
Westbridge Road Conservation Area (LBW) and the Grade II listed buildings within the area	Less than substantial	Middle
Battersea Square Conservation Area (LBW)	No harm	No harm
Cheyne Conservation Areas (RBKC) and the multiple listed buildings within the area including Chelsea Old Church, Grade I; Crosby Hall, Grade II*; Lindsey House, Grade II* and Grade II listed houses in Cheyne Walk, Danvers Street, Paultons Square and Ropers Garden	Less than substantial	Low
The Boltons Conservation Area (RBKC)	Less than substantial	Low
Chelsea Park/Carlyle Conservation Area (RBKC)	Less than substantial	Low
Brompton Cemetery Conservation Area (RBKC) and the associated Brompton Cemetery, a Registered Park and Garden, Grade I and associated cemetery buildings, listed Grade II*	No harm	No harm
Three Sisters Conservation Area (LBW)	No assessment possible	No assessment possible but likely low
Thames Conservation Area (RBKC)	Less than substantial	Middle

### *Architectural Quality*

5.20. The detailed design of the scheme has been developed with Officers from the early pre-application proposals and a number of changes have been carried out in terms

of the form and materiality of the proposed tower and the podium. The current proposal is considered to represent an improvement on earlier versions with a brick finish which appeared rather austere. Therefore, whilst the LPA is not seeking dismissal of the appeal on detailed design points per se, considers that these matters of design do not materially mitigate the harmful effects of scale and height. Whilst improvements have been made to the design since pre-application stage, these improvements have only resulted in a modest reduction of 5 storeys in height. The Council is of the view that a much more significant reduction in height would be required in this location to reduce the visual dominance and avoid causing harm to the townscape in its immediate and wider context. Details are provided in paras 2.96-2.101 of the OR.

### *Conclusions*

- 5.21. Officers acknowledge that the Appellant has reduced the height of the tower by 5 storeys. However, this height reduction has not materially mitigated the harm caused by the height and scale of the proposed development or reduced the number of designated heritage assets which would be impacted as set out in Table 1. The building remains demonstrably too tall in its spatial setting where such height has not been justified.
- 5.22. The Wandsworth Urban Design Study (December 2021) states that development should step down to the listed bridges across the River Thames and this runs counter to the applicants' rationale for marking the bridge with a tall building.
- 5.23. In accordance with NPPF paragraph 212 which requires great weight be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, when undertaking the planning balance, great weight and importance should be given to the harm identified and considerable benefits are needed to outweigh this harm. In this case, the LPA has concluded that the less than substantial harm to heritage assets would be balanced by the public benefits which would be delivered by the proposed development and for this reason, have not advanced a self-standing heritage based reason for refusal.
- 5.24. The LPA will demonstrate that the proposed development is contrary to London Plan Policy D9 and WLP Policy LP4, including since the Site is not included in a tall building zone, but is within a mid-rise building zone, where the appropriate height identified in the WLP is a maximum of 6 storeys. A full assessment of the proposed development against Policies D9 and LP4 is contained in Table 2 of the OR (para 2.159) and will be addressed in evidence.

### *Planning Balance*

5.25. The Officers considered the application in accordance with the requirements in s38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF and Officers' assessment of the elements that fall to be considered in the planning balance are summarised below. Details are contained in Section 20 of the OR.

### *Housing Requirement*

5.26. The WLP was recently adopted in 2023 and the current housing requirement was found sound as part of the Local Plan examination, this will remain in place until the new London Plan is examined and found sound. This approach is as per the Housing Delivery Test (HDT) rule book, which calculates the HDT housing requirement, reflecting the housing requirement in the adopted Local Plan. This means the recently adopted Local Plan housing requirement will be used as part of the HDT measurement until the adopted Local Plan is more than 5 years old.

5.27. On the basis of the definition within the HDT rule book, the London Plan would be considered a Spatial Development Strategy (SDS), therefore, based on the HDT measurement rule book, the standard method would only be applicable in the borough if the Local Plan and London Plan were more than 5 years old at the same time. Given the GLA are currently starting the review of the London Plan, and the LPA's Local Plan was recently adopted, the circumstance where the standard methodology is applied in the borough would be unlikely.

5.28. Therefore, the correct basis for assessing the housing requirement and HDT is against the most up-to-date Local Plan.

### *Presumption to redevelop brownfield land*

5.29. The provision of additional housing on a brownfield site is supported by the NPPF which states:

*125. Planning policies and decisions should:*

*c) 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;*

5.30. In respect of para.125(c), substantial harm would be caused to townscape character by reason of height and scale. For this reason alone, para.125(c) does not

lend support to the proposal. Moreover, in a number of recent appeals where paragraph 125(c) has been considered, housing land supply has been a consideration alongside the benefits of any additional housing proposed. This has included taking into account the LPA's existing supply and recent delivery in terms of identifying "needs" within the planning balance as provided for by para.125(c). Reference will be made to relevant appeal decisions including APP/L1765/W/24/3344776 in the LPA's evidence.

- 5.31. In accordance with the updated National Planning Practice Guidance and relevant appeal decisions, Officers have considered the wider context of the proposal in relation to the LPA's recent housing delivery and housing pipeline.
- 5.32. Based on the above, this illustrates the LPA's level of housing delivery and housing pipeline is well above policy requirements. The LPA can show the housing supply is not constrained within the borough, which was a consideration within the planning balance.
- 5.33. In conclusion, when the proposal (totalling 110 dwellings) is considered in the context of the LPA's recent housing delivery and substantial pipeline, the proposal would result in totalling only 5.6% of the annual need for housing in Wandsworth as per Local Plan policy SDS1, equating to a need of 1,950 dwellings per annum. Therefore, although the site if permitted, would make an positive contribution to the housing supply, given the wider impacts as a result of the significant height and massing of the development, the substantial harm caused must be considered in relation to the relatively modest contribution the proposal would make to the overall housing supply, especially when considered in the current context, that the LPA's housing supply is not constrained. In this context, the overall contribution to the housing supply is unlikely to provide enough of a benefit to justify the wider impacts.
- 5.34. Moreover, as stated above, this is not a case where the presumption in favour of sustainable development under paragraph 11(d) of the NPPF and therefore 'tilted balance' applies.
- 5.35. The Local Plan was adopted in 2023 and is therefore less than five years old.
- 5.36. The LPA's latest Annual Monitoring Report 2024/2025 shows a five year housing land supply (HLS) of 5.8 years (including a 5% buffer), (calculated as  $10,806 / (1,774 * 1.05)$ ) and a Housing Delivery Test (HDT) result of 112%.

### *Public Benefits and Material Weight*

5.37. The components of the proposal from which Officers consider public benefits would flow (and the weight given to these in the ascending range of neutral, moderate, great and significant) are as follows:

- 110 residential self-contained units - this would have provided an **economic** benefit through the numerous supply chains and trades that would have needed to be engaged in order to deliver the construction phase of the proposal. The Employment and Skills s.106 obligation would have secured employment opportunities for Wandsworth’s residents. The new homes would have provided a **social** objective as they would have met an identified housing need (see WLP Policy SDS1) although as set out above, this must be considered in the context of current housing supply and delivery. Through the use of previously developed land, to which effective use would have been made, while being contained within an energy efficient building, an **environmental** benefit would have been provided. Weight given – MODERATE.
- 54 residential self-contained units as affordable housing (50%) all at social rent levels with M4(3)(2)(b) wheelchair accessible units – subject to Appellant demonstrating that this level of affordable housing at the proposed tenure is in fact deliverable this would have provided a **social** benefit by producing a range of homes that would have met the needs of present and future generations . The quantum of affordable housing exceeds 2021 London Plan and 2023 Local Plan policy requirements. As such and again subject to the qualification set out above as to demonstrating that the affordable housing is deliverable, the weight given would be SIGNIFICANT
- Community facility at peppercorn rent in perpetuity with no service charge – this would have provided a **social** benefit as the future activities within this space would support strong, vibrant and healthy communities. The facility would have fostered the local community’s health, social and cultural well-being. The **economic** and **environmental** benefits are as above, albeit to a lesser degree as the floor area is not as great as the housing. Material weigh given – GREAT
- Affordable office workspace at 80% of prevailing market rates for 30 years - this would have provided an **economic** benefit as the floor space would have been flexible and adaptable, ensuring its suitability for a wide range of future

tenants, including start-ups and SMEs. This would have helped to build a strong, responsive and competitive economy. Officers' note that the rental terms for this component are not as beneficial as the terms for the community facility. The **economic** and **environmental** benefits are as above, albeit to a lesser degree as the floor area is not as great as the housing. Material weigh given – MODERATE

- Public realm, landscaping and remodelled Thames Path access - this would have provided a **social** benefit as these works, although not to the quantum that was ideally required by Officers, would have been well-designed, while providing a safer, more coherent space with enhanced accessibility to support the community's health, social and cultural well-being.
- An **economic** benefit can be identified through the construction phase, albeit to a lesser degree as the main built envelope would be attributed to the majority of this benefit. Material weight given - MODERATE

5.38. Para 215 of the NPPF requires the public benefits of the proposal to be weighed against the less than substantial harm to designated heritage assets which has been identified. This is within the context of para 212 of the NPPF where great weight should be given to the asset's conservation. The degree of harm has been identified by Officers in Table 1: Indirect Setting Impacts above. Table 1 has identified heritage assets as either stand-alone entities, or within groups that have been formed logically on the basis of their localised harm.

5.39. Table 1 shows 16 groups, or single entities, which has assessed the extent of harm exerted upon them as being either no harm, low harm or middle harm. Harm greater than middle has not been identified by Officers. Three out of the 16 assessments have indicated no harm. Eight have been identified as experiencing low levels of harm. The remaining five assessments have identified assets as experiencing middle levels of harm. The locations experiencing middle levels of harm are as follows:

- Albert Bridge, listed Grade II\*
- Battersea Bridge, listed Grade II
- Battersea Park, Grade II\* Registered Park and Garden and the associated Battersea Park Conservation Area and the listed buildings within the area
- Westbridge Road Conservation Area (LBW) and the Grade II listed buildings within the area
- Thames Conservation Area (RBKC)

- 5.40. In arriving at a balanced judgement for the purposes of para 215 of the NPPF, the significance of the five heritage assets was assessed in full in the OR. It is clear from the significance assessment, and the degree of harm identified in Table 1, that a suitably high level of public benefits should flow from the proposal in order to balance this harm. To this end, the 54 affordable homes as proposed, all at social rent, was given significant weight by Officers on the basis that the Appellant is able to demonstrate that this level of affordable housing at the proposed tenure is deliverable. The provision of the community facility has been given great weight by Officers. Finally, the public realm and landscaping improvements, along with the affordable office workspace, provide moderate levels of public benefit as assessed by Officers. The number of homes proposed contributes moderately to the overall housing targets of the borough. This is attributed moderate weight.
- 5.41. 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, therefore. To the extent that heritage considerations form part of the range of criteria included in London Plan policy D9 (see D9(C)(3)(d) and Local Plan policy LP4(B)(1), this will be addressed as part of the LPA's assessment in its evidence of the application of those policies..

*Urban Design and Tall Building*

- 5.42. The balancing of harm against public benefits, as required by para 215 of the NPPF, does not translate when assessing the planning balance against the adopted requirements of London Plan Policy D9 (LP D9) and Wandsworth Local Plan Policies PM9 and LP4. (WLP PM9 and LP4).
- 5.43. Irrespective of the assessment to heritage impacts, which stands alone in this regard, Officers have assessed the impacts of the proposal against the policy objectives of LP Policy D9 and WLP Policies PM9 and LP4 and the NPPF and have identified substantial harm. The impact of such a tall 29 storey tower on the spatial character of the location, which is predominantly six storeys with the closest, tall building being the 11 storey Albion Riverside has not been justified. Officers conducted a detailed assessment against Policy D9 and Policy LP4 and identified policy conflict resulting in significant harm against a number of specified objectives.
- 5.44. In terms of Section 38(6), the WLP was adopted in July 2023. This plan is very young and can only be regarded as up to date. The material considerations that have been

put forward for the proposal, demonstrate that a considerable number of policy areas would achieve compliance. These include, but not limited to, the following:

- Acceptable loss of existing office floorspace
- Acceptable replacement land uses
- Acceptable impact on heritage assets (once balancing harm against public benefits is performed)
- Acceptable amenity impact in terms of daylight/sunlight, outlook, privacy and wind conditions
- Acceptable flood risk impact for material reasons subject to conditions and s.106 mitigation
- Acceptable health impact strategy with mitigation for NHS through financial contribution
- Acceptable provision of housing units with an exceedance of affordable housing and provision of wheelchair accessible units
- Acceptable standard of housing accommodation
- Acceptable arts and culture strategy mitigated with financial contribution
- Acceptable response to the Climate Crisis through sustainable technologies and carbon saving (mitigated by carbon offset payment)
- Acceptable circular economy strategy
- Acceptable air quality impact with mitigation for monitoring through financial contribution
- Acceptable play space strategy with mitigation through financial contribution
- Acceptable biodiversity impact and urban greening impact

5.45. It is the case, however, that the proposal does not lie within a zone designated for tall buildings, with an allocation as mid-rise set at a maximum building height of six storeys. At a proposed height of 29 storeys, the substantial harm identified is at such odds with the objectives and terms of Policies PM9 and LP4. The conflict with these important policies and their objectives is such that a conflict with the development plan as a whole arises. This should result in a refusal of planning permission unless other material considerations outweigh the harm. The Council is of the view that the other material considerations which have been identified cannot be considered as being so significant as to outweigh this harm and the conflict with LP Policy D9 and WLP Policies PM9 and LP4 and thereby with the Development Plan as a whole. Planning permission should therefore be refused.

## 6. SUMMARY RESPONSE TO APPELLANT'S STATEMENT OF CASE

### Planning Considerations (Section 5.0)

#### *Development Plan*

6.1. The Appellant maintains that the Partial Review of the Wandsworth Local Plan which is currently going through examination will generally attract little if any weight. Having regard to Paragraph 49 of the NPPF, as the Partial Review of the Local Plan is at an advanced stage, the LPA is of the view that it would have material weight in decision making

#### *Supplementary Planning Documents and Guidance*

6.2. The Appellants have not referenced the Urban Design Study (December 2021) in their Statement of Case. The LPA will place significant weight in its evidence on this document which forms the evidence base to the adopted Wandsworth Local Plan 2023 and Policies PM9 and LP4.

#### *Application to the Proposed Development*

6.3. The Applicant has set how the principal planning considerations apply to the proposed development. The LPA's response is summarised below in respect of each of the points raised in paras 5.7- 5.13 of the Appellant's Statement of Case.

1. Para 5.7- The Appellant states that the proposed development complies with the Development Plan when *read as a whole* and is in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

*LPA's response: The proposed development fails to comply with the Development Plan when read as a whole and is not in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the LPA was justified in refusing planning permission.*

2. Para 5.8- The Appellant states that the proposed development accords with the NPPF and relevant SPDs and Planning Guidance produced by GLA and LBW and there are no material considerations that would justify a decision otherwise in accordance with the Development Plan.

*LPA's response- The LPA will demonstrate that the proposed development does not accord with the NPPF and relevant SPDs and Planning Guidance produced by GLA and LBW (including but not limited to the Wandsworth Urban Design Study 2021). The LPA agrees that there are no material considerations*

*that would justify a decision otherwise in accordance with the Development Plan.*

3. Para 5.9- The Appellant states that the proposed development is of an appropriate height and scale for the site and is considered to create a *positive* change in the townscape.

*LPA's response- The Council will demonstrate for the reasons set out in this Statement of Case that due to its excessive height and scale, the proposed development would significantly harm the spatial character of the townscape.*

4. Para 5.10- The Appellant states that the HTVIA produced by Montagu Evans confirms the proposed development is not of an excessive height and scale and does not give rise to any adverse effect on heritage assets whilst the *architectural qualities demonstrably improve the appearance and function of the townscape.*

*LPA's Response- The LPA does not agree that the HTVIA confirms the proposed development is not of an excessive height and scale and would improve the appearance and function of the townscape. The LPA will demonstrate that the development would significantly harm the character and appearance of the townscape for the reasons set out in Section 5 which will be expanded on in evidence.*

5. Paras 5.11-12- The Appellant states that If heritage harm is caused, it is found it would be less than substantial and at the lower end of the scale. The OR report set out alleged harm caused to be less than substantial at lower and middle end of the spectrum of less than substantial harm. For the reasons set out in the HTVIA, the Appellant argues that this is *overstated* but in any event the level of harm would be significantly outweighed by the significant heritage, economic, social and environmental public benefits.

*LPA's response- The LPA has carefully assessed the level of harm caused to heritage assets and does not agree that this has been overstated. The LPA has concluded that the public benefits would balance the harm to the identified heritage assets for the reasons set out in Section 5. The LPA does not agree with the Appellant's assessment of weight to be attached to public benefits, as addressed elsewhere in this Statement of Case. Heritage considerations for elements of policies concerning urban design and tall buildings, in particular London Plan D9 and Local Plan LP4, will be addressed as part of the LPA assessment of conflict with those policies.*

6. Para 5.13- The Appellant has concluded that as a result, the development would be supported by the Development Plan including but not limited to LP Policy D9 and NPPF Para 215 and by the Development Plan when read as a whole.

*LPA's response- this is not agreed for the reasons set out in this Statement of Case which will be expanded on in evidence.*

#### **Grounds of Appeal (Section 6.0)**

- 6.4. In summary, the LPA would respond to the Grounds of Appeal set out by the Appellant in their Statement of Case as follows (para numbers relate to the Appellant's Statement of Case). The issues raised have been addressed by the LPA in this Statement of Case and will be expanded on in evidence.

##### *Reason for Refusal 1*

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

- 6.5. Para 6.3- the Appellant will seek to demonstrate through design, townscape, heritage and visual evidence that the proposed height and scale of development are appropriate for the site and context:

- Does not create an unacceptable and incongruous transformational change that would significantly harm the spatial character of the location.
- Proposed development will bring a positive change to the local spatial character of the area.
- The immediate surrounding context of Albion Riverside embedded in wider riverain context of River which is characterised by multitude of tall and very tall buildings particularly near bridges is of a significant scale and the scale of the proposed Development is considered appropriate.

*LPA response- these matters have been addressed in this statement of case and will be developed in evidence. The height and scale of the proposed development are not considered appropriate for the site and would significantly harm the spatial character of the area contrary to the Development Plan and NPPF. The impacts*

*have been fully assessed by the local planning authority (as set out in the Officer's Report to Planning Applications Committee (Appendix 1) in accordance with the NPPF, LP Policy D9 and WLP Policy LP4. In its evidence, the LPA will set out in detail the local spatial character, framing its character sensitivities in the context of those relevant Character Areas in the Urban Design Study (December 2021), where relevant. In doing so, the evidence will refute the Appellant's case that the area is 'characterised by a multitude of tall and very tall buildings, particularly near bridges'. Overall, it will set out how the proposal would result in conflict with the NPPF para 135 (c), in that it would result in significant harm and would not be sympathetic to local character and history, including the surrounding built environment and landscape setting.*

- 6.6. Para 6.4- The Appellant states that the height of the proposed development has been the subject of extensive pre-application engagement with key stakeholders including the LBW and the Wandsworth DRP and represents the optimisation of an underutilised building and brownfield site. The Appellant will demonstrate it is the most appropriate form of development for the site.

*LPA's response- The Appellant places great weight on pre-application engagement with key stakeholders and the consideration of development options and this will be addressed in detail in the LPA's evidence. It is noted, however that there was no engagement with the DRP on the revised proposals which are the subject of this appeal and no options were considered for the site apart from a tall building of a minimum 29 storeys.*

- 6.7. Para 6.5- it is understood that in support of a tall building, the appellant will place significant weight on the HTVIA prepared by Montagu Evans which summarises the case as follows:

- Proposed development stands at Battersea Bridge a key arrival point that marks arrival in borough from north
- Proposed height is result of townscape studies which identified that bridges along river are often signposted by tall to very tall developments and an assessment of the sensitivities of surrounding heritage assets particularly Chelsea Royal Hospital, Battersea Park, Albert Bridge, Battersea Bridge and conservation areas in Wandsworth and RBKC
- Proposed development is not near an existing group of tall buildings but *would establish a successful relationship with taller elements nearby*, particularly at Lots Road, Chelsea Waterfront and Lombard Wharf. Together these would make a positive and varied contribution to skyline.
- Proposed development would not impact on strategic or *local* views.

- Design excellence is achieved. The building is successfully sculpted and split into a clear legible base, middle and top zone using high quality, durable materials.
- The proposed development presents active frontages onto the surrounding streets and contributes to an animated streetscale along Battersea Bridge Road and the interface with the Thames Path, Hester Road and the Royal College of Art. An improved access point would be achieved from the site to the Thames Path providing improved connectivity for pedestrians and cyclists as well as new planting, trees and a terrace for the public to enjoy views of the river.

*LPA's response: As set out in the OR and Section 4 of this Statement of Case, the submitted HTVIA was fully assessed in determining the planning application. This will be expanded on in evidence. The LPA does not agree it has been demonstrated that design excellence has been achieved. It will be demonstrated that the excessive height and scale of the proposed development, within the established local spatial character would produce an unacceptable and incongruous transformative change. Whilst the LPA agrees with the Appellant's claim that the proposed development is 'not near existing tall buildings' of a similar scale, we will refute that the proposed development 'would establish a successful relationship with the taller elements nearby, particularly at Lots Road, Chelsea Waterfront, and Lombard Wharf' and that this would make a positive contribution to London's skyline (ibid). The LPA will address visual impact in its evidence against the provisions of Policy D9 Part C 'Impacts' and Part B of LP4. The LPA's evidence will include reference to the independent expert views of the Wandsworth Design Review Panel (WDRP) and the GLA. The LPA's evidence will address and respond to the townscape character and heritage harms in the HTVIA in the context of impacts, including from receptors:*

- *Battersea Park;*
- *Chelsea Bridge;*
- *The Chelsea Embankment between Chelsea Bridge and Albert Bridge, including Chelsea Quay, the Chelsea Physic Garden, Cheyne Walk and Chelsea Embankment Gardens;*
- *Albert Bridge;*
- *The Chelsea Embankment between Albert Bridge and Battersea Bridge (north side), including Chelsea Embankment Gardens, Cheyne Walk and Roper's Gardens.*
- *Battersea Bridge;*
- *Cheyne Road to Cremorne Road and Cremorne Gardens;*
- *The Thames Path at Chelsea Waterfront to Chelsea Harbour Pier;*

- *The Thames path between Albert Bridge and Battersea Bridge, including Albion Riverside;*
- *The Thames path between Battersea Bridge and St Mary's Church and immediate environs of St Mary's Church;*
- *Site environs of Battersea Bridge Road, Hester Road, Battersea Church Road, Westbridge Road and Parkgate Road;*
- *The Royal Hospital and environs;*
- *Environs of Danvers Street, Paulton's Square, Carlyle Square and Park Walk;*

*The LPA's case will also set out that there are cumulative harms to townscape character and will express them, where relevant.*

- 6.8. Para 6.6- The Appellant will demonstrate that the proposed height and scale would present a positive change to the location which combined with the proposed architectural approach creates a building which is of *exceptional design quality*. To demonstrate this the Appellant will include updated CGI's and appropriate visuals within its evidence.

*LPA response: This has not been agreed and will be expanded on in the LPA's evidence. In line with D9 Part Cf, the LPA will set out how the proposed tall building abutting the River Thames, in the Thames Policy Area, would fail to protect and enhance the open quality of the river in river views. It is not agreed that the design is exceptional in terms of design quality or at all and that the design of the proposal would mitigate the impacts of height and scale.*

*The LPA request sight of any updated or additional CGIs and visual material upon which the Appellant relies in order to address this in its evidence. It is not acceptable and is prejudicial for such material to be produced for the first time by the Appellant in its evidence. The LPA reserves its position in terms of the consequences should the Appellant seek to introduce such material for the first time with its proofs*

#### **London Plan Policy D9 and Local Plan Policies PM9 and LP4**

- 6.9. Para 6.7- The Appellant will demonstrate that the proposed development accords with policies. (it is noted however that, no details are provided in the Appellant's Statement of Case, but a cross reference has been provided to Section 6 of the Planning Statement prepared by DP9 which was submitted in support of the planning application and concludes the proposed development is policy compliant).

*LPA response- policy compliance has been fully considered by the LPA as set out in the Officer Report (Appendix 1) and Sections 4 and 5.LPA. The LPA is firmly of the view that the proposed development is contrary to the Development Plan.*

### **Public Benefits**

6.10. Para 6.8- The Appellant will demonstrate that substantial heritage, economic, social and environmental benefits will be provided by the proposed development in a highly sustainable location.

*LPA Response- The list of benefits set out in para 6.8 goes beyond the components of the proposed development from which Officers considered public benefit would flow and the weight to be given to them in the planning balance in the ascending range of neutral, moderate, great and significant (see para 5.38 of this Statement of Case and para 20.29 of the Officer's report (Appendix 1)). The LPA's response is set out below in respect of each of the items identified as public benefits by the Appellant.*

1. Optimising development potential of an underutilised building and brownfield site in key gateway location through delivery of a sustainable, high quality development of *exceptional architectural quality*.

*LPA response- Not accepted.*

2. Significant contribution to borough's housing target through provision of 110 much needed homes in range of unit sizes.

*LPA response- agreed but must be seen in context of 5 Year Housing Land Supply and delivery obligations being met. Material weight given- moderate.*

3. Delivery of significant quantum of affordable homes – 54No (50% habitable rooms) all social rent.

*LPA response- agreed. Material weight given- significant on the basis that the Appellant can demonstrate that this level of affordable housing at the proposed tenure is deliverable.*

4. Delivery of a well designed and sustainable building that will enhance local townscape and character and quality of immediate townscape and setting of designated heritage assets in combination with public realm improvements.

*LPA response- Not accepted.*

5. Provision of high quality flexible affordable workspace at 80% market rent for 30 years- suitable for startups and SMEs contribution positively to the surrounding creative quarter.

*LPA response- agreed. Material weight given- Moderate*

6. Provision in perpetuity of community space- to be provided to a charity or community group on peppercorn lease.

*LPA response- agreed. Material weight given- Great*

7. Provision of ground floor restaurant.

*LPA response- Mixed use development is encouraged by the Development Plan. Material weight given- Neutral.*

8. Significant upgrades to Thames path delivering multi-functional public realm and enhanced pedestrian and cycle routes.

*LPA response- Upgrades to Thames Path are proposed but also a policy requirement. Material weight given- Neutral*

9. Improved streetscape and pedestrian experience along Battersea Bridge Road

*LPA response- Public realm improvements are proposed but also a policy requirement. Material weight given-Neutral*

10. Provision of space for public art work within public realm to be co-designed in collaboration with RCA students.

*LPA response – the provision of public art in major new developments is a policy requirement. Material Weight given-Neutral*

11. Delivery of an exemplar in sustainability incorporating a range of net zero measures in construction and operation.

*LPA response- not accepted. The proposed development meets but does not exceed policy requirements.*

12. Promotion of sustainable travel options through provision of extensive cycle facilities.

*LPA response-This is a basic policy requirement. Weight given- Neutral*

13. Delivery of substantial economic benefits during construction and operation including job creation, local expenditure, tax revenues and business rates.

*LPA response- agreed. Material weight given- Moderate*

14. Significant CIL and s106 contributions to assist infrastructure improvements  
*LPA response- not agreed. CIL applies to all developments.*

6.11. The LPA will present further detailed evidence in respect of the benefits (and, for the heritage balance, public benefits) of the proposed development and the weight to be attached to these and demonstrate that overall, these have been over-stated and too much weight applied to them by the Appellant.

*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 LPA's Planning Obligations SPD - To secure payment of Employment and Enterprise Contribution based on the LPA's Planning Obligations SPD (£91,506.25); - Art and Culture contribution of*

*£110,000; - Monitoring fee in accordance with calculation set out in the Planning Obligations SPD.*

6.12. The LPA agrees that Reason for Refusal 2 is capable of being addressed and will engage with the Appellant in the preparation of a draft s106 agreement in advance of the Inquiry. The Heads of Terms and associated financial contributions were discussed prior to the Planning Applications Committee on 24<sup>th</sup> April and are set out in Section 19 of the Officer Report (Appendix A). The Draft S106 should include all of the planning obligations set out in Reason for Refusal 2.

## **7. APPEAL PROCESS AND EVIDENCE**

7.1. Subject to the views of the Inspector at the Case management Conference regarding the key issues for consideration at the Inquiry, the LPA intends to call two expert witnesses:

1. Urban Design and Heritage
2. Planning

## **8. CONCLUSIONS**

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 8.2. It is the LPA's case that the proposed development is contrary to the development plan, when considered as a whole, and particularly policy D9 of the London Plan and policies PM9 and LP4 of the LPA's Local Plan and that significant harm has been identified that has not been sufficiently outweighed by material considerations.
- 8.3. The LPA properly assessed the proposed development in accordance with the Development plan and other material considerations before resolving to refuse planning permission.
- 8.4. In its evidence, the LPA will demonstrate that the proposed development does not comply with the Development Plan and that there are no material circumstances which would justify a decision being taken otherwise than in accordance with the Development Plan.

**APPENDIX A****OFFICER REPORT TO PLANNING APPLICATIONS COMMITTEE****24<sup>th</sup> APRIL 2025**

<b>Committee Date:</b>	24/04/2025		
<b>Item No.</b>			
<b>Site Address:</b>	The Glassmill 1 Battersea Bridge Road SW11 3BZ		
<b>Application Number:</b>	2024/1322	<b>Date Validated:</b>	17/05/2024
<b>Ward:</b>	Battersea Park	<b>Officer:</b>	Nigel Granger
<b>Application Type:</b>	Application for Full Permission		
<b>Proposal:</b>	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.		
<b>Recommendation Summary:</b>	Refuse		

**SITE DETAILS:**

The application site (0.115ha) hosts an existing part five-storey, part six-storey building (4,877.1sq.m) located on the eastern side of Battersea Bridge Road. It is part vacant and part let for offices (Class E). This building, known as the Glassmill was designed by Michael Lyell Associates in the 1980's. It represents an interesting architectural design with faceted glazing to facades. It is a prominent building on the River Thames by Battersea Bridge.

The main access to the building is provided from a stepped entrance on Battersea Bridge Road. There is a basement level car park that is accessed from a service road to the east that connects with Hester Road.

The site is located adjoining the River Thames riverside walk to the north, Battersea Bridge Road to the west, Hester Road to the south and a service road next to 4 Hester Road to the east. The Thameswalk Apartments, a six-storey building in use as residential flats, is attached to the Glassmill building, being built at the same time as part of a mixed-use development. The land immediately to the south of the existing Glassmill Building is used for parking cars and bicycles.

The area to the south and east of the site is characterized by streets comprising mainly residential terraces and apartment blocks of 2-4 storeys with isolated taller buildings such as the Royal College (Dyson Building) of 3-6 storeys in height and the contemporary mixed-use scheme of Albion Wharf of 11 storeys. Much of the area further to the east and south has a grid pattern of streets with two storey Victorian and Edwardian buildings.

The area to the west of Battersea Bridge was developed in the 1970s for a residential development on the site of Morgan's Wharf. It comprises buildings of up to four storeys and very insular in layout. It is a gated development with high boundary treatments to its perimeter.

The property is not listed, nor is it located within a conservation area. The host property is located adjacent to Battersea Bridge which is a Grade II listed building. The Royal Borough of Kensington and Chelsea (RBKC) sits opposite across the River Thames.

The site has a PTAL rating of 3 when assessed by Transport for London (TfL).

**CONSTRAINTS:**

Archaeological Priority Area

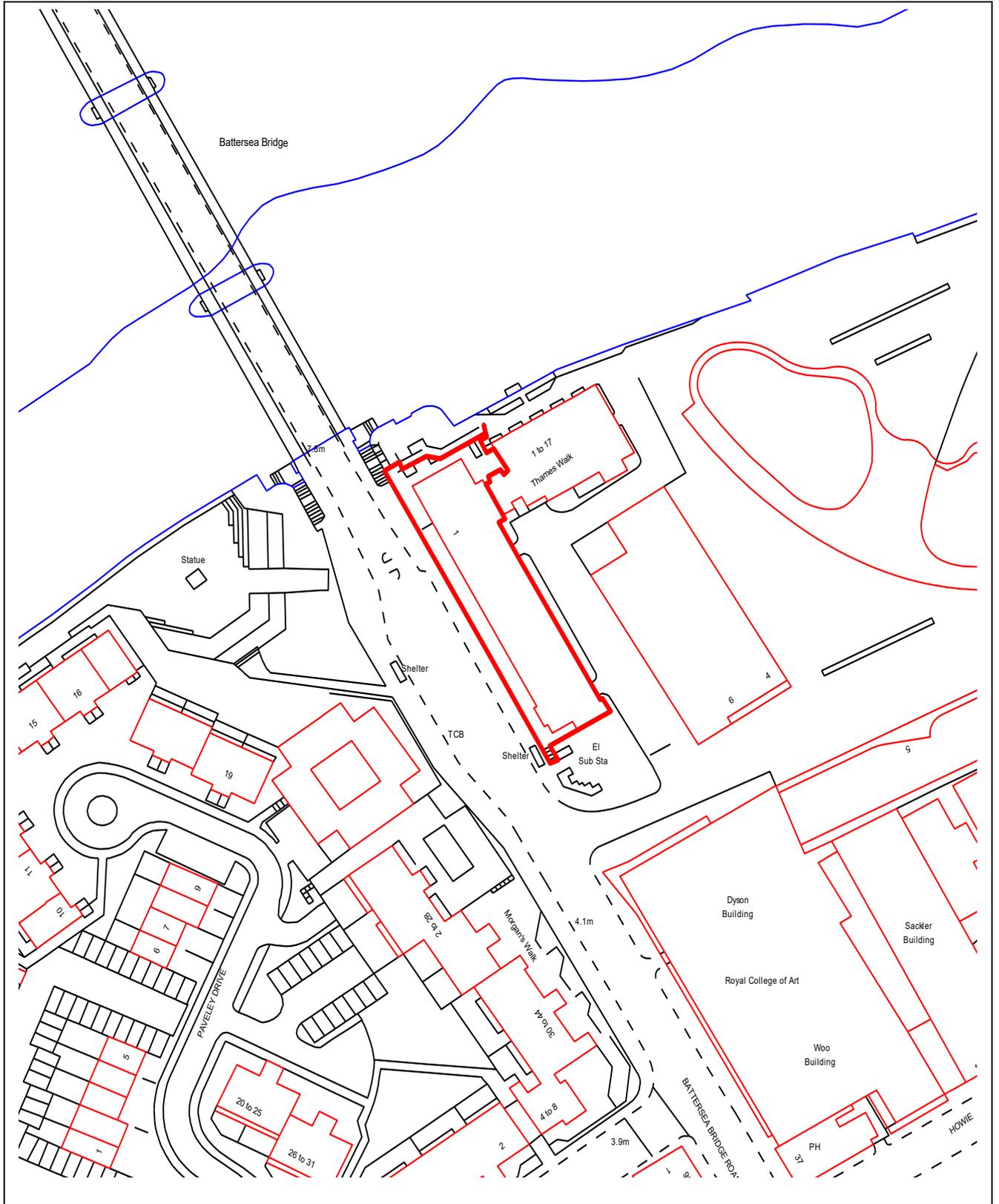
Flood Zone 2: Medium flood risk zone

Flood Zone 3a: High flood risk zone - 1 in 100 or greater probability of flooding each year

Wandsworth Riverside Area Strategy

Focal Point – Lombard Road/York Road Riverside

Mid-rise building Policy Area – MB-B2-02



 <b>Wandsworth</b>	<b>Application No:</b> 2024/1322  <b>Address:</b> The Glassmill 1 Battersea Bridge Road SW11 3BZ	<b>Scale:</b> <b>1:1145</b>	<b>N</b> <b>é</b>
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**REASON FOR REFERRAL:**

The Council's Constitution does not give delegated powers to determine the application in the way recommended and must be determined by the Planning Applications Committee.

**RELATED PLANNING APPLICATIONS:**

The application site has a lengthy planning history. Most relevant shown below:

2024 (2024/0764): EIA Not Required: 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.

2018 (2018/1311): Prior Approval Given: Determination as to whether prior approval is required for change of use from offices on first, second, third and fourth floors (Class B1(a)) to residential (Class C3) to provide 13 x 1-bedroom, 14 x 2-bedroom and 1 x 3-bedroom flats with associated basement bin/cycle storage and 23 parking spaces.

2018 (2018/1212): Prior Approval Given: Determination as to whether prior approval is required for change of use from offices on first, second, third, fourth and fifth floors (Class B1(a)) to residential (Class C3) to provide 12 x 1-bedroom, 13 x 2-bedroom, 1 x 3-bedroom and 1 x 4-bedroom flats with associated basement bin/cycle storage and 23 parking spaces.

2014 (2014/4843): Replacement of four existing plant units to the roof with six new units and associated acoustic screen.

2007 (2007/0722): Alterations to entrance on Battersea Bridge Road frontage replacing revolving doors with swing doors, and construction of access ramp.

2004 (2004/3608): appeal allowed for installation of telecommunications equipment on the roof of the building, comprising six panel antennae, four dish antennae, and an equipment cabinet.

1995 (95/N/0477): Use of part of fifth floor as a dental surgery (Class D1).

1981 (81/N/2441): Erection of a mixed development comprising 3,810 sqm offices and 17 flats.

## **APPLICATION DETAILS:**

Planning permission is sought for the comprehensive redevelopment of the site to include the demolition of existing building and the 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.

The proposal includes the demolition of the existing office building on site.

### Built form

The proposed building would be broken up into two main blocks, the tower element situated towards the north of the site fronting the River Thames and, at ground plus 28 storeys (29 storeys), it forms the 'tall building' aspect of the proposal. Due to the difference in site levels, the tower block would be 95.8m/98.8m in height, 16.3m in depth and 39.8m in width fronting Battersea Bridge Road.

The shoulder element would step down to 10 storeys, being 39.6m/39.8m in height, 16.3m in depth and 25.6m in width fronting Battersea Bridge Road.

The width of the building would be 65.4m in total, inclusive of both elements. The proposal would generally have a curved form with corner balconies incorporated into the shoulder element of the building and with balconies and winter gardens interspersed throughout the remaining accommodation.

The design approach draws inspiration from the surrounding context and heritage, with a triple-layered elevation. In terms of the base, the north and west elevations take their design cues from Battersea Bridge with double height arched colonnades along the Thames path and Battersea Bridge Road featuring pre-cast concrete textured columns and arches complimented by receding metal rib. A double height façade of similar material is also proposed to the east and south elevations incorporating lesser details and depth to reflect the nature and use of the service road.

The middle of the building is where the shoulder element meets the tower element. It includes a simple horizontal expression of the main components of the facade differentiated by level of detail and articulation along the height of the building. The design proposes a simple material palette with terracotta panels of two different colours: the strong horizontal lines emphasised by light terracotta and the infill glazing zone with a darker type terracotta. The level of detail and texture of both terracotta would change depending on their location along the height of the building. Metal balustrades are also proposed along the building's facades.

The top of the shoulder element would include a communal garden with surrounding safety overlapping metal blades along the roof's edges. The crown of the tower element would have a functional role and accommodate plant equipment and solar panels while providing a simple end to the building. Due to the height of the building, this element

would be visible from long distance and as such the intent is not to distract from the simple form of the tower and follow the same design intent as the rest of the building.

The site's existing topography slopes down from Battersea Bridge towards the junction between Battersea Bridge Road with Hester Road. As a result, the proposal includes a lower ground level comprising part of the community use, an entrance to the office use, a car parking, refuse stores and plant room. It also includes a part basement level below the lower ground floor which would comprise another car parking, cycle stores and plant room.

### Residential units

The proposed development would comprise a total of 110 residential units, of which are proposed to be:

- 4 x 1-Bed 1P
- 9 x 1-Bed 2P
- 15 x 2-Bed 3P
- 29 x 2-Bed 4P
- 9 x 3-Bed 4P
- 34 x 3-Bed 5P
- 10 x 4-Bed 5P
- 10% Wheelchair Accessible

The application would seek to provide 50% affordable housing by habitable room (54 units) to be 100% social rent.

### Social rent:

- 9 x 1-Bed 2P
- 15 x 2-Bed 3P
- 3 x 2-Bed 4P
- 9 x 3-Bed 4P
- 10 x 3-Bed 5P
- 8 x 4-Bed 5P

The tower element would benefit from a gym (225.5sq.m) at level 2 and internal communal amenity space with an external area facing the River Thames (224.1sq.m) at level 3 serving the private housing flats. The shoulder element would benefit from a gym (110sq.m), an internal communal amenity space (114sq.m) and a communal roof garden of 312sq.m, including 231.5sq.m of children's play, at level 11 serving the social rent housing. Private balconies or winter gardens would be provided to all the flats.

### Commercial use

The proposal includes a 189sq.m restaurant (Class E) located to the front ground floor with entrances off Battersea Bridge Road and an outdoor terrace facing the Thames.

The proposal also seeks to provide 535sq.m of office floorspace (Class E) on the first floor with its entrance off Battersea Bridge Road. The entirety of the floorspace would be affordable workspace. This provision would be below the existing quantum of office space on site.

#### Community use

The proposal includes a 274sq.m community space (Class F2) located to the rear lower ground, ground and first floors with entrance off Battersea Bridge Road and Hester Road.

#### Public Realm and Car/Cycle Parking

The proposal would improve the Thames Path to the north with the provision of a new accessible public space adjacent to the River, with clear and legible routes linking the site to the existing Thames Path and along Battersea Bridge Road.

New public realm and streetscape enhancements along Battersea Bridge Road are also proposed, including additional street trees, varied planting and re-surfacing to improve the pedestrian environment.

The proposal includes a total of 18 car parking spaces, with five disabled parking spaces at lower ground floor level being accessed via a car lift which would have its own access on the western side of the service road north of Hester Road. The same car lift would be used to access a second car park at basement level which would contain 13 car parking spaces.

The proposal includes two separate cycle stores, one for the tower element and one for the shoulder element located in the basement with two cycle lifts to street level. The tower element includes 87 two tier stands, 16 Sheffield stands and 5 large Sheffield stands. The shoulder element includes 83 two tier stands, 16 Sheffield stands and 5 large Sheffield stands.

Ten long-stay secure cycle parking spaces are also proposed at ground floor level for employees/occupants of the non-residential land uses.

It is also proposed that 12 short-stay cycle parking would be provided externally to be easily accessed by visitors. This would take the form of Sheffield cycle stands positioned at ground floor level to the south of the shoulder building.

#### Amendments:

- Reduction of tower element from ground plus 33 to ground plus 28 storeys.
- Increase of shoulder element from 9 to 10 storeys.
- Reduction of the number of flats from 142 to 110.
- Increase of affordable housing offer from 35% (split between 70% as social rent and 30 intermediate) to 50% (all social rent).
- Additional information submitted regarding daylight assessment, playspace, affordable housing, transport, sustainability, biodiversity, trees, flood risk air quality and fire safety.

**Proposed Dwellings (Gross) by Tenure and Size**

Tenure	Unit Size					Total
	Studio	1 bedroom	2 bedroom	3 bedroom	4+ bedroom	
Social Rent	0	9	18	19	8	54
Intermediate Rent	0	0	0	0	0	0
Private	0	4	26	24	2	56
TOTAL	0	13	44	43	10	110

**Proposed Floorspace by Use**

Use	Floorspace sqms GIA		
	Existing	Proposed	Net
Residential (Class C3)	0	20,094	+ 20,094
Community (Class F2)	0	274	+274
Restaurant (Class E)	0	189	+189
Office (Class E)	4877.1	535	-4,342.1
Other (Shared areas)	0	349	+349
Total	4877.1	21,441	+17,098.9

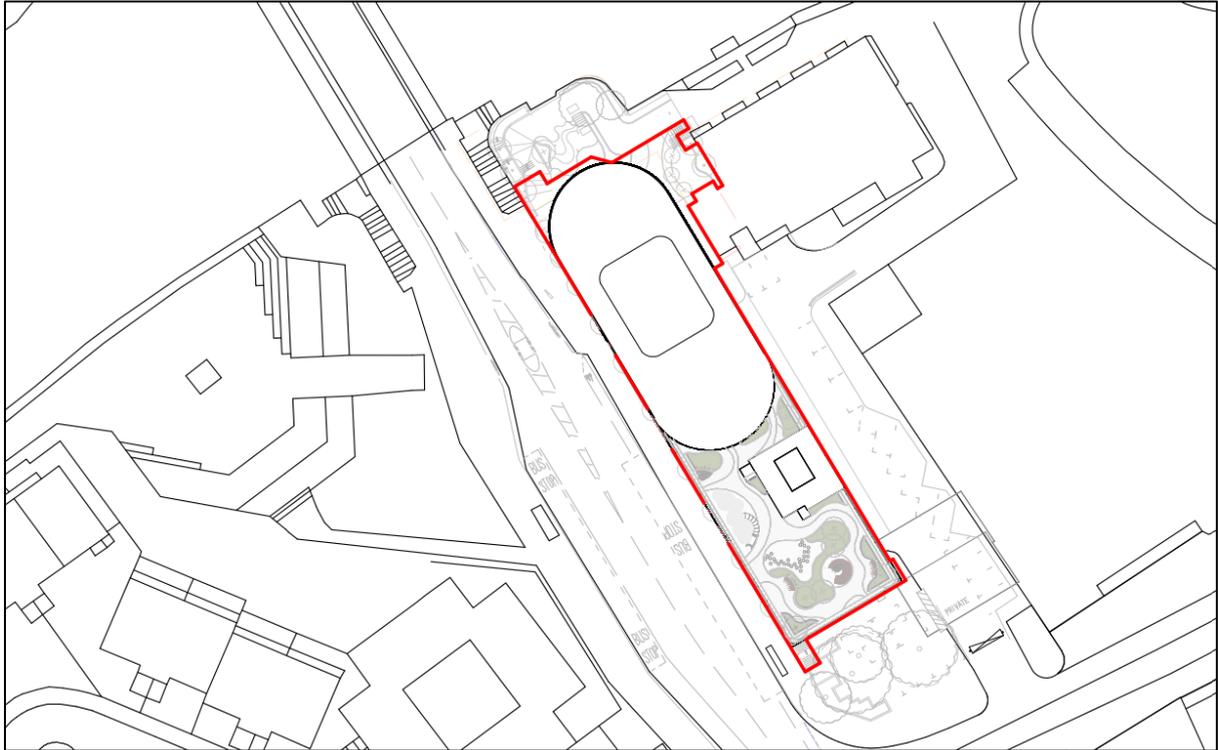
**Amenity Space GIA**

Type	Area (sq.m)
Balconies/winter gardens	1,272
Communal garden	312
Communal internal amenity spaces	338.1
Gymnasiums	335.5
Total	2,257.6

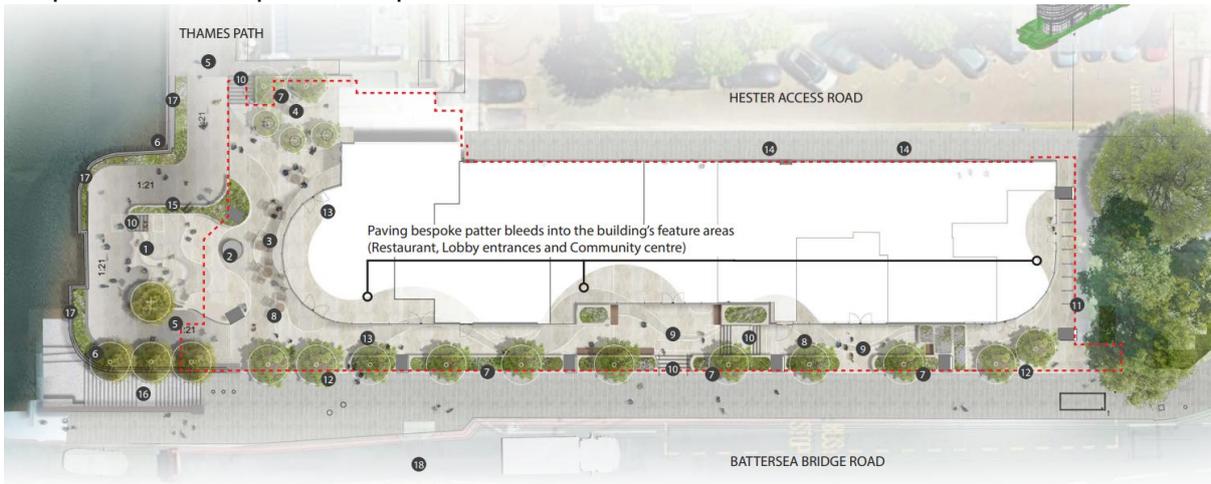
**CO2 Emissions**

Type	Total Percentage Reduction Compared to Part L 2021 Building Regulations
Domestic	66%
Non-Domestic	42%

Proposed site plan



Proposed landscape masterplan



View from Battersea Bridge looking south



View from Battersea Bridge Road looking north



**View of new Thames Plaza and Thames path**



**View from park area looking west**



View from junction between Battersea Bridge Road and Battersea Church Road looking north



View from junction between Battersea Church Road and Condray Place



View from opposite of Thames (RBKC side)



View from north-west of Thames (RBKC side)



Please note that these drawings are not to scale and included solely for assistance, full details of the scale drawings and other documents are available on the online application file.

The following suite of documents were submitted in support of the application:

- Signed and dated planning application form including Certificate
- Planning Addendum Cover Letter
- CIL Form
- Existing and proposed drawings
- Planning Statement
- Affordable Housing Statement
- Affordable Workspace Management Statement
- Commercial Report (inc. Marketing Evidence)
- Health Impact Assessment
- Statement of Community Involvement
- Design and Access Statement (inc. Landscaping Strategy)
- Tall Building Impact Assessment
- Heritage, Townscape and Visual Impact Assessment
- Fire Safety Strategy
- Gateway 1 Fire Statement
- Heliport Information Plan
- Daylight, Sunlight and Overshadowing Report
- Internal Daylight, Sunlight and Overshadowing Report
- Transport Assessment
- Framework Travel Plan
- Delivery and Servicing Plan
- Outline Construction Management Plan
- Outline Construction Logistics Plan
- Outline Site Waste Management Plan
- Pre-Redevelopment and Pre-Demolition Audit
- Operational Waste Management Strategy
- Flood Risk Assessment
- Drainage Strategy
- Energy Statement
- Sustainability Statement
- Whole Life Cycle Carbon Report
- Circular Economy Statement
- GLA Carbon Emission Reporting Spreadsheet
- Preliminary Ecology Appraisal
- Biodiversity Net Gain Plan
- Arboricultural Impact Assessment
- Construction Environmental Management Plan
- Draft Park Management Plan
- External Lighting Plan
- Noise Impact Assessment
- Air Quality Assessment
- Land Quality Desk Study
- Archaeology Assessment

- Wind Microclimate Assessment Report
- Social and Community Infrastructure Study
- Outline Arts and Culture Action Plan
- Utilities Statement

**COMMUNITY INFRASTRUCTURE LEVY ESTIMATE**

<b>Community Infrastructure Levy (CIL) estimate</b>	
Mayoral CIL	£1,055,618.94
Borough CIL	£4,501,210.80

The actual amount of CIL can only be confirmed once all relevant details are approved and any relief claimed.

**FIRST CONSULTATION:**

Number of letters sent	98
Site Notice	Yes
Press Notice	Yes
Number of responses received	1148
Number of neighbour objections	763
Number of neighbour support	387
Number of neighbour comments	3

Neighbour Representations received can be read in full on the Council's web site (until a decision is made).

**Neighbour Consultation Summary**

**OBJECTIONS:** summarised as:

- Enough office/tower blocks built in London already
- Whole view of the city is already spoilt
- Difficult to see St Pauls from anywhere in London
- Deleteriously harmful character impact, no understanding of the sites historical setting
- Proposal deviates from Council’s policies, namely the height restriction for development to 12 stories. The scheme is 33 stories tall, are developers allowed to ignore the Local Plan?
- Council prefers regeneration over demolition and rebuild due to impact on the environment. Carbon dioxide emissions, leading cause of climate change, from construction will be considerable. This doesn’t meet Zero Carbon policies targets
- Construction time will very likely not take 2 years to complete
- Construction process, such as 80 metre pile driving, may lead to structural damage to Battersea Bridge, Thameswalk apartments, 6 Hester. Residents know this is not a material consideration but worryingly little information has been provided about this. Battersea Bridge is already at capacity

- Harmful impact to residents at 5 Hester Road and 6 Hester Road, Norman Foster, Royal College of Arts, Morgan's Walk and Albion Riverside Building
- No information has been provided to show that the building will not create wind shear or vortex dangers to helicopters. The Battersea Heliport is 500m west to the site. Cranes and completed building being a danger to flight paths.
- Insufficient parking space for proposed occupiers. This will significantly strain public transport infrastructure and nearby on-street parking spaces
- Proposed roof garden and habitable windows will create harmful opportunity for overlooking residents and loss of privacy to residents at Albion Riverside, Thameswalk, Riverside One, Morgans Walk, 6 Hester Road and others. Loss of privacy to East facing apartments
- The height of the building will block sun and cast a shadow over 6 Hester Road and Albion Riverside
- No details related to the construction management plan and how often Battersea Bridge, and possibly Albert Bridge, will be closed. Hammersmith Bridge, Vauxhall Bridge and Wandsworth Bridge have been closed for long periods or are still closed. This would caused significant disruption for everyday users, bus routes and London fire brigade and ambulance services. This will significantly add to NHS waiting times.
- More restaurants not needed, this will add to traffic pressure
- Increased pollution, associated health impacts and traffic disruption will be negatively felt on the entire population of Battersea, Wandsworth, Chelsea, Fulham and beyond.
- Harmful overdevelopment to the site and unacceptable character impact in the surrounding area and sky line. Approval of this application will create a precedent for other similarly tall skyscraper applications. Poor design of tower and loss of visual amenity.
- Harmful impact on Thames Conservation Area, Lots Village Chelsea Conservation Area and Cheyne Conservation Area in the Royal Borough of Kensington and Chelsea and impact numerous statutorily Grade I and Grade II listed buildings
- Battersea benefits from a harmonious blend of historical and modern elements which create a vibrant yet respectful urban landscape which will be completely overshadowed and ruined by the proposed development
- Where are essential services/amenities, such as doctors surgeries, schools, dentists etc, going to be?
- Wandsworth doesn't need more luxury flats that will be 80% empty for most of the time. The small benefits of the scheme isn't worth the disruption
- Harmful impact air quality in the local area
- Construction process will affect access to the riverside walk which provides important amenity space and is a major cycling commuter route.
- More residents will pressure local amenity space, namely Battersea Park, which is already overcrowded due to the Nine Elms developments.
- Little or no genuinely affordable housing – extravagantly high cost of flats
- The proposal will disrupt a flock of starlings which fly from the roof of the existing site to under Battersea Bridge to rest for the evening. More ecological impact

envisaged and not fully accounted for by the applicant. Has Biodiversity Net Gain been accounted for?

- No fibre wifi services in the area
- Viability concerns for the developer are not a consideration for the local residents in North Battersea
- The existing structure should be replaced but not with a development of this nature
- The only people that benefit are the developers, construction team and possibly the Council
- The amount of development at the site and the proportion of affordable housing is not justified
- Vermin control must be taken seriously
- Noise and odour disturbance from commercial and community activities
- Fire safety remediation must be given to existing neighbouring properties and developments
- Environmental Impact Assessment should be submitted
- The submitted plans don't include details of TfL ne traffic light system on Battersea Bridge Road, close to the bridge.
- Where will the machinery, cranes and building materials be stored on such a small plot?
- Construction process would force pedestrians away from the riverside walk to busier streets and pavements, leading to potentially higher traffic incidents
- Not enough affordable housing is proposed at the site
- Current political administration no better than previous party if this scheme is approved, ignoring policies and not listening to local residents
- Would be better to re-develop the existing site, don't need to re-play previous mistakes or rash large-scale demolition and rebuild scheme
- Vague description of engagement with local charities concerning community space
- Whole Life Carbon Assessment is a work of fiction & demonstrates a wildly exaggerated expectation both in the likely CO2 release in demolition & CO2 generation in construction
- Apartments are going to be sold off to people abroad and take away investment to the local community and London generally, they won't be genuinely affordable
- Wandsworth Design Panel found justification for 33 stories unconvincing
- 'Site Layout Planning for Daylight and Sunlight 2022' minimises the impact of the development on properties at 6 Hester Rd. The assessment wrongly concludes that daylight into bedrooms is not important (assuming the rooms identified as bedrooms are used as bedrooms) and totally ignores the overshadowing and sunlight implications for residents' outdoor sitting areas which face the proposed building.
- The local area, in terms of space, services and amenities is at maximum capacity and can't handle more people
- No doubt construction costs will escalate, leaving affordable housing and offices spaces to compromise to fund the shortfall in profit

- Rockwell poorly consulted the local community, leaving residents frustrated at failing to grasp and resolve key concerns, such as environmental, heritage and conservation and community
- 35% of flats being affordable is not compliant with Policy H4 of London Plan, seeking to provide 50% affordable housing
- The proposed tower's design appears to lack the quality, materiality and innovation expected for a development of this prominence, with the height of the proposed building in its current form overly excessive.
- The small-scale cultural & commercial uses proposed for this focal point would likely be insufficient in size to bring the intended vibrancy to the area.
- No information submitted related to the air conditioning units which will be installed
- Recently completed Herzog de Meuron buildings for the Zdesign Schools and Rodger's Montevetro are of a sympathetic material and volume to the local human scale architecture flanking/close to the bridge
- Why are comparatively smaller residential extensions are not allowed relative to this proposed tower?
- The proposed 'improvements' to the public realm at ground level are minimal - those for the Thames Path do not even achieve the 6-metre minimum width specified in the Local Plan.
- The cladding will unpleasantly absorb and reflect solar radiation on sunny days
- The application takes no account of the impact of the Parkgate Road/Elcho Street development immediately adjacent to Glassmills ("Elcho plan" - Wandsworth planning refs 2014/3837 and 2024/1589 and 1590). The Elcho plan grants planning permission for 118 flats and 2,300 m<sup>2</sup> of mixed commercial space. The combined developments are an excessive burden on local services and facilities.
- Rockwell don't own large part of the land featured in their planning application. They have no right to the river wall or the riverside walk. A large part of their PR is around redeveloping this area, and is therefore fraudulent as they have no basis to do so.
- Conflicts with the London View Management Framework and fails to protect identified strategic and local views
- We don't want the skyline of Japan or the USA
- Proposed development will increase cost of living, namely high-end residential and commercial space driving up rent in the area which will drive out long-standing residents and lead to a transformation of the community. Battersea should remain inclusive and include a range of economic backgrounds
- Details of the S106 agreement should be publicised before signing off
- Local electricity distribution has little spare capacity. A widespread review of the necessary upgrading of power supply in this area, and securing the appropriate contribution from any Glassmills redevelopment, should be completed BEFORE any new development is allowed to be built.
- The developer posted false support comments to the Council's website without their full knowledge, clearly abusing the process.

**SUPPORTS:** summarised as:

- Markedly improvement to the character and usability of the brownfield site
- Improvement to design of the development can be made but principle of tall building acceptable.
- Proposed development would assimilate well in character of surrounding area
- Improved quality of outlook for neighbouring residents
- Sun reflecting off proposed development would increase amount of light to neighbouring dwellings.
- Proposed development would increase footfall to the area
- High rise development would result in less environmental impact
- Greatly improve the public realm, especially along the Thames Path and riverfront. The development is near a key crossing point, marking the entrance to Wandsworth.
- More affordable housing is preferable, but some is better than none.
- Proposed site will help meet lack of housing supply and demand with a new, high-quality development. 142 homes, 45 being affordable, will be provided which will offset demand for current buildings
- Clear economic benefits of the proposal, including the provision of affordable housing which will alleviate housing pressure in the borough, affordable office space, new restaurant at ground level and community space.
- Generally supportive of the scheme but questions why such a large floor space is given to office, unless there is an identified need for it. Affordable housing should be increased if possible.
- Anti-development comments not accounting for requirement for housing in London and the massive constraints young renters currently face.
- Large amount of purpose-built community space proposed at the site.

**COMMENTS:** summarised as:

- In favour of development but it’s too high, no more than 25 stories
- Invalid support letters should be removed

**SECOND CONSULTATION:**

The Council carried out consultation following amendments submitted in October 2024 as follows:

Number of letters sent	98
Site Notice	No
Press Notice	No
Number of responses received	1623
Number of neighbour objections	660
Number of neighbour support	965
Number of neighbour comments	6

Neighbour Representations received can be read in full on the Council's web site (until a decision is made).

**Neighbour Consultation Summary**

**OBJECTIONS:** summarised as:

- Poor public consultation with general public, no justification for the height was articulated. Appears like a tick-box exercise
- Extensive and protracted construction process
- Extremely limited on-site parking
- Revised scheme is still deleteriously harmful character impact and wider area, including the Thames Conservation Area. The building is of no architectural merit and create a canyoning effect along the river
- The site requires re-developing but not this proposal
- Dropping the height has dropped 4 floors and increased 1 floor on the lower building side will make no difference to the character impact
- Heavily conflicts with Wandsworth's Local Plan
- If approved, this would be a serious error of judgement by the Council
- Inappropriate development within the available plot
- Harmful impact on heritage assets, including but not limited to Battersea Bridge and Albert Bridge
- Potential structural damage to Battersea Bridge
- Harmful impact to existing neighbouring residents, loss of light, outlook and sense of enclosure
- Most high-rise flats end up 50% empty most of the time
- Affordable housing provision will be brought down despite revised increased due to viability 'concerns'. 54 affordable flats the developer's revised scheme is in line with its original offer of '49 to 56' affordable homes. We need 100% affordable housing in this current housing crisis. Council must ask for the developers' internal calculations
- Harmful impact to the environment, ecology and habitats
- Limited emergency vehicular access
- No information related to wind
- On-site tree to the south must be protected
- Previous concerns remain valid and must be retained
- Approval of this development will create a precedent for other similar and inappropriate development
- Does the developer have clearance from the Environment Agency and resolve flood risk concerns?
- The council should commission an independent consultation or census of the local businesses and residents to help inform whether such a development should be permitted and if so on what basis/ what scale.
- Air quality must be preserved and likely won't be achieved in the construction process
- Existing service, electricity, water etc will be stretched to account for new occupiers
- These objections are mostly unique, not made by a set template
- Insufficient public transport infrastructure to accommodation influx of people
- Proposed landscaping is poor quality
- Harmful light pollution, affecting nocturnal life and other habitats

- Lack of consultation with Transport for London, showing a disregard for the strategic objectives of sustainable community integration and infrastructure support.
- S.O.B.B - STOP One Battersea Bridge online petition has gained more than 4,417 verified objections to the application, outlining how the proposed development will impact the local community
- Proposed development would limit development opportunity at neighbouring sites due to harmful amenity impact for future occupiers and neighbouring residents

**SUPPORTS:** summarised as:

- Support the redevelopment of the underutilised site
- Provision of 110 high-quality homes, including 50% affordable housing
- Provision of affordable office space and new riverside restaurant
- Works would unlock the south side of Battersea Bridge, bringing new visitors to the area
- Engagement with local charities to occupy the purpose-built community space
- Improvement to the character and aesthetic of the area
- Realistically won't affect local residents negatively
- Comparatively few people object relative to the majority of people in Wandsworth who support development of needed housing
- Letters of objection should be reviewed to check whether its contents includes legitimate planning concerns
- The tower should be taller and less affordable housing. There's a housing shortage which must be met
- Keep the originally proposed height of the tower
- The development would positively contribute to the vibrancy of the community
- Generate jobs, whether during the construction process and afterwards which will increase local spending to local businesses and services
- Support the scheme. However, efforts to mitigate traffic congestion during construction must be made
- Harmful impact of NIMBYism on building much needed dwellings
- New and improved pedestrian access should be made to both side of Battersea bridge
- Temporary negative impacts of the construction process not a reason for the development not to go ahead
- The development would positively contribute to national housing targets
- Strongly support social housing provision and cutting down waiting times
- Development will help tackle homelessness
- Please don't reduce the amended affordable housing provision
- Support the scheme but concerned about slight increase in crime
- Local, affordable homes needed
- Local people should get the flats
- Too many cars make it unsafe for children to play outside, need more parks
- Improvement to the proposed development, but more social housing is needed
- More youth centres needed

- The proposed development will support the existing local community
- Lots of people objecting don't live in Wandsworth Council
- Need sufficient play space
- Cycling infrastructure must be improved
- People can't afford private accommodation, especially in cost of living crisis
- Wandsworth Council provides accommodation for those with a disability
- Need different types of affordable housing – single, group and family occupiers
- Requires transport infrastructure to support additional housing units
- Need church hall, function hall and sound system for people over 50 years old
- Reduce mould and moth issues
- Can't allow low-income families to get priced out of the area
- Proposed scheme would work well with more public artwork and general green land
- Public spaces need to be well lit to encourage safety
- Dental practice and GP required
- Fairfield Court requires better management
- More bins required in public spaces
- Needs improves natural surveillance and CCTV along the riverside
- Need a greater police presence in the area
- Social renting would avoid people moving away for a better quality of life

**COMMENTS:** summarised as:

- List of support are almost identical and abuse the democratic system
- Reservations to the scheme but development of the old site would be good
- Labour can do better than 50% affordable housing

**Other consultation responses:** summarised as

Battersea Society:

Objection. Initially, the site's development capacity limited which doesn't justify placing 34 stories (including ground floor) of development on it. The scheme is a tall building in an area not classified as such in Wandsworth's Local Plan. Also, the tall building will seriously affect the outlook and amenity of existing residents and those visiting the area (north and south of the river). The Planning Applications Committee will have to take careful note of the requirement in paragraphs 201 and 203c of the NPPF to consider the impact of the proposed tower on these heritage assets. The area is not in need of a 'Metropolitan marker' and, given the footprint of development, any changes to the public realm is extremely small. The design, housing mix and standard and level of community engagement is poor. Lastly, the traffic impact is material and the affordable housing provision is subject to change.

Comments on the amended scheme:

The Battersea Society objects due to the revised development causing substantial harm to heritage assets, whether parks, gardens, buildings and structures. The building is not suitable for the site available. The scheme fails to comply with Wandsworth's tall building zones, fail to provide meaningful improvement to the public realm, provide poor

housing standards and employment space. Lastly, the consultation and engagement with the community has been poor and badly managed.

Chelsea Society:

Objection. The scheme is viewed to harmfully impact the heritage of Chelsea's heritage and effectively vandalise the character and visual landscape. In addition, no information has been provided on whether there will be sufficient amenities for the future occupiers whether facilities and traffic alleviation. The scheme would fail to comply with Wandsworth's Local Plan.

Comments on the amended scheme:

The Chelsea Society object to the revised development would overwhelm the established RBKC Cheyne Conservation Area, the wider Thames Conservation Area and integral heritage assets in the area. This would heavily conflict with local and national policies.

Putney Society:

Objection. Obvious deviation from the Tall and Mid-rise Building policy under LP4 of Wandsworth's Local Plan and the LPA's failure to uphold this policy. Also, the scheme would result in a harmful character and neighbour amenity impact and fail to uphold the promise of affordable housing.

Comments on the amended scheme:

Reject the revised proposal as it fails to address clear concerns, namely character impact, insufficient public realm improvement and transport failings.

Wandsworth Society:

Objection. This application by virtue of the proposals height, massing and location comprising overdevelopment to the existing plot. The scheme fails to meet the mid-rise zoning requirements in the Local Plan and deleteriously harm the visual appearance of the townscape. If approved, the credibility of the Local Plan would be compromised and future community engagement and consultation will be undermined. We support objections submitted by The Battersea Society and The Putney Society. This application should be refused.

Councillor Caroline De La Soujeole, *Councillor for St Mary's Ward*:

Petition presented by Councillor Caroline De La Soujeole signed by 542 names:

Concerns raised about the disproportionate size of the tower affecting local landscape and views of Battersea Park and the surrounding area. Also, local services are already overstretched, and increased construction traffic is anticipated to worsen congestion on Battersea Bridge Road. The petition calls for developers to revise plans to better align with community needs and provide tangible benefits. Significant environmental harm likely to take place and construction process will impact the lives of existing residents.

Wandsworth Conservation and Heritage Advisory Committee (CHAC):

Objection: The Committee unanimously objected to the proposal. The Committee were of the unanimous opinion that this application constituted significant overdevelopment

on a small site by way of its height, given that there was no such building within two miles of the application site. In addition, the application would impact on a number of conservation and heritage areas and assets, whilst it would significantly impact on both its immediate surroundings and across the river, resulting in a devastating impact on buildings which had been designed by well renowned architects.

Comments on the amended scheme :

The Committee unanimously objected to the proposal. Members of the Committee were hugely sympathetic of the need to deliver additional housing, and in particular social housing within the Borough. Notwithstanding, the Committee were of the unanimous opinion that this application constituted significant overdevelopment on a small site by way of its height. The amendments to the previous scheme were deemed negligible. In addition, the application would impact on a number of conservation areas and heritage assets, whilst it would significantly impact on both its immediate surroundings and across the river, resulting in a devastating impact on buildings which had been designed by well renowned architects. The developers admit that the site has; "limited development capacity". Official However, instead of accepting the obvious limitations of a small site, they argue that an unprecedentedly tall building is required to "optimise the opportunity". Such an argument, the Committee believed, defied logic and was contrary not only to the Local Plan but to the whole planning regime in this country.

**External Consultation Responses:** summarised as:

CCTV:

No objection.

Emergency Planning:

No objection subject to condition.

Environment Agency:

Objection:

- Provide appropriate 16m offset to the adjacent Thames tidal flood defences, including buried elements
- Demonstrate that the flood defence has a lifetime commensurate with that of the development
- Demonstrate how the flood defences adjacent to the site will be raised in line with the requirements of the Thames Estuary 2100 (TE2100) plan

Greater London Authority (Stage 1 response):

- Land use: Subject to demonstrating that the existing office space is not viable, the proposed residential-led redevelopment is supported in principle.
- Housing: The proposed new homes would contribute to housing targets. The proposal includes a 35% affordable housing offer that meets with Fast Track Thresholds.
- Urban design and Heritage: The site has not been identified as suitable for a tall building and visual and environmental impacts need to be robustly addressed.

The proposal would result in harm to heritage assets. This harm must be outweighed by public benefits in order to be acceptable.

- Transport: Active Travel Zone Assessment should be amended. Contribution towards TfL's Battersea Bridge Road scheme are requested. General parking removed. Proposed servicing and cycle arrangements need to be reviewed. Management Plans need to be secured.
- Other issues on environment and sustainability also require resolution prior to the Mayor's decision making stage.

Hammersmith and Fulham:

No objection.

Health and Safety Executive - Fire:

No objection.

Historic England – Archaeology:

No objection subject to condition.

Historic England:

Objection: the tall building would remain a visually intrusive and incongruous addition to the townscape with wide reaching harmful impacts on the historic environment.

London Gatwick:

No objection.

London Heliport:

No objection.

London Fire Brigade:

No objection.

Met police/Secure By Design:

No objection subject to condition.

Port of London Authority:

No objection subject to condition.

Royal Borough of Chelsea and Kensington:

Objection: The proposed development by virtue of its siting, height, and form would result in a discordant, dominate, and oppressive building. The proposal would harm the special interest of the Thames and Cheyne Conservation Areas which are defined by the open character and special relationship with the river Thames. Further, the development would disrupt the established trajectory of height which increases only to the west of Battersea Bridge. The development would fail to comply with Local Plan Policies CD1, CD2, CLD3, CD4, CD5, CD8, CD15.

London Underground/DLR Infrastructure Protection:

No objection.

TfL – Spatial Planning:

No objection subject to conditions/legal agreement: Further information is required to confirm that the application complies with the transport policies in the London Plan. Mitigation measures and further work is summarised below:

- Width of public realm increased
- Secure improvements identified in the ATZ Assessment.
- Financial contribution towards Battersea Bridge Road scheme secured in the S106 agreement.
- General parking removed.
- Access arrangement for cyclists amended.
- Servicing arrangement proposed reassessed.
- Travel Plan, DSP, CLP and PDMP secured appropriately via conditions/legal agreement.

Thames Water:

No objection subject to conditions regarding foul water capacity and piling and methods statements.

**Internal Consultation (and external consultants on behalf of Council) Responses:** summarised as:

Air Quality:

No objection subject to conditions and a financial contribution of £30,000 for air quality monitoring during construction secured via legal agreement.

Arboricultural Officer:

No objection subject to conditions regarding landscaping and trees species.

Art and culture:

No objection subject to provision of Arts and Culture Action Plan or financial contribution of £110,000 to be secured via legal agreement.

Director of Housing Strategy, Compliance and Enabling:

The application proposes construction of a part 10 part 28 storey building providing 110 residential units.

It is currently proposed that 50% (by habitable room) will be affordable housing, all provided as social rent. This compares to the originally submitted version that proposed 35% affordable housing with a tenure split of 70% social rent to 30% intermediate. At 50% affordable housing, it exceeds the 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 mechanism are not required.

The Director of Housing (Strategy, Compliance and Enabling) (DHSCE) welcomes the fact that 50% of the homes will be for social rent, including 3 and 4-bedroom family homes

which will help meet the needs of applicants registered on the Council's housing access queues. The DHSCE recommends that an early-stage viability review is undertaken, in line with the GLA's affordable housing and viability SPG, if an agreed level of progress on implementing the permission has not been made within 24 months of granting permission. The terms of the review should be set out in the Section 106 agreement.

10% (14 no.) of the homes will be designed as 'Wheelchair User Dwellings' meeting the requirements of Building Regulations Part M4(3). Of these six homes (1 x 2b3p, 1 x 3b5p and 4 x 4b5p) will be social rent and should be built to Building Regulations M4(3)2b standards to fully meet the needs of wheelchair users upon completion.

The Council's specialist housing occupational therapist (OT) has reviewed the floor plans and size mix of the proposed accessible homes. They advise that the provision of large accessible homes is rare, and whilst some internal layouts are slightly constrained by the building design, the benefit of including 4 x 4-bed accessible homes within the proposals outweighs this.

Five accessible parking spaces would be provided for residents who hold a 'Blue Badge.

The OT has requested that if practicable, an additional 1 x 3b5p home is provided in place of the current 1 x 2b3p home. The applicant should continue to consult the OT on the design and layout details of the affordable wheelchair user dwellings to ensure they meet the Council's requirements.

Biodiversity Officer:

No objection subject to conditions requiring the submission of landscaping and biodiversity gains.

Climate Integrated Solutions (Independent Sustainability Consultant)

The energy report demonstrates that the zero-carbon target cannot be met on site, but that 63% can be achieved, thereby meeting the 35% minimum reduction on site. The remainder would be made-up through a carbon off-set payment. Water calculations should be secured by condition.

Economic Development Office

No objection. Would require a commuted sum of £91,506.25 towards employment and skills as well as securing a local employment agreement or employment and skills plan under legal agreement.

Play space officer

No objection subject to play space contribution of £147,300.

Environment Services (Noise):

No objection subject to conditions regarding noise and odour mitigation measures of plant equipment and internal and external noise insulation of residential flats.

Contaminated Land:

No objection subject to conditions to submit the desk-based assessment, site-investigation and remediation method statement and a condition to submit a verification report.

Trigon (Independent Fire Consultant):

No objection.

LLFA:

No objection. The submitted Flood Risk Assessment and SuDS strategy are considered satisfactory.

Public Health Lead/HUDU:

No objection subject to NHS Health Care contribution of £30,000.

Specialist Housing Occupational Therapist:

No in principle objection yet the replacement of the Part M4(3) 1 x 2b3p with 1 x 3b5p flat would have been preferred yet the offer is acceptable.

Waste Manager:

Sufficient space is provided within the bin stores however a waste strategy should be secured by condition to ensure appropriate provision.

**First Design Review Panel (DRP) - 11 January 2024**

The Design Review Panel response can be read in full on the Council's web site at <https://planning2.wandsworth.gov.uk/iam/IAMCache/5906252/5906252.pdf>. Below are the main points.

Key Observations

The Panel welcomed the presentation of the proposal and compliments the design team for their openness and collaborative approach. We acknowledge the challenges of the site determined by the location, context and landownership boundaries, as well as the economic pressure to deliver a viable scheme that meets the brief in line with the Council's requirements and ambitions for this area. In the review the Panel highlighted a fundamental issue with the height proposed and the level of mitigation offered, and whilst we think the DRP provided a varied and hopefully constructive discussion, three key points emerged from the review:

- the narrative presented is clear and robust enough,
- the range of benefits provided would not outweigh the harm caused and,
- a much more forward-thinking position on climate change is needed.

Heritage and Views

The Panel is concerned that the height of the building has not been properly considered in its heritage and visual impacts. This proposal would be a significant departure from the Adopted Local Plan which has only recently been adopted and further testing is required to demonstrate that there are no alternative solutions to the site which would cause less harm.

### Design Response and Architecture

We acknowledge how the site constraints imposes great pressure on the building articulation and arrangement of uses. The footprint relative to the height and the location of the building offering only the western side to play with makes the activation quite challenging. The overall architectural approach, however, is not strong enough to outweigh the harm and we would have wished to see more of the design development to better understand the rationale of what works within this context, which heights have been tested and how the building relates to the neighbours. A long-term collaborative engagement with the College of Art and the Albion Riverside Building to design something that works well together and create something exciting in terms of place-making for this part of the borough is missing.

### Landscape and Public Realm

The struggle with tall buildings is that they often come across as greedy because of the amount of space they occupy versus the lack of generosity in terms of landscape and public realm they provide around them. We feel the same applies for this building for which the public realm is limited by the red line; we note how the ownership of the public realm on the north interfaces with the adopted highway part of the riverside walk managed by Wandsworth Council, while the public realm to the south of the site adjoining the community space is outside the red line. The landscape offer is therefore pushed off site rather than provided on the ground thus heavily compromising the amount of mitigation to balance out the height and the opportunity to create something of high quality, where the community can spill onto and that truly enhances the life of families living in and around the building.

### Sustainability

In light of Wandsworth Council's agenda to become zero carbon by 2030, we expect all schemes subject of planning applications to adhere to this vision and introduce an environmental strategy at an early stage in the process as this will influence the design of the building. With this in mind, we note the work in progress, but we feel underwhelmed by the sustainability strategy presented as we feel the aspirations could and should be higher and that the team needs to take full responsibility in leading the way on every aspect of the scheme. The design should be robust enough for worst case scenarios thus a stronger and more convincing environmental strategy is needed, one that clearly demonstrates how the building would adapt to climate changes over time. Given the need to mitigate the impact of the tall building in this location there is an expectation that the building will need to be exemplary in its sustainable design.

### Moving Forward

We thank the design team for the opportunity to provide comments on the proposals for this site. The impact of height on a building, and indeed the civic responsibility of a marker building as proposed by the design team has wide implications and the appropriateness needs to be demonstrated across various aspects from heritage to public realm, transport, architecture, biodiversity and so on. The Panel questions whether such robust analysis has been undertaken to support the current proposals.

At this stage, we strongly question whether a building of such scale, height and mass is appropriate in this location as we fail to see an adequate justification for it. While much more work is required on mitigating the impact of the building through identifying a more substantial package of public benefits, the scheme should seek to reduce its harm by a more careful study of the visual impact of different height buildings, from not being visible to being visible, to understand more fully the impact on the significance of the setting of sensitive heritage locations like the Royal Hospital Chelsea for example.

Moreover, the scheme should demonstrate how the life of families who will reside within the building will be enhanced but also the wider community. The building will sit within the Focal Point of Activity as set out in the Riverside Strategy in the Adopted Local Plan and its neighbours include the Royal College of Art and a range of employment activities and conversations with these providers are important to understand how this building will function as part of the wider place-making agenda.

We note the tight timescale for submission, but in light of our comments above and the need to address the issues raised the team should be given sufficient time to develop and finesse the proposals. We would wish to have the opportunity to comment on this proposal again.

### **Second Design Review Panel (DRP) - 6 March 2024**

The Design Review Panel response can be read in full on the Council's web site at <https://planning2.wandsworth.gov.uk/iam/IAMCache/5899660/5899660.pdf>. Below are the main points.

#### Key Observations

The Panel is pleased to see the scheme for a second design review focussing on some of the issues raised at the first DRP. We welcomed the presentation of the proposal and compliment the design team for their openness and collaborative approach in engaging on a follow-up review, but we are concerned about the tight timescale and lack of definition on some aspects of the proposal which we understand, a month from submission, are still work in progress:

- we are not convinced the public benefits offered as mitigation are sufficient, and we still feel it seems overdevelopment on this tight and constrained plot.
- the Panel remains unconvinced that marking the bridge is an argument for a tall building in this location. The constrained site for the tower and the amenities offered do not mark a broader opportunity of placemaking for the wider community, which might be supported. Were the height of the tower and the podium to be reduced, the argument still stands. In architectural terms, the reduction might be seen as compromising the slenderness of the building.

#### Heritage and Views

In the first DRP, the Panel expressed concerns that the height of the building had not been properly considered in terms of its visual impact on heritage assets. This proposal is a significant departure from the recently Adopted Local Plan. Both the tower and podium

trigger consideration as tall buildings and both are non-compliant with the mid-rise zoning of the Plan. At this second review, the Panel reaffirms the same opinion.

#### Design Response and Architecture

In the first review we touched on the strong architectural reference to the adjacent Battersea Bridge and how the Panel was not convinced by it. We see some refinements but overall, we remain unimpressed by the architectural approach which we think is neither strong nor convincing enough to outweigh the harm.

#### Landscape and Public Realm

The Panel notes and welcomes the additional work on the landscape strategy. The following concerns remain:

- accessibility along Battersea Bridge Road
- relationship of the building to the landscape needs to work harder
- improvement to the play space required

#### Sustainability

Considering the Council's green agenda, we emphasise the importance of achieving an exemplar scheme in terms of sustainability. We note the sustainability strategy has progressed, for example we welcome the commitment to zero carbon operation and construction, but note many aspects are still being scrutinised.

#### Moving Forward

The Panel welcomes the many refinements to the scheme and particularly the reduction in height of the tower though this has concomitant implications on its design. However, we feel the proposals for a tower in this location have still not been justified and a far stronger narrative about height and the impact that has on the significance of the many and varied heritage assets is required. We agree that less than substantial harm to these heritage assets can be identified yet the package of benefits to mitigate the harm seem meagre and much more work needs to be undertaken to understand how this building can contribute to the wider placemaking agenda to facilitate buy in from the local community in terms of meeting their needs and aspirations.

We acknowledge the tight timescale for submission, but despite progress on many details, more work is still required on finessing the architectural design of the tower, particularly the crown and ground floor layout. This latter will need to work for all the proposed uses in a way that the internal and external spaces are working together in a harmonious and inclusive way that instils a high-quality environment. We would recommend that you also revisit previous comments and address issues in the design of apartments, including single aspect units which are undesirable. Other outstanding matters from the first review include BNG and UGF commitments.

In light of our comments and the need to address the outstanding issues, we suggest that the team be given further time to fully address all matters raised in order to produce the high-quality development that the Council and this site demands

## **RELEVANT PLANNING POLICIES:**

### **National Planning Policy Framework (NPPF) (2024)**

Section 2: Achieving Sustainable Development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

### **Other National Guidance**

PPG

National Design Guide (2021),

Secured by Design Homes (2023)

Technical Housing Standards – nationally described space standards (2015)

### **London Plan (Adopted)**

London Plan (adopted 2021):

Policy GG1 Building strong and inclusive communities

Policy GG2 Making the best use of land

Policy GG3 Creating a healthy city

Policy GG4 Delivering the homes Londoners need

Policy GG5 Growing a good economy

Policy GG6 Increasing efficiency and resilience

Policy D1 London's form, character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D9 Tall buildings

Policy D11 Safety, security and resilience to emergency

Policy D12 Fire safety

Policy D13 Agent of Change

Policy D14 Noise

Policy E4 Land for industry, logistics and services to support London's economic function

Policy E7 Industrial intensification, co-location and substitution

Policy E8 Sector growth opportunities and clusters

Policy H1 Increasing housing supply

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications  
Policy H6 Affordable housing tenure  
Policy H7 Monitoring of affordable housing  
Policy H10 Housing size mix  
Policy S4 Play and informal recreation  
Policy E2 Providing suitable business space  
Policy E3 Affordable workspace  
Policy HC1 Heritage conservation and growth  
Policy HC3 Strategic and Local Views  
Policy HC4 London View Management Framework  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy G7 Trees and woodlands  
Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 7 Reducing waste and supporting the circular economy  
Policy SI 8 Waste capacity and net waste self-sufficiency  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage  
Policy T1 Strategic approach to transport  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T7 Deliveries, servicing and construction  
Policy T8 Aviation

**Mayor of London's Supplementary Planning Guidance (SPG's) and London Plan Guidance (LPG's):**

Accessible London (2014)  
Housing (2016)  
Housing Design Standards LPG (2023)  
The Control of Dust And Emissions During Construction And Demolition (2014)

**Wandsworth's Local Plan (adopted July 2023):**

SDS1 Spatial Development Strategy 2023 - 2038  
PM9 Riverside  
LP1 The Design-led Approach  
LP2 General Development Principles  
LP3 Historic Environment  
LP4 Tall and Mid-rise Buildings  
LP10 Responding to the Climate Crisis  
LP11 Energy Infrastructure  
LP12 Water and Flooding  
LP13 Circular Economic, Recycling and Waste Management  
LP14 Air Quality, Pollution and Managing Impacts of Development  
LP15 Health and Wellbeing  
LP17 Social and Community Infrastructure

LP18 Arts, Culture and Entertainment  
LP19 Play Space  
LP23 Affordable Housing  
LP24 Housing Mix  
LP27 Housing Standards  
LP33 Office  
LP35 Mixed-Use Development on Economic Land  
LP38 Affordable and Open Workspace  
LP39 Local Employment and Training Opportunities  
LP49 Sustainable Transport  
LP50 Transport and Development  
LP51 Parking, Servicing and Car Free Development  
LP52 Public Transport and Infrastructure  
LP55 Biodiversity  
LP56 Tree Management and Landscaping  
LP57 Urban Greening Factor  
LP59 Riverside Uses, including River-dependent, River-related and adjacent Uses  
LP62 Planning Obligations

**Wandsworth's Supplementary Planning Documents (SPD's):**

Housing (2016)  
Planning Obligations (2020)  
Refuse and recyclables in developments (2014)  
Local Views (2014)  
Lombard Road/York Road Riverside Focal Point (2015)  
Statement of Community Involvement (2012)

**PLANNING CONSIDERATIONS:**

The main considerations material to the assessment of this application have been summarised as follows:

- Principle of Development
- Design
- Amenity Impact
- Standard of Accommodation
- Housing Mix
- Affordable Housing Provision
- Highways and Transportation
- Sustainability
- Flood Risk and SUDs
- Arboriculture, Ecology and Landscaping
- Waste Management
- Environmental Impacts
- Archaeology
- Health/Community
- Fire Safety and Secure by Design

- S106 Planning Obligations

## **1 Principle of Development**

### **1.1 Residential use**

- 1.2 Chapter 5 of the 2024 NPPF describes the Government’s objective of significantly boosting the supply of homes. Chapter 11 of the NPPF requires that planning 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’.
- 1.3 Policy H1 of the 2021 London Plan sets 10-year housing targets for each borough including a target of for 19,500 for LB Wandsworth.
- 1.4 2023 Wandsworth Local Plan (WLP) Policy SDS1 (Spatial Development Strategy 2023-2038 (Strategic Policy)) states that within the period 2023 – 2038 the Local Plan will provide for a minimum of 20,311 new homes. This includes the provision of a minimum of 1,950 new homes per year up until 2028/2029, including on small sites. The Overarching Area Strategy for Wandsworth’s Riverside (in which the site is located) has been identified as having a capacity for 1,098 new homes over the life of the Local Plan period (Table 2.2 New Home Distribution). This is further broken down within Policy PM9 (Riverside (Strategic Policy) to a capacity figure of 904 new homes by 2032/2033, over the first 10 years of the Plan period.
- 1.5 The proposal would provide 110 self-contained residential units. This number of 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. No conflict with this policy objective can, therefore, be identified and the housing contribution is regarded as acceptable. Affordable housing matters and the unit mix specified for the proposal will be assessed within later sections of this report.

### **1.6 Loss of office use**

- 1.7 The existing six storey building lies within an office use (Class E(g)(i)) with a floor area of approx.4,877sq.m. The application site is located within the Thames Policy Area, a 2021 London Plan special designation. Policy E1 of the 2021 London Plan relates to employment floorspace and promotes the enhancement of office floorspace within London. The policy states that where such space is viable, it should be protected by councils, however, if such floor space is not viable, councils should permit its release to be used for other purposes.
- 1.8 The site is located within the Ransomes Dock Focal Point of Activity which is a 2023 WLP designation intended to increase footfall and activity within the area. This is to enhance their purpose in providing mixed-use vibrant areas which complement the borough’s centres and main growth areas.

- 1.9 WLP Policy PM9 (Riverside (Strategic Policy)) within Part B.3 promotes residential-led development in Focal Points of Activity. This is alongside a mixture of other non-residential uses to increase activity and vibrancy along the riverside. Non-residential uses should be of a smaller scale that are considered appropriate in serving local needs, and should not detract from the vitality or viability of Town Centres. Where town centre uses are proposed, these will be required to pass a sequential test to ensure they secure the vitality and viability of these centres.
- 1.10 Part B.4 of Policy PM9 requires existing economic floorspace in Focal Points of Activity, amongst other area designations, to be protected in accordance with, and relevant to this application, Policies LP33 (Promoting and Protecting Offices) and LP35 (mixed-Use Development on Economic Land). Redevelopment proposals should explore the opportunity for the intensification of industrial uses where appropriate (Officer note: office use is not regarded as an industrial use). It is also advised to incorporate affordable workspace to support the incubation and growth of new creative businesses. In terms of affordable workspace, this provision is supported by Policy E3 of the 2021 London Plan to which the WLP Policies LP38 (Affordable and Open Workspace) and LP59 Part G (Riverside Uses, including River-dependent, River-related and adjacent Uses) aligns.
- 1.11 WLP Policy LP35 (Mixed-Use Development on Economic Land) states in Part A.3 that...‘Proposals for mixed-use development, including residential, will be supported where it meets the criteria for the relevant economic land designation within which it is located, as set out below:
- 1.12 ‘Focal Points of Activity: Proposals should seek to maximise the re-provision of existing office floorspace, with redeveloped floorspace suitable for SMEs, co-working, or providing open workspace. Proposals for the provision of new office floorspace in these locations will be assessed in accordance with Policy LP33 (Promoting and Protecting Offices). Where the site accommodates existing industrial uses, proposals should fully reprovide this and should seek to provide for an intensification in industrial floorspace designed to accommodate a range of industrial uses’.
- 1.13 WLP Policy LP33 within Part E.1 supports development proposals if they would not result in the net loss of office floor space, or the provision within LP33 Part E.3. The applicant is seeking to engage LP33 Part E.3 which supports development proposals where...‘it has been clearly demonstrated that there is no demand for the use of the premises as offices through the submission of evidence that a full and proper marketing exercise of the site for a period of at least 18 months has been undertaken in line with the requirements set out at Appendix 1 (Marketing Evidence) of this Plan’ (see 2023 Local Plan).
- 1.14 It can be seen from the above policy footing that there is a ‘first principle’ to reprovide as much employment generating office space that is considered viable for the given location of the application site and condition of the building.

However, this policy footing does allow a ‘no demand’ scenario that needs to be demonstrated through the submission of marketing evidence that accords with the methodology required within Appendix 1.

- 1.15 In this instance, it is proposed to significantly reduce the quantum of office space within the proposal from the existing quantum at 4,877sq.m to a proposed quantum of 535sq.m (89% reduction).
- 1.16 The applicant has explained that of the existing building’s floor area at present, only 7% is leased at commercial office rates, whilst the remaining floor area is either vacant or let on non-commercial terms to cover rates, utilities and service charges only.
- 1.17 As required by Policy LP33 Part E.3, marketing evidence dated April 2023 by Houston Lawrence has been submitted to demonstrate that no uptake in demand for the office space has been received over a minimum period of 18 months. Officers consider this marketing evidence meets the requirements as set out in Appendix 1 (Marketing evidence) of the WLP and para 23.12 for Offices (E(g)(i)) Use Class):
- The summary concludes that:
    - o The 1980s building is beyond its useful life
    - o There has been very little interest as the location and quality of space are not what is required by a modern-day occupier
    - o Any redevelopment would have to be to the highest ESG credentials (environmental, social and governance) adding additional cost
    - o There is a current lack of demand for offices
    - o The last letting size similar to Glassmill c 33,000 sq.ft (3,065 sqm) were done pre-pandemic in the Nine Elms area.
    - o All enquiries are sub 5,000 sq. ft (464 sqm)
    - o A CoStar report (commercial real estate analytics) shows there are 65% more offices available now that 3 years ago.
  - The marketing evidence includes:
    - o Marketing unit sizes of different sizes, including 1,918 – 4,554 sq.ft (178sq.m – 423sq.m) and 100 – 4,084 sq.ft (9sq.m – 379sq.m); flexible short term leases
    - o Continuous marketing from April 2021
- 1.18 The [Wandsworth Employment Land and Premises Study](#) (October 2020) was conducted pre-pandemic. It identifies that between 2019 and 2034, there would be a net requirement of 22,500sq.m of additional office floorspace (para 7.7 p116). In terms of the basic principle of the proposed loss of office space, the application being considered could stymie the ability for the Council to meet its long-term need for additional office floorspace by resulting in a net reduction of the same type of space. However, given that the analysis included in the Employment Land and Premises Study was undertaken pre-pandemic, it is recognised that it may no longer be fully reliable for the purposes of

projecting the need for employment generating floorspaces. As such, Officers need to give weight to more up-to-date evidence, including that which conflicts with the Employment Land and Premises Study, provided that the more recent evidence is clearly objective and robust. In principle, this would include marketing evidence as required by Appendix 1 of the WLP as an adopted format for this exercise; although Officers need to be satisfied that any marketing evidence reflects the valid outcomes of an extended period of genuine marketing undertaken in good faith.

#### 1.19 Conclusion

1.20 It is within this context that Officers consider the marketing evidence, dated April 2023, to be objective and robust and satisfies the specific requirements of Appendix 1 within the WLP. The applicant's marketing evidence is up-to-date having been conducted by a firm with much experience in letting offices; particularly within Wandsworth. The additional supporting studies within the marketing evidence also provides significant weight in demonstrating this case, in terms of the condition of the existing building and upgrade challenges, while real estate demand and supply evidence completes this assessment. As such, the loss of 4,343sq.m of office floor space is considered to be acceptable to Officers; based on the evidence discussed above. The proposal is considered to be compliant with Policy E1 of the 2021 London Plan, and Policies PM9, LP33, LP35 and LP59 of the WLP in this respect.

#### 1.21 Proposed Replacement Uses

1.22 In terms of replacement uses, 535sq.m of employment (office Class E(g)(i)) is proposed at first floor level, along with a ground floor restaurant at 189sq.m (Class E(b)) that would face the River Thames and a 274sq.m community facility (Class F2(b)) over three levels facing the RCA Dyson Building. The remaining floor area over these floors are functional, comprising circulation stair cores, residential and commercial lobbies along with back office and storage areas.

#### 1.23 Office reprovision

1.24 In terms of the office space, the loss of the existing has been assessed above and found to be acceptable to Officers. Given that the majority (89%) of the office space would not be retained at the location, the reprovision of 535sq.m 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, is considered to be acceptable to Officers. This is further enhanced by the applicant's commitment to this workspace being affordable and would be provided for a minimum of 30 years at rent levels capped at a rate of no more than 80% of the prevailing market rate. This is in line with WLP Policy LP38 (Affordable and Open Workspace). It is noted that this policy seeks to 'encourage' affordable workspace in Focal Points of Activity while being 'required' in other designations. As such, irrespective of the loss of the majority of the office space, this reprovision of affordable workspace can be regarded as

a positive public benefit which must be weighed within the overall planning balance. This workspace would have been captured (on the terms indicated above) through an obligation within the s.106 legal agreement; had the proposal been found to be acceptable in other respects. As such, this element of the proposal is considered compliant with Policy E3 of the 2021 London Plan, and Policies LP38 and LP59 of the 2023 WLP.

1.25 Restaurant Use

1.26 Class E(b) restaurants are regarded as Town Centre uses for planning policy purposes. WLP Policy LP43 (Out of Centre Development) requires retail and leisure developments over 200sq.m, that are located outside of the borough's Town and Local Centres, to clearly justify they would not undermine the function of these designated centres through having passed the sequential test as set out on the 2024 NPPF. The provision of a 189sq.m restaurant would be under this 200sq.m threshold, and as such, would not threaten the vitality and viability of the borough's Town and Local Centres. In addition to the above, Policies PM9 Part B.3 and LP59 Part G, as referred to above, promotes mixed-use development in Focal Points of Activity to increase activity and vibrancy long the riverside. Officers consider that the proposed restaurant space, which would be capable of opening out towards the new high quality landscaped and remodelled Thames Path access, while greatly increasing opportunities for social interaction, would contribute positively to increase activity and vibrancy in this location. It is, therefore, considered that the proposal achieves compliance with the objectives of Policies PM9 and LP59. As such, this aspect of the proposal is considered acceptable to Officers.

1.27 Community Facility

1.28 WLP Policy LP17 (Social and Community Infrastructure) requires proposals for new social and community infrastructure to be provided for, amongst other things, an identified need, close and accessible to the community it is intended to serve, contained within high quality buildings that are inclusively designed, have a submitted maintenance and funding plan and affordable service charges, and to not result in an over concentration of similar uses. The proposed community facility is regarded as social and community infrastructure for the purposes of this policy assessment. A 274sq.m facility (Class F2(b)) is proposed located over three floors facing the RCA Dyson Building.

1.29 In terms of serving an identified need that would be close and accessible, three expressions of interest have been received indicating potential future occupancy of the proposed facility. All three expressions of interest are located within LB Wandsworth; the Katherine Low Settlement at 108 Battersea High Street SW11, Keeping Families Together at 182 East Hill SW18, and Little Village at 144 Tooting High Street SW17. While the Katherine Low Settlement would be the closest operator to the application site, the remaining two charities are seeking to have a presence within the community within this location. As all

three of these charities are serving Wandsworth, Officers raise no objection to the possibility of them taking up the facility to continue and expand their worthy community operations further within the borough. The Applicant continues to engage with local charities with the aim to identifying and accommodating a suitable tenant to occupy the space.

- 1.30 The proposed space has been designed to be of high quality and would be positioned within a highly visible corner aspect of the proposal. A lift would provide inclusive access to all three floors while a toilet facility for disabled persons is indicated at ground floor level. This is considered acceptable to officers and would enable good levels of inclusivity.
- 1.31 The applicant has indicated that this space would be made available for the future occupiers at a ‘peppercorn’ rent level into perpetuity with no additional building service fees (other than covering their own utility usage costs). This is a positive offer that would be of notable public benefit to future occupiers and must be weighed within the overall planning balance. This workspace would have been captured (on the terms indicated above along with a management plan making landlord and tenant responsibilities clear) through an obligation within the s.106 legal agreement, had the proposal been found to be acceptable in other respects.
- 1.32 In terms of over concentration, the two closest operational community facilities near to the proposal are the Ethelburga Community Centre and the Dimson Lodge Clubroom. Given that these two facilities are not in close proximity to the application site at 380m and 400m respectively, a harmful over concentration cannot be demonstrated in this respect. As such, Officers considered this aspect of the proposal to be acceptable and compliance with Policy LP17 has been demonstrated.
- 1.33 Conclusion
- 1.34 Had the proposal been considered acceptable in other respects, and to avoid possible unacceptable movement between these use classes, Officers would have recommended the imposition of conditions to capture the uses as proposed, and not capable of use class movement without further assessment through s.73 applications. The uses would have also been subject to operational hours conditions to ensure they would function acceptably without harming the amenity of new and existing residential occupiers.
- 1.35 Officers consider the proposed replacement uses to achieve policy compliance. The notable offer of the affordable office workspace, along with the community facility at a peppercorn rent in perpetuity, is considered to represent positive levels of public benefit that will require weighing in the overall planning balance. The proposed restaurant would be an acceptable land use that would contribute to the activation and vibrancy of the location. As such, these proposed replacement uses are considered to comply with Policy E3

of the 2021 London Plan, and Policies LP17, LP38, LP43 and LP59 of the 2023 WLP, and are acceptable in this respect.

## **2 Design**

### **2.1 Introduction to the Site**

2.2 1 Battersea Bridge Road ('the site') comprises a part 5-storey, part 6-storey office building designed with a glazed curtain wall façade. The building known as the Glassmill was designed by Michael Lyell Associates in the 1980's. It represents an interesting architectural design with faceted glazing to facades. It is a prominent building on to the River Thames by Battersea Bridge.

2.3 The proposal involves the comprehensive redevelopment of the site to include demolition of existing building and erection of a part 10 storey, part 29 storey building, 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.

2.4 Pre-application discussions with officers have been ongoing since 2018. In addition, at pre-application stage GLA officers considered that a 'landmark' for the river bridge could be an appropriate design principle to apply when re-developing this site. However, as outlined at pre-application stage, they stated this does not mean that a building of significant height is considered appropriate on that basis.

2.5 The applicants have presented various schemes at pre-application meetings initially dealing with the ground and first floors and the re-provision of some of the employment space. They focused on presenting two options for a 33 and a 38-storey tower.

2.6 The proposals were submitted to the Wandsworth Design Review Panel on 13 December 2023 and on 16 February 2024. At the first DRP a 38-storey building was presented and the Panel stated, 'Whilst we are not against height per se, we are not convinced on the need for height in this location and do not think the narrative presented is clear and robust enough'. The second scheme presented was ground plus 33 storeys with a shoulder block of 10 storeys. The Panel stated 'As before, the Panel remains unconvinced that marking the bridge is an argument for a tall building in this location. The constrained site for the tower and the amenities offered do not mark a broader opportunity of placemaking for the wider community, which might be supported'.

### **2.7 Assessment of site character and context**

2.8 The site is located adjoining the River Thames riverside walk to the north, Battersea Bridge Road to the west, Hester Road to the south and a private road next to 4 Hester Road to the east. The Thameslink Apartments a six-storey building in use as residential flats is conjoined with the Glassmill building, being built at the same time as part of a mixed-use development. The land

immediately to the south of the existing Glassmill Building is owned by the adjacent landowner and is used for parking cars and bicycles.

- 2.9 The existing Glassmill building is of 6 storeys and is part vacant and part let for offices. To the south is the Royal College of Art (Dyson Building) of three (double) storeys in height. Further east along the River Thames frontage is the Albion Wharf development a 10-11 storey building of mainly residential flats with commercial uses on the ground floor.
- 2.10 The site is not statutorily listed or locally listed and is not located within a conservation area.
- 2.11 The area to the west of Battersea Bridge was developed in the 1970s for residential development on the site of Morgan's Wharf. It is a spatially incoherent area of residential housing of up to four storeys and very insular in layout. It is a gated development (although vehicle access gates appear permanently open) with high walls and/or railings to its perimeter.
- 2.12 The site already has a 6-storey (at maximum height) building in the form of the Glassmill building, which is at the maximum parameter height for the site as set out in the 2023 Wandsworth Local Plan and Urban Design Study by ARUP (23/12/2021). The guidance set out in Historic England's Advice Note 4 on tall buildings includes making it clear that the existence of a tall building in a particular location will not in itself justify its replacement with a new tall building on the same site or in the same area, as it may improve the area to replace it with a lower building. Therefore, there should be no expectation for a taller building than the existing on this site.
- 2.13 The Wandsworth Urban Design Study refers to negative elements such as the 20 storey Montevetro building by Sir Richard Rogers of the 1990s, a rather incongruous landmark which dominates views around the grade I listed St. Mary's Church, and contrasts with Battersea Square with its pattern of development of two to three storeys arising from its medieval village origins. Similarly, the 1960's tower blocks of the Surrey Lane Estate are dominant in views and have a negative impact on spatial character due to their height and scale.
- 2.14 The area to the east of the site is characterized by streets comprising mainly residential terraces and apartment blocks of 2-4 storeys with isolated taller buildings such as the Royal College of Art of 8 storeys and the contemporary mixed-use scheme of Albion Wharf of 11 storeys. Five storey office blocks line the south side of Hester Road. Much of the area has a grid pattern of streets with two storey Victorian and Edwardian buildings.
- 2.15 The site of 1 Battersea Bridge lies at an important point on the River Thames. The river flows north then sweeps around a bend towards the east, so Battersea Bridge represents a prominent position in the landscape of the river.

- 2.16 The north-west opposite side of the river has changed much from its industrial base to modern residential development with the 37 storey Chelsea Wharf tower dominating the skyline. Further east within Kensington and Chelsea the traditional grid of residential streets comprises a mix of Georgian, Victorian and Edwardian mainly terraced developments of 2-4 storeys of buildings architectural and historic importance. The northside of the river is lined by moorings with a backdrop of five storey buildings and trees together with the Embankment a magnificent Victorian public realm intervention with its promenade. The grade I listed Royal Hospital, and its historic landscaped setting are emblematic of the townscape importance of the north bank and its immediate hinterland. The grounds of the Royal Hospital, a grade II listed historic park, and garden stretches down to the River Thames giving an open landscaped frontage as part of the historic park and garden. This historic landscape is mirrored on the south side of the river with the grade II\* Battersea Park a Registered Park and Garden with its important lakes, gardens and avenues of trees. The spatial setting of the river is one of openness with verdant parkland on each side and the proposed development threatens this composition.
- 2.17 Heritage Assets: Significance and Setting
- 2.18 The site is surrounded by a plethora of historic assets, conservation areas, registered historic parks and gardens, listed buildings and locally listed buildings within the borough as well as neighbouring boroughs north of the River Thames.
- 2.19 Para 212 of the NPPF states that when considering the impact of the proposal on the significance of a heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The NPPF states that in weighing applications that affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.20 London Plan Policy HC1 states that proposals affecting heritage assets, and their settings should conserve their significance, avoid harm, and identify enhancement opportunities. Historic England guidance states that significance must stem from the interest(s) of the heritage asset, whether archaeological, architectural, artistic or historic, or a combination of these.
- 2.21 Although the site is not located within a conservation area and does not contain a nationally or locally listed building, the proposed development affects the settings of a number of heritage assets. This is evident from the analysis of the Townscape, Heritage and Visual Impact Analysis (HTVIA) as provided by the applicants. The proposed building is visible to a significant extent in a number of views, and this is discussed below in terms of the importance of each designated heritage asset and the impact and level of less than substantial harm is summarized in Table 1.

- 2.22 Heritage Asset Identification and Significance
- 2.23 ‘Westminster World Heritage Site’
- 2.24 The proposed development has been assessed for any impact on views of the Westminster World Heritage Site. Preserving the silhouette of the Palace of Westminster is of paramount importance in preserving its significance as the seat of Government, Royalty and the Church.
- 2.25 ‘Hyde Park, Registered Park and Garden, Grade I and the Royal Parks Conservation Area’
- 2.26 The significance of the Royal Parks Conservation Area includes Hyde Park, St James Park, Green Park, Buckingham Palace Gardens and Kensington Gardens. The parks today are the creation of the picturesque landscaping tradition of the mid-18th to late-19th century. Hyde Park and St James Park are dominated by their lakes. All the parks are well wooded and many paths in Green Park and Hyde Park are laid out as avenues. There is also informal planting in all the Parks. Hyde Park is classified as Grade I and the proposed development would be visible from within the park north of Exhibition Road. As set out in the Conservation Area mini guide, surrounding buildings enhance the setting of the parks and only very occasionally, out of scale development detracts from their appearance and setting.
- 2.27 ‘Church of St Mary and churchyard wall and gates, listed Grade I’
- 2.28 The significance of the building is that it dates from 1775-77 Joseph Disson with a prominent tower that is a landmark. Brown brick with stone quoins and other dressings. Tetrastyle Doric pedimented porch. West tower with cyma-bracketed cornice supporting urn finials at the angles and octagonal wooden steeple. Windows recessed within gauged brick arches, segmental-headed at aisle level and round-arched at the gallery. The east window 1631 of stained and enameled glass attributed to Bernard van Linge, of exceptional quality, transferred in entirety from the older church. The tower is visible in views 18 & 19 as affecting the setting of the Church.
- 2.29 ‘Royal Hospital Conservation Area and listed buildings’
- 2.30 The Royal Hospital Conservation Area is primarily a quiet residential area that provides a welcoming break from the continual noise and bustle of the two thoroughfares of the King’s Road and Chelsea Embankment. The heart of the conservation area is the Royal Hospital itself which is made up of 7 connected three-storey blocks built 1682-1702 to the designs of Sir Christopher Wren, all listed grade I. The Royal Hospital with its extensive grounds including Ranelagh Gardens and Burton Court, stretches almost from the King’s Road to the Embankment is also a grade II Registered Park and Garden. The other significant group of buildings are found within the grounds of the Duke of York’s Headquarters positioned to the north-east of Burton’s Court. Notwithstanding these large complexes of buildings, the residential streets to the north and west

are made up of more modest terraced housing and individual buildings that form attractive and characterful streets of Georgian and Victorian date. These range from formal terrace compositions such as Wellington Square, Royal Avenue and Cheltenham Terrace to individual houses such as the artist's studios found in Tite Street and the earliest surviving detached houses in Swan Walk.

- 2.31 Due the relative low scale of the surrounding area and the residential streets, there are no tall buildings visible within the setting of the listed Royal Hospital site which ensures its architectural character and important open landscaped setting are fully appreciated.
- 2.32 'Albert Bridge, listed Grade II\*'
- 2.33 The list entry for Albert Bridge sets out a summary of the principal reasons for its designation as follows. The bridge, built in 1871-73, to the designs of Rowland Mason Ordish, modified by Sir Joseph Bazalgette in 1884-87, is listed at Grade II\*.
- Architectural interest: a highly elegant bridge with stately Gothic embellishment, designed by a leading C19 engineer.
  - Historic interest: a historically important central London road bridge, which along with Tower Bridge (opened 1894), has not been replaced.
  - Engineering innovation: an innovative design at the time combining the properties of both suspension and cable-stayed bridges.
  - Group value: the bridge forms an integral part of the Grade II listed Chelsea Embankment and enhances the views of Battersea Park (Grade II\* Registered Park and Garden) on the opposite side of the river. Accordingly, the open landscape setting of the bridge, including Battersea Park, Chelsea Embankment, and Cheyne Walk enhance one's appreciation of its special architectural and historic interest, allowing it to form the dominant feature in key views from the north and south banks of the river. This is also evident at night as the bridge is illuminated including the suspension cables giving it a celestial appearance. The lack of tall buildings to the west also assists in ensuring the bridge forms a key feature in views as evidenced in the existing view 4\_ of the HTVIA.
- 2.34 Numbers 4, 5, 6 and 15 Cheyne Walk, Queens House, listed Grade II\* and 17 Swan House and Garden Corner, listed Grade II\*
- 2.35 4 & 5 Cheyne Walk dates from 1718. Four storeys, basement and dormers. Four windows. Brown brick. Added upper storey with battlemented parapet. 6 Cheyne Walk also of 1718 of three and a half storeys. 15 Cheyne Walk House. Circa 1718. Four storeys and basement. Queens House dates from 1717, is of three storeys, basement and dormers. Seven windows, including 3 window splayed bay inserted at first and second floor. 17 Swan House, Chelsea Embankment of 1876 by Richard Norman Shaw, architect. 4-storey, basement

and dormers. All are of group value as fine examples of 18<sup>th</sup> and 19<sup>th</sup> century buildings with a consistency of design, scale and form. Their setting is principally defined by Cheyne Walk, the open landscaped area to the north.

- 2.36 The setting of the buildings would be affected in views 3 and 4.
- 2.37 'Battersea Bridge, listed Grade II'
- 2.38 Battersea Bridge listed grade II. Its significance derives from its historic interest for its association with notable architect J W Bazalgette who designed the bridge in 1890. It is also of architectural interest as an important example of a low lying five span bridge with unequal radii rising to a distinct central apex. The cutwaters of the piers are stone-faced with channelled rustication. Each pier supports a stone pilaster rising to road level. Wrought iron spans spring from the piers, their outer margins swept back in concave section and ribbed. The spandrels carry iron panels with foliated decoration in flat relief. The bridge marks an important crossing point of the River Thames which forms a key part of its setting. Its significance therefore is best experienced from the river and the riverbank. Here, the built form surrounding the bridge, including the application site does not seek to assert itself on the setting of the bridge, allowing it to remain the prominent feature in views, particularly from the north bank. This is enhanced by the relatively open nature of the river banks to the west of the bridge.
- 2.39 'Battersea Park, Grade II\* Registered Park and Garden and the associated Battersea Park Conservation Area and the listed buildings within the area'
- 2.40 A preliminary layout plan was produced by James Pennethorne in 1845, the basic principles of the design including a perimeter carriage drive, an embanked river frontage, and perimeter housing. The main development of the park took place however after 1854 under the direction of Parks Superintendent John Gibson who had worked on Victoria Park, Hackney (qv) with James Pennethorne. The park opened to the public in 1854 and was formally opened along with neighbouring Chelsea Bridge by Queen Victoria in 1858.
- 2.41 Its significance is its Gardenesque design, with its carriage drives and tree-lined avenues. The serpentine outline of the lake and the circuitous path system around it (OS 1865) survives, as does the artificial rockwork and cascade made by W Pulham (1866). The Subtropical Garden dates from 1863. Much of the park is surrounded by a thick tree canopy which provides a green buffer to its wider urban setting. There is little if any visual intrusion above this canopy allowing much of the verdant character of the landscape to be fully experienced. This is particularly apparent in views east and west, from the River Thames Embankment along the river.
- 2.42 'Westbridge Road Conservation Area (LBW) and the Grade II listed buildings within the area'

- 2.43 The special character of this area is the interesting mix of good quality early, middle and late Victorian terraces and semi-detached villas of two to four storeys, providing an important historic link between Battersea Square and Battersea Park. This mix also includes two knapped flint faced Grade II Listed Gothic villas, which are unique within Battersea. Early Victorian shops with some original shopfronts on Battersea Bridge Road compliment the residential element. The conservation area consists of a block contained by four streets plus facing properties on the east side of Battersea Bridge Road. The four streets each have their own particular character however there is a clear consistency of height and form to the buildings, being two to four storeys. For example, Westbridge Road is characterized by three-storey terraces set back to provide large front gardens with mature trees.
- 2.44 ‘Battersea Square Conservation Area (LBW)’
- 2.45 The area derives its special character from this village pattern, which though altered over the centuries is still discernible in the relationship the present church has with the settlement clustered around the Square itself and also spread along its access routes, Westbridge Road, Battersea High Street and Vicarage Crescent. The remnants of the older settlement, for example the church, Old Battersea House, and the Raven PH, give a historic perspective to the later Victorian developments elsewhere in the Conservation Area. The continuity of the Battersea Square area as it developed from a sleepy manorial backwater to a more industrialised suburb following the construction of the bridge over the Thames in 1772 can be clearly read in the surviving buildings and settings. Although there have been modern intrusions into the area, Battersea Square still retains its charm as the historic heart of Battersea, around which the later Victorian housing developments and industries burgeoned.
- 2.46 ‘Cheyne Conservation Areas (RBKC) and the multiple listed buildings within the area including Chelsea Old Church, Grade I; Crosby Hall, Grade II\*; Lindsey House, Grade II\* and Grade II listed houses in Cheyne Walk, Danvers Street, Paultons Square and Ropers Garden’
- 2.47 Cheyne Conservation Area is an area of great heritage significance. The conservation area fronts onto the River Thames between Albert Bridge and Battersea Bridge. The Georgian houses in the core of the conservation area in Cheyne Walk, Cheyne Row, Lawrence Street, Upper Cheyne Row and part of Old Church Street are some of the oldest and finest buildings in the borough. They feature continuous rows of fine quality Georgian and Victorian terraces, the character of which is defined in part by their consistent unbroken parapet lines without any tall buildings breaking the rooflines. Paultons Square is a garden square with three and four storey terraced houses lining the south, east and west sides of the square with unbroken parapet roof lines defining the roofscape. The north side is marked by a three-storey red brick terrace with individual retail units to ground floor and again an unbroken parapet roofline.

- 2.48 'The Boltons Conservation Area (RBKC)'
- 2.49 The bulk of The Boltons Conservation Area was developed between 1850 and 1876 in a largely Italianate style that was flourishing at this stage in the Victorian period. The conservation area notably contains two architectural set pieces: The Boltons and Redcliffe Square which both focus on churches at their centre. The significance of the conservation area derives from its tight knit urban form, consistent roof lines mainly of parapet roofs. The streets contain many fine Victorian and Edwardian buildings of consistent height with their rooflines unbroken by tall buildings. Redcliffe Square represents an architectural set piece with grand gault brick terraced houses with roofs in a flamboyant French Renaissance style.
- 2.50 'Chelsea Park/Carlyle Conservation Area (RBKC)'
- 2.51 Chelsea Park Carlyle Conservation Area comprises groups of generally modest residential properties that form an oasis of pleasant family homes and studios between the bustle and activity of Fulham Road and King's Road. Its significance derives from its tight knit urban form with historic buildings lining the streets giving a strong sense of enclosure. The residential properties that form attractive and characterful streets date from the late Georgian period until to the mid-twentieth century. These are laid out as a mixture of terraces and detached/semi-detached houses. The layout of the streets with well-mannered terraces gives a relatively low and consistent building height of around 3-5 storeys. Carlyle Square presents a haven of Victorian semi-detached buildings of 3-4 storeys arranged around a lush richly landscaped square with no visible tall buildings to challenge this pristine setting.
- 2.52 'Three Sisters Conservation Area (LBW)'
- 2.53 The significance of the conservation area is that it is distinctive from other areas of Battersea insofar as it is predominantly made up of pairs of semi-detached "villas" and a few detached houses. Semi-detached houses set back from the road were still a relatively rare choice of layout for this type of development in the 1860s and 1870s. This layout offers more generous front gardens and glimpses through the gaps between semi-detached pairs to the garden spaces beyond. The buildings are generally of two storeys. No view assessed as part of the proposals.
- 2.54 'The Thames Conservation Area (RBKC)'
- 2.55 The Thames Conservation Area was designated in 1981 and encompasses the Royal Borough's entire southern boundary on the River Thames. The dominant built structures within the conservation area are the Thames bridges and Chelsea Embankment. The character of the conservation area derives from the riverside of the Thames and Chelsea Creek, with piers, moorings and a wharf, and of transport infrastructure and adjacent public gardens and trees. The infrastructure includes the Chelsea, Albert and Battersea bridges and the carriageway of Chelsea Embankment. As set out in the conservation area

appraisal, the context gives a green and leafy character. To the south-eastern boundary is the extensive riverside frontage of Battersea Park. “The trees of the park mirror the riverside plane trees within the Thames Conservation Area, and this reinforces the prevailing character of the conservation area between Chelsea and Albert Bridges of a lush green river frontage.” The spatial setting of the conservation area is one of open stretches of the river with the Albert and Battersea bridges marking the crossing points

## 2.56 **Proposal and Policy Planning Context**

### 2.57 London Plan 2021

- 2.58 Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.
- 2.59 The key London Plan Policy is D9 Tall Buildings is split into three parts, Part A definition, Part B location and Part C impacts.
- 2.60 D9, Part A requires tall buildings to be defined in Local Plans and Wandsworth has defined these as being 7 storeys or 21 metres within Policy LP4. It has defined Mid-rise buildings as 5-6 storeys.
- 2.61 D9, Part B requires that the locations for tall buildings be identified in Local Plans. Wandsworth’s 2023 Local Plan Policy LP4 (WLP) identifies locations where tall buildings will be considered acceptable together with height parameters for each location, all of which was set out in the Urban Design Study which is the evidence base. The Study also identified Mid-rise building locations.
- 2.62 D9, Part C assesses tall buildings in terms of their visual, functional and environmental impacts.
- 2.63 There is no wording which indicates that Policy D9 Part A and/or Part B are gateways, or pre-conditions, to Part C.
- 2.64 The existing building is in office use and is located in the wider WLP Riverside Strategy Area. The Area Strategy sets out the overall vision for how Wandsworth’s Riverside can realise those improvements over the next 10-15 years to become a high-quality destination with better connected, new and enhanced public space benefitting the borough and its Thames setting and supporting future growth.
- 2.65 The site is located in the WLP Ransome’s Dock Focal Point of Activity and next to Battersea Bridge, a gateway into the borough. The Riverside Walk runs in front of the building and connects east-west along the River Thames. It is

important to identify areas of interest along the Riverside Walk to enhance the public realm activity and the opportunities to do so largely remain with the development of sites along the river frontage.

2.66 Wandsworth Local Plan 2023

2.67 The strategic policy covering Wandsworth's Riverside in the WLP is set out in Policy PM9 (Riverside (Strategic Policy)). Policy PM9 Part A.4 states... '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.'

2.68 A discussion of policy LP4 follows which is critical to the decision-making process on a proposal for a tall building on this site.

2.69 Policy PM9 Part A.6 states 'Opportunities to enhance the experience and quality of the public realm through carefully considered well designed proposals that can create beautiful, high-quality, well-designed, accessible, and inclusive public spaces are encouraged. These should provide elements that encourage dwell time, such as seating, parklets and public art, which facilitate community and cultural use. Proposals should use imaginative landscape design that can contribute to the greening of these spaces.'

2.70 To build further of the strategic approach taken within Policy PM9, the WLP contains Policy LP4 (Tall and Mid-rise Buildings), which sets out guidance on tall buildings in conformity with the 2021 London Plan. Policy LP4 Part B 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, where the development would not result in any adverse visual, functional, environmental and cumulative impacts'. This policy continues to identify London Plan Policy D9 to which Policy LP4 aligns.

2.71 The site does not lie in a tall buildings zone so any tall building would be considered inappropriate, and, in the first instance, would be contrary to policy LP4B.

2.72 Separate from the London Plan definition of tall, the borough of Wandsworth recognises that there may be mid-rise buildings in the borough which, whilst not defined as 'tall' in line with the London Plan, are of an increased height to their surroundings. Such buildings have the potential to result in significant impacts to the roofscape, skyline, or townscape character. Therefore, such buildings have been described as 'midrise' buildings within this study. A mid-rise building is defined as:

- "Buildings of 5-6 storeys or 15-18m from the ground level to the top of the building, whichever is lower."

- 2.73 Opportunities for mid-rise buildings are generally concentrated within five different types of area:
- As transition areas to tall building zones: The majority of tall building zones have midrise building transition zones around them to provide appropriate stepping and integration to surrounding small scale built form.
  - Along strategic road corridors: The width of some roads provides the capacity for increased height, particularly at key junctions. This includes Upper Richmond Road in Putney, Balham High Road, Tooting High Street and West Hill.
  - Within town centres: There are opportunities for mid-rise buildings within the town centres of Putney, Clapham Junction and Balham (beyond the tall building zones), and within Tooting.
  - Within or adjacent to existing estates: This includes opportunities within Roehampton, Wimbledon Parkside, West Putney, East Putney, Tooting, Battersea and Nine Elms (south of the railway line).
  - Alongside large scale open spaces: Where mid-rise buildings would be seen in proportion to the scale of the open space, and visibility filtered by mature boundary trees. This includes locations like Roehampton Golf Club, Putney Heath, Wimbledon Park, King George's Park and Wandsworth Common.
- 2.74 The application site of 1 Battersea Bridge Road falls within the transitional area between two tall buildings zones TB-B2-03 and TB-B2-04 (both indicated as 7 to 12 storeys being appropriate in height and between 21m to 36m). The rationale for that is that the tall buildings zones (Policy LP4 Part D) will be required to step down towards the edges of the zone (such as towards mid-rise zones) 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.
- 2.75 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 in Parts A to H of Policy LP4. LP4 Part B focuses on visual impacts, spatial hierarchy, tall buildings near the Thames frontage, microclimate and lighting and ground floor uses and the public realm.
- 2.76 Policy D9C deals with the visual impacts of proposed tall buildings particularly with regards to views and the impact on designated heritage assets.
- 2.77 Policy D9D deals with free to enter publicly-accessible areas of tall buildings. Elsewhere in London the tops of tall buildings have been used as viewing locations, but 1 Battersea Bridge Road is not considered appropriate due to public safety reasons.

2.78 The detailed assessment below analyses the proposed development against London Plan and Local Plan policies.

2.79 **Tall Buildings/urban Design Assessment**

2.80 Height, Scale and Massing

2.81 Historic England set out the following guiding principles in their tall buildings guidance note:

- A plan-led approach to tall buildings to determine their location.
- An evidence base which explores alternative options for the location and heights of tall buildings.
- Decision making informed by understanding of place, character and historic significance.
- Tall buildings proposals which take account of local context and historic character; and
- Early and effective engagement at plan-making and decision-taking stages including the use of design review panels.

2.82 In terms of the above a plan led approach has been adopted as the Local Plan follows the approach taken by the London Plan in identifying locations within the borough where tall buildings may be encouraged and sets out design parameters for each location in terms of maximum heights that would be acceptable. These are based on the sound evidence base provided by the Wandsworth Urban Design Study, which assessed all the characters areas in the borough. Outside of the locations which identified as being appropriate, the rest of the borough was not suitable i.e. causing harm. Transition areas around tall building zones were identified as Mid-rise zones and the maximum parameter height for these is 6 storeys, or 18m in height.

2.83 When the application was submitted the height of the proposed tower was at 33 storeys plus ground. The site is not located within a tall building zone but adjoins TB-B2-04 to the east (7 to 12 are considered appropriate). It is however, identified in the Local Plan as being within a Mid-rise zone (MB-B2-02) where 6 storeys as a maximum is considered to be appropriate.

2.84 Following a period of consideration of the consultation responses to the initial submitted height, the applicant submitted revised proposals reducing the height down to 28 storeys plus ground (29 storeys) with a 10-storey shoulder block to the south.

2.85 The spatial character in the vicinity of the site varies from 2 to 6 storeys with the adjacent residential building at the Thameswalk Apartments and offices within Hester Road. Further to the east the 11-storey Albion Riverside which lies within the adjacent tall building zone where height can be justified in the evidence base set out in the Urban Design Study. The Urban Design Study in assessing tall building zone TB-B2-04 states...‘On evidence gathered through site visits

and the character area profile indicate that the height of Albion Riverside sits positively along the riverside, with the scale of the building responding to the adjacent uses and the width of the River Thames. It is also largely set back to create a more generous feeling of space along the river frontage. The heights of buildings generally along the riverfront here are considered to be at capacity. Increases in height would risk adversely affecting the character of the River Thames including the north bank which includes a number of designated conservation areas by the Royal Borough of Kensington and Chelsea. Taller development would also sit uncomfortably between the two listed bridges (Battersea, grade II and Albert, grade II\*) and would affect views from within Battersea Park Registered Park and Garden. Buildings should step down towards the approaches to the listed Battersea Bridge and Albert Bridge to maintain their visual prominence and preserve their setting.’

- 2.86 A building comprising a 29 storey tower, with a 10 storey shoulder bock, in this location is not compliant with WLP Policy LP4 Part B, as it lies within a mid-rise zone where the maximum height is 6 storeys or 18 metres. It is also non-compliant with part B of D9 of the London Plan for the same reason.
- 2.87 However, the acceptability of a tall building in this location must also be rigorously examined and be determined by its visual, functional, environmental and cumulative impact upon the surrounding environment as outlined by Part C of London Plan Policy D9.
- 2.88 London Plan Policy D9 C requires that development proposals must address a number of impacts. In terms of visual impacts these are specified in terms of long- range views, mid-range views and immediate views. These have been assessed by the Heritage, Townscape and Visual Impact Analysis as part of the planning application. These views have been analysed in terms of their impact on designated heritage assets both within the borough as well as neighboring boroughs and these are set out and summarised in Table 1. In summary, the proposed building will form a prominent and visually jarring addition to the area, in stark contrast to the surrounding built form and landscape context. This includes a significant visual dominance in views from the river and in the setting of listed buildings, most notably Battersea Bridge immediately to the north. It is clear that the negative visual effect will be far reaching due to the number of heritage assets affected, including important landscapes like Royal Hospital and Battersea Park.
- 2.89 In terms of environmental impact, the applicants have carried out wind and noise assessments and it is evident that a highly localized area to the northern edge of the building is likely to be subject to a minor degree of uncomfortable wind conditions in winter. This area would be part of the public realm so would have an impact on peoples’ enjoyment of the riverside setting. Yest the degree of this highly localized wind is not considered to be such as to demonstrate the area in its entirety would experience unacceptable wind conditions, and is considered acceptable in this regard.

- 2.90 In terms of its location, the proposed building would be significantly taller than its surroundings and would appear visually dominant in views upstream and downstream along the River Thames. Only the two towers at Chelsea Creek of 37 and 25 storeys compete visually however these are sited in a part of the Thames that is far less verdant and open. These towers also have a negative impact on the spatial quality and character of the River Thames and its north bank. The proposed building sits in a mid-rise zone, yet its proposed height significantly exceeds the maximum parameter heights within the adjacent tall building zones, which is 12 storeys as set out in the Local Plan.
- 2.91 The applicant's rationale for a tall building beside Battersea Bridge derives from their townscape analysis of London. It is in this analysis which they suggest that the many bridges across the River Thames in the central section from Hammersmith to Tower Bridge are identified as markers or landmarks which contribute to the visual announcement of crossing points while celebrating the architecture of the bridges.
- 2.92 This rationale for a tall building to mark this particular crossing point is not supported by officers as the building would visually impinge on the setting of the bridge, drawing attention away from its architectural and historic importance and prominence on the river, thus demonstrating harm. This is supported by the Wandsworth Urban Design Study which states that tall buildings should step down towards the listed bridges to acknowledge their historic significance as designated heritage assets rather than to mark them. This urban design relationship is considered to be harmful.
- 2.93 WLP Policy LP4 Part B.2 states that the proposed location of tall buildings must avoid creating substantial visual interruptions in areas with otherwise very consistent building heights and/or roof lines. There is a consistency of height in the immediate vicinity of the site of 2 to 6 storeys, within an area characterised by mainly residential streets therefore the proposed building would form a significant change in scale both in terms of the 10 storey element and 29 storey tower. The 10 storey element does little to form a step down to the surrounding buildings as, in itself, it is much taller than the surrounding context. The degree of visual interruption that the proposal would introduce is considered to be harmful within this policy context.
- 2.94 WLP Policy LP4 Part B.7 and 8 discusses spatial hierarchy, and 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 harmful impact having regard to its context. The proposed tower would have an overly dominant impact adjacent to the River Thames as well as Battersea Park, a grade II\* a Registered Historic Park and Garden, along with designated heritage assets north of the river. The proposal, at 29 storeys, cannot be considered to be a proportionate response to the local environment. This is due to the significant degree of change in the scale of visual obstruction that is

proposed within the location, that has no existing buildings in the vicinity that could be truly regarded as visually conspicuous. The spatial hierarchy of the area around the site is generally 4 to 6 storeys with only the Albion Riverside and the RCA campus' buildings departing from that established form. This renders the proposal to be a dramatic and unwarranted design response to a location where such substantial change was not anticipated through the Urban Design Study and its well-judged findings. This is considered to be harmful and would represent an unjustified transformative change in the spatial hierarchy of the location resulting in significant harm to the character of the area and contrary to the objectives within WLP Policy LP4.

- 2.95 From the north the tower would appear slender, yet demonstrably prominent in views, whereas when viewed from the sides, its bulk and scale reveal its over dominance in the townscape and riverscape contrary to London Plan Policy D9C and Adopted Local Plan Policy LP4 B. Table 1 summarises the impact of the views.
- 2.96 Architectural quality
- 2.97 The detailed design of the scheme has been developed with Officers from the early pre-application proposals and a number of changes have been carried out in terms of the form and materiality of the proposed tower and the podium. The current proposal represents an improvement on earlier versions with a brick finish which appeared rather austere. In terms of composition, it uses the typical tripartite concept of base, middle and crown.
- 2.98 In terms of the base, it takes its design cues from Battersea Bridge and again has gone through several iterations since pre-application. The forked outriggers at the prow have now been revised and the details adjusted to align with the columns to the rear. A colonnade is proposed along the Battersea Bridge Road frontage. As mentioned above the ground floor has been set back around 5 metres to give more public space to the public realm to the river frontage, albeit some of the internal functions are more challenged. London Plan Policy D9Cf requires tall buildings, particularly in the Thames Policy Area, to 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. The proposed tower has been set back from the river, though more would be beneficial, and its overwhelming height contributes to a dominant impact and goes to, somewhat, diminish the impact on the openness of the river.
- 2.99 The middle is composed of repetitive horizontal bands of windows and terracotta panels. The tower is divided by a shallow clear glazed recess which runs vertically from the base to the crown. The shoulder block accommodating the affordable units is integrated with the main tower. The design is proposed to be modular with large scale concrete backed terracotta panels constructed off-site and lifted into position to ensure design quality and speed of construction. The tower is divided into a north tower and southern shoulder block with the horizontals to the southern block being more solid to reduce overheating. The

southern shoulder block, at 10 storeys, is also in excess of the parameter heights for the mid-rise zone and together with the main tower, have a visually overbearing impact on the immediate location.

- 2.100 The crown was previously proposed as a stepped architectural element resembling a halo at the top. The revised crown is now a flat-topped feature that steps in towards the main tower. The materiality will be the same as the tower. The crown is intended to be illuminated. It will also accommodate energy plant at the top and PVs, which would be screened.
- 2.101 Whilst improvements have been made to the tower since pre-application, the result is still unconvincing with regard to its height. These improvements have only resulted in a modest reduction of 5 storeys in height. A much more significant reduction in height would be required in this location to avoid causing harm to designated heritage assets, albeit less than substantial, and reduce the visual dominance in its immediate and wider context.
- 2.102 Heritage Impact Assessment
- 2.103 The applicants have submitted a revised set of 26 views as part of the Heritage and Townscape Visual Impact Appraisal (HTVIA). These demonstrate the impact of the proposed tower from as far afield as Hyde Park and the grade I listed Royal Hospital in Kensington and Chelsea. It is highly visible from Battersea Park, a grade II\* Registered Historic Park and Garden as the tower would rise above the treeline. A summary of the impacts on the multiple designated heritage assets is set out below and in Table 1.
- 2.104 ‘Westminster World Heritage Site’
- 2.105 The proposed building would not be visible in views of the Westminster World Heritage Site. No harm.
- 2.106 ‘Hyde Park, Registered Park and Garden, Grade I and the Royal Parks Conservation Area’
- 2.107 The proposed building would be prominent in views from South Carriageway Drive in Hyde Park looking down Exhibition Road. It would mar an important view (11.11) that is otherwise not be impacted by tall buildings and therefore draw the eye away from the open landscape qualities of the park. Less than substantial harm at a low level
- 2.108 ‘Church of St Mary and churchyard wall and gates, listed Grade I’
- 2.109 The proposed building would be prominent in View 18 as it would appear to the right of the church spire. It would further erode the prominence of the spire on the skyline thus reducing its importance as a key feature of the historic Battersea village. Less than substantial harm at a low level.

- 2.110 'Royal Hospital Chelsea and associated buildings, listed Grade I and the Chelsea Royal Hospital Conservation Area (RBKC) and the associated Chelsea Physic Garden, a Registered Park and Garden, Grade I'
- 2.111 The proposed building is visible in views 1, 2, 12 & 23 appearing above buildings in views from the grounds of the Royal Hospital. In views 1 and 23 the significance of this part of the conservation area is the relationship between the grade I listed buildings and the grade II Registered Historic Park and Garden. It is the interplay between the formality of the buildings with the formal geometry of the landscape which make a unique composition, one which has remained unchanged for hundreds of years. This formal landscape has remained unblemished by the impact of tall buildings where otherwise none are visible. Whilst the building will not be visible in the main axial view, it would form an unwelcome and alien feature in the wider setting, breaking the historic and consistent roofline and impacting on the setting of the Grade I listed buildings and Grade II Registered Historic Park & Garden. Less than substantial harm to a low level.
- 2.112 'Albert Bridge, listed Grade II\*'
- 2.113 The proposed tower appears prominent in view 4 from the Embankment towards Battersea as it is visible through the 'spiders web' of suspension cables that form an intrinsic architectural element of the significance of the bridge. Given that Albert Bridge is illuminated at night the illuminations of the flats vertically will be seen against the illuminations of the bridge which are a celebrated feature. Less than substantial harm to a middle level.
- 2.114 Numbers 4, 5, 6 and 15 Cheyne Walk, Queens House, listed Grade II and Swan House and Garden Corner, listed Grade II\*
- 2.115 The setting of these significant designated heritage assets would be impacted by the proposed building appearing as a dominant feature from Cheyne Walk in views 3 & 4 and appearing above buildings in Chelsea Physic Garden. Less than substantial harm to a low level.
- 2.116 'Battersea Bridge, listed Grade II'
- 2.117 Battersea Bridge is the closest heritage asset to the site. The significance of the bridge is that it was designed by J W Bazalgette a notable architect and has five unequal spans across the River Thames that mark this important crossing point. The proposed development would be located at the southern end of the bridge and would be visually dominating and detracting from its spatial context jarring against the architectural form of the spans across the river. The proposed building, in seeking to reference the bridge in the design of the podium does little to enhance its setting as the public realm is of insufficient quality and width, although this has been improved.
- 2.118 The two views which illustrate the visual impact on Battersea Bridge are views 7 & 11 where the development would dominate the view south in Beaufort Street,

RBKC and the view from the Embankment towards Battersea Bridge. The significance of the bridge is in its arches over the river and the proposed tower detracts from this through its visual prominence. Less than substantial harm to a middle level.

- 2.119 'Battersea Park, Grade II\* Registered Park and Garden and the associated Battersea Park Conservation Area and the listed buildings within the area'
- 2.120 The proposed tower would appear overly visually dominant in view 12 looking upstream impacting adversely on the open spatial setting of the river and creating a cumulative impact with other tall buildings on the opposite bank. In views 13, 14 and 15 it would appear visually dominant above the tree canopy in views from Battersea Park where there is currently little breaking the skyline. Less than substantial harm to a middle level.
- 2.121 'Westbridge Road Conservation Area (LBW) and the Grade II listed buildings within the area'
- 2.122 The proposed building would be overly dominant in views 17, 20, 21 & 26 having a deleterious impact on townscape and streetscape views within the conservation area, marring the setting of listed and locally listed buildings. The building would be grossly out of scale with its surroundings and impact on one's experience of the more intimate scale and consistent form of the buildings within the conservation area. Less than substantial harm to a middle level.
- 2.123 'Battersea Square Conservation Area (LBW)'
- 2.124 The building cannot be seen from within the central square, which is the setting to the medieval village. No harm.
- 2.125 'Cheyne Conservation Areas (RBKC) and the multiple listed buildings within the area including Chelsea Old Church, Grade I; Crosby Hall, Grade II\*; Lindsey House, Grade II\* and Grade II listed houses in Cheyne Walk, Danvers Street, Paultons Square and Ropers Garden'
- 2.126 The proposed building would be visible in views 4, 6 & 7 affecting the setting of Cheyne Conservation Area, forming a key feature in the view and thus drawing the eye away from the historic environment and building. This includes multiple listed buildings. It would be highly visible from within Paulton's Square appearing above listed buildings, breaking the consistent and unaltered parapet line. Less than substantial harm to a low level.
- 2.127 'The Boltons Conservation Area (RBKC)'
- 2.128 The proposed building would appear visually dominant from Fulham Road at its junction with Park Walk in view 8. Less than substantial harm at a low level.
- 2.129 'Chelsea Park/Carlyle Conservation Area (RBKC)'

- 2.130 The proposed building would appear visually dominant from views within Carlyle Square appearing above listed buildings in view 5 and thus drawing the eye away from these heritage assets. The building would also visually dominate the view south along Beaufort Street adversely affecting the setting of the conservation area. Here it would form a demonstrably taller feature which terminates the view down Beaufort Street, breaking the consistent roof line and forming an overbearing feature forming a negative point of the view, detracting from the surrounding historic buildings. The proposed building would be seen against the setting of the Church of St Andrew (grade II) in view 8 detracting from its setting. Less than substantial harm to a low level.
- 2.131 ‘Brompton Cemetery Conservation Area (RBKC) and the associated Brompton Cemetery, a Registered Park and Garden, Grade I and associated cemetery buildings, listed Grade II\*’
- 2.132 The proposed building will not be visible from within the cemetery therefore no harm.
- 2.133 ‘Three Sisters Conservation Area (LBW)’
- 2.134 No views were provided as part of the HTVIA and therefore no assessment of impact, but likely to be low.
- 2.135 ‘Thames Conservation Area (RBKC)’
- 2.136 The significance of the Thames Conservation Area is that it includes the Thames Embankment (Grade II listed) from west of Battersea Bridge to Chelsea Bridge including the three bridges over the River Thames, Battersea, Albert and Chelsea Bridges. It encapsulates a piece of Victorian architectural splendour as numerous decorative lamp columns and statues are included. The spatial setting of the bridges and the views from the Embankment would be adversely affected by the visual and spatial dominance of the proposed building and the setting of the conservation area. Much of the frontage to the river east of Albert Bridge is tree lined with Registered Historic Parks and Gardens on each side. The spatial significance of this stretch of the river marked by its openness would be marred by the sheer visual dominance of the proposed building which would create an over-dominant impact on the openness of the river. Albert Bridge is viewed from the north bank and at night the bridge is celebrated with illuminations to its piers and suspension cable and the lighting from the vertical tower would be seen against the illuminations of the bridge which would impact on its significance at night. Less than substantial harm to a middle level.
- 2.137 Table 1: Indirect Setting Impacts

Heritage Asset	Category of Harm	Extent of Harm	View Reference
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Westminster World Heritage Site	No harm	No harm	HTVIA Figures 11.2, 11.13
Hyde Park, Registered Park and Garden, Grade I and the Royal Parks Conservation Area	Less than substantial harm	Low	HTVIA Figures 11.8, 11.10, 11.11, 11.12
Church of St Mary and churchyard wall and gates, listed Grade I	Less than substantial harm	Low	Views 18 & 19
Royal Hospital Chelsea and associated buildings, listed Grade I and the Chelsea Royal Hospital Conservation Area (RBKC) and the associated Chelsea Physic Garden, a Registered Park and Garden, Grade II	Less than substantial	Low	Views 1, 2, 3, 12 and 23
Albert Bridge, listed Grade II*	Less than substantial	Middle	View 4
Numbers 4, 5, 6 and 15 Cheyne Walk, Queens House, listed Grade II* and Swan House and Garden Corner, listed Grade II*	Less than substantial harm	Low	Views 3, 4 and 11
Battersea Bridge, listed Grade II	Less than substantial	Middle	Views 7 and 11
Battersea Park, Grade II* Registered Park and Garden and the associated Battersea Park Conservation Area and the listed buildings within the area	Less than substantial	Middle	Views 12, 13, 14, 15, 22 and 24
Westbridge Road Conservation Area (LBW) and the Grade II listed buildings within the area	Less than substantial	Middle	Views 17, 20, 21 and 26
Battersea Square Conservation Area (LBW)	No harm	No harm	Views 17, 18 and 25
Cheyne Conservation Areas (RBKC) and the multiple listed buildings within the area including Chelsea Old Church, Grade I; Crosby Hall, Grade II*; Lindsey House, Grade II* and Grade II listed houses in Cheyne Walk, Danvers Street, Paultons Square and Ropers Garden	Less than substantial	Low	Views 4, 6 and 7
The Boltons Conservation Area (RBKC)	Less than substantial	Low	View 8

Chelsea Park/Carlyle Conservation Area (RBKC)	Less than substantial	Low	Views 5 & 7
Brompton Cemetery Conservation Area (RBKC) and the associated Brompton Cemetery, a Registered Park and Garden, Grade I and associated cemetery buildings, listed Grade II*	No harm	No harm	View 9
Three Sisters Conservation Area (LBW)	No assessment possible	No assessment possible but likely low	No view provided
Thames Conservation Area (RBKC)	Less than substantial	Middle	Views 4, 10 & 11

2.138 The impact of the proposed tower has been assessed from the HTVIA and less than substantial harm has been identified to a wide range of designated heritage assets as set out in Table 1 above.

2.139 Functional & Environmental Impact

2.140 In terms of its functional impact, it represents a mixed-use development in line with Policy PM9 Wandsworth's Riverside Strategy for the Ransome's Dock Focal Point, comprising residential use, commercial floorspace including a restaurant and community uses. However, the proposed affordable workspace does not re-provide the floorspace lost. The ground floor layout has been revised to push this back from the riverside to create additional public realm.

2.141 As regards the assessment of environmental impacts the applicants have carried out wind and noise impact assessments together with sunlight and daylight analysis (Both by GIA October 2024). As far as wind is concerned both wind tunnel testing and Computational Fluid Dynamics (CFD) analysis were carried out. The report highlights some minor localized uncomfortable conditions around the base at the northern end of the tower, and some mitigation may be required, yet no harm in this regard is identified by officers.

2.142 Public Realm and Landscape

2.143 The applicants were encouraged to improve the public realm, and the riverside walk as well as the relationship to Battersea Bridge Road. Following officer comments, the landscape architects have now adjusted the width of the gentle ramp to the public route of the riverside walk. Much of this area is outside the red line of the application and a S.278 Agreement will be required with the Council's Highway Engineers to set out delivery.

- 2.144 The proposed building does incorporate active frontages to the public realm to the riverside walk and the frontage to Battersea Bridge Road which also incorporates a colonnade in compliance with WLP Policy LP4. The colonnade helps to give weather protection to the entrances from this street as well as the set back to the river frontage at the northern end.
- 2.145 The proposal for an amphitheatre to the public realm adjacent to a propose restaurant is generally welcomed, as the landscape facilitates appropriation of space by people thus creating a vibrant and attractive place in accordance with WLP PM9 Part B.3 and LP59 Part G. There is scope for external tables and chairs for alfresco dining, but this would be dependent on the wind at this point, as it would need to be a comfortable place for people to sit.
- 2.146 The GLA in their response, report that the quantum of public realm being delivered by the proposed development is considered insufficient to contribute to place making for the wider community and provide the public benefit that a building of this scale with this impact on the context would be expected to contribute. Policy LP4 I concerned about where tall buildings are proposed in proximity to publicly accessible areas, measures should be taken to create high-quality public spaces including through the use of generously sized, safe and attractive walkways. What is proposed cannot be regarded as generously sized, yet would make an appreciative degree of contribution to an improved riverside walk.
- 2.147 Officers did suggest to the applicants that they engage with the owners of the land to the south of the proposed site, which is rather unkempt and used for parking of cars and bikes, to incorporate this land within the scheme but there was no positive outcome. It is considered that had the land to the south been acquired, it could have facilitated the pushing back of the tower from the riverside to create additional public space as required by Policy LP4 Part B.11. Yet the opportunity to acquire this land, and its resultant effects, is one that could not be secured.
- 2.148 Due to the level changes to the Battersea Bridge Road frontage, access to the lobby areas for people in wheelchairs is compromised due to ramps and steps. The applicant has found this a challenge to resolve, and is still resulting in a situation for people in wheelchairs who would have to use a longer route to access the building. Policy LP4 Part B.16 requires the entrances to tall buildings should be from a publicly accessible area and should provide a safe, welcoming and clearly defined entrance and, therefore, it is not considered that the scheme fully meets the relevant criteria of this policy.
- 2.149 The applicants propose to plant a number of trees to this frontage in planters under the colonnade and there is a concern that these could be unsuccessful as there would need to be adequate depth and breadth of soil and would require irrigating. This would need to be examined further by Arboricultural specialist to ensure a satisfactory environment for the future health of the specimens.

- 2.150 On top of the should block podium accessed at level 11 is a landscaped terrace. The DRP had adverse comments on this highlighting safety issues as children could climb the trees and fall from branches. The proposed safety screen would need to be around 3 m high to protect children. This is proposed as a metallic slatted screen. There is concern over the safety of the space for children. Policy D9C 2a says the internal and external design, including construction detailing, the building’s materials and its emergency exit routes must ensure the safety of all occupants. To overcome such concern, detailed planting conditions and layout plans would have been secured by condition along with management plans of the location.
- 2.151 Conclusion
- 2.152 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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. This statutory duty is reflected within Policy LP3 of the WLP and HC1 of the London Plan.
- 2.153 Officers acknowledge that the applicants have reduced the height of the tower by 5 storeys and improved the offer of affordable housing to 50%, all being social rent, along with affordable workspace and a rent free community facility. However, this height reduction has not reduced the number of designated heritage assets affected by the proposed tower as set out in Table 1, due to its height, scale and massing. The building remains demonstrably too tall in its spatial setting where such height has not been justified.
- 2.154 The Wandsworth Urban Design Study states that development should step down to the listed bridges across the River Thames and this runs counter to the applicants’ rationale for marking the bridge with a tall building. In view 12 westwards along the River Thames the tower, through its height, scale and massing would be visually dominant with an adverse impact on the setting of Battersea Park.
- 2.155 The proposed development impacts on multiple designated heritage assets including the highest national designations of grade I and II\*. The harm caused to the setting of important designated heritage assets is less than substantial at a lower and middle level as set out in Table 1. As such, the harm caused by the proposed development to these multiple heritage assets would need to be weighed against public benefits as per the requirements of NPPF paragraph 215, and this will be done within the planning balance of the proposal.
- 2.156 However, it is important to note NPPF paragraph 212 which requires great weight be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, when undertaking the planning balance, it is

urged that great weight and importance is given to the harm identified above. The balance is not a flat balance, i.e. the scales do not start equally due to the policy test of paragraph 212 and, therefore, considerable benefits are needed to outweigh this harm.

2.157 In terms of London Plan Policy D9 and WLP Policy LP4, the scheme is contrary to these policies as set out in the paragraphs above, along with the summary Table 2 below. The proposed site is not included in a tall building zone, but is within a mid-rise zone, the characteristics of which are a maximum of 6 storeys. The proposed building therefore exceeds the maximum height being at 29 storeys. It is, therefore, not in compliance with Policy LP4 which states that tall buildings will only be appropriate in tall building zones as set out in the 2023 Local Plan.

2.158 In terms of architectural quality, the design has been finessed, and its sculptural form and materiality are broadly acceptable to officers.

2.159 Table 2:

London Plan Policy	
Policy D9	Assessment
<p>A <b>Definition:</b> Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.</p>	<p>Wandsworth defines a tall building as 7 storeys or 21 metres in the Local Plan and evidence base in the Urban Design Study.</p>
<p>B 1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.</p>	<p>The Borough has determined locations where tall buildings may be an appropriate form of development in the borough and this process was informed by the Urban Design Study.</p>

<p>2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.</p>	<p>Locations and appropriate heights are identified but site is outside a tall building zone</p>
<p>3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.</p>	<p>The site is not identified as suitable for a tall building in the Local Plan and Urban Design Study</p>
<p><b>Impacts</b> C Development proposals should address the following impacts: 1) visual impacts 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>HTVIA Long range views are such as Hyde Park, Royal Hospital. The crown of the building appears flat in long range views and makes a negative contribution to the skyline as the building impinges adversely on key public spaces and Historic Parks and Gardens. Strategic and designated local views are not affected</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>Mid-range views are such as from Beaufort Street RBKC, Cheyne Walk &amp; Battersea Park. Visual dominance to Battersea Bridge, adverse impact to ‘spiders web’ of cables to Albert Bridge that is part of its significance particularly at night, rises above treeline to Battersea Park indicating its visual dominance.</p>
<p>iii. immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct</p>	<p>Out of scale and visual dominance to local streetscapes to Westbridge</p>

<p>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 and its surrounding context to protect amenity or privacy.</p>	<p>Road, Battersea Bridge Road North and Battersea Church Road. No transition in height just an abrupt change in scale resulting in harmful visual dominance.</p>
<p>b) whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding</p>	<p>Whilst it could act as a landmark it could still do this at a much lesser height. It undermines the spatial hierarchy by impacting on the open views along the River Thames and not aligning with the consistent height of buildings such as in Westbridge Road Conservation Area. The proposed building represents an isolated tall building and not forming part of a wider context of tall buildings due to its harmful visual dominance.</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>The architectural quality of the building has improved since the early austerity of a brick tower. Whilst its slenderness of form viewed from the north emphasises its disproportionate height when compared to adjacent buildings its bulk, scale and massing contrast markedly with the surrounding urban form. Materiality has changed since pre-application and improved in quality. Longevity, and durability of materials will still need to be assessed. Officers have been broadly supportive of the materiality but have</p>

	continuously been aware of the height which would need to be reduced considerably to prevent the harm as identified.
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	As tested in the HTVIA analysis the proposed building will cause less than substantial harm from a low to middle level across a range of Nationally Significant Designated Heritage Assets including Grade I & II* listed buildings and Grade I & II* Registered Historic Parks & Gardens within London and neighbouring boroughs. The weight apportioned to the public benefits of the proposal will be assessed within the planning balance.
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	The building is not visible from within any World Heritage Site.
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	The proposed building would not protect and enhance the open quality of the river or riverside, quite to the contrary it would be dominant and visually inappropriate for the location resulting in harm.
g) buildings should not cause adverse reflected glare	Although the glazed terracotta cladding could have a sheen it is not anticipated that it would cause adverse reflected glare.
h) buildings should be designed to minimise light pollution from internal and external lighting.	The lights from residential apartments would be visible at night and the halo at the top of the building would be

	<p>illuminated at night. Although no nighttime view of the tower has been submitted in relation to Albert Bridge, the lights from residential apartments would be seen in the context of the illuminated suspension cables which are a celebrated feature and likely detract.</p>
<p>2) functional impact 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>The application is supported by a Fire Statement which demonstrates that that the building design should enable residents and business users including people with disabilities to evacuate the building safely.</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>A number of technical report and studies have been submitted which indicates that the proposal’s land uses would be capable of being well managed, and not result in excessive noise from human activity or mechanical functionality.</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 is no unacceptable overcrowding or isolation in the surrounding areas</p>	<p>Ground floors uses have been designed in relationship with entrances and access routes to ensure there will be no unacceptable crowding or isolation.</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</p>	<p>The applicants have submitted a detailed transport impact assessment dealing with vehicle &amp; cycle access &amp; provision and a servicing strategy. Although the applicants propose to widen the riverside walk to the north of the</p>

<p>transport for people living or working in the building.</p>	<p>building additional width would be beneficial.</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 maximises the role of the development as a catalyst for further change in the area</p>	<p>The proposed development includes affordable workspace and a restaurant providing new employment generating and employment sustaining opportunities and economic activity. The site is not in a town centre so the catalyst for further change in the area is limited yet encouraged as it lies within a Focal Point of Activity. However, the applicants are not re-providing the amount of commercial floorspace, yet this has been justified to be acceptable through a WLP compliant marketing exercise.</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>The applicants have consulted the London Heliport as part of the application process. No objection raised.</p>
<p>3) a) environmental impact 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>Reports analysing wind, daylight and sunlight have been submitted in support of the application. A wind and microclimate report has been submitted indicating no unacceptable impacts. However, a small area at the base of the building near Battersea Bridge was flagged as potentially uncomfortable for sitting and as this is</p>

	<p>an area of public realm and some mitigation may be required.</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>A revised Air Quality Impact Assessment Report has been submitted to deal with air quality during the construction and operational phases of the development.</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>A revised Noise Impact Assessment report has been submitted with the application to assess unattenuated and attenuated noise measurements. The results indicate that the proposed noise levels would lie within acceptable tolerances.</p>
<p>4) a) cumulative impacts a) 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 retrofitting.</p>	<p>The submitted HTVIA assessment deals with the cumulative impact of tall buildings. The 37 and 25 storey towers at Chelsea Creek are already completed. The cumulative impact of wind conditions was assessed using CFD and wind tunnel testing. The applicants say there are no wind safety risks associated with the proposed development at ground level. However, the wind report says there are 12 ground floor locations which show a risk to pedestrian safety due to strong winds when tested without mitigation measures. The report suggests the use of porous screens to mitigate the impact which would be acceptable and reduces these condition to tolerable levels</p>

	(GIA Wind Microclimate Assessment Report April 2024 and October 2024).
D 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 building to afford wider views across London.	Not applicable in respect of the proposed development.
<b>Local Plan</b>	
<b>Policy LP4</b>	
A. 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.	In accordance with this definition the building is defined as a tall building.
B. 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. 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:	The proposed development is not located in a tall building zone. The proposed development has been assessed against the London Plan Policy D9 and Local Plan policy LP4 and is therefore considered contrary to these policies in that harm can be identified.
Visual Impacts 1. That the proposal respects and responds to key views and their associated corridors towards and from strategic landmarks and	An HTVIA analysis has been undertaken and the impacts on Nationally Designated Heritage Assets have been assessed and less than substantial harm has been identified at a low to

<p>heritage assets across both the borough and neighbouring boroughs.</p>	<p>middle level on multiple significantly important listed buildings of Grade I &amp; II* and Registered Historic Parks and Gardens of Grade I &amp; II*.</p>
<p>2. The proposed location of the tall building(s) must avoid creating substantial visual interruptions in areas with otherwise very consistent building heights and/or roof lines</p>	<p>The Westbridge Road Conservation Area has relatively consistent building height and the proposed building would represent a visual interruption in an otherwise consistent area. Similarly, areas in RBKC north of the River Thames would be affected where the building pops up in views above roof lines.</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>An HTVIA has been undertaken containing 26 views from all directions around the site. The tall building would not be appropriate in key view corridors such as along the River Thames and from Royal Hospital (Grade I) and Battersea Park, a Registered Historic Park and Garden (grade II*)</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 design of the proposed development accords with the accepted tripartite composition of base, middle and top. Officers have discussed these matters at length at pre-application and through the Wandsworth Design Review Panel. The Panel were unconvinced that the Bridge needed to be marked by a tower.</p> <p>In long range views the building pops up above buildings and tree canopies to the extent that it impinges unacceptably on the settings of a</p>

	<p>number of Nationally significant Designated Heritage assets. The DRPs were unconvinced that the crown of the building was making a strong visual statement.</p>
<p>5. Planning applications should be supported by graphic 3D modelling. The 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>3D modelling was used to prepare the application submission including AVRs and VUCITY non-verified views. The VUCITY model was requested but not shared by applicants.</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>The proposed building would not affect the setting of the Westminster World Heritage Site.</p>
<p><b>Spatial Hierarchy</b></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>The height, scale and massing of the proposed development is disproportionate to the local environment particularly evidenced by views from Westbridge Road and Battersea Bridge Road and from Beaufort Street in RBKC to the north. The building would have a demonstrably overbearing visual impact both within the Westbridge Road Conservation Area and areas north of the river in RBKC. Harm is identified.</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 proposed development has been set back to create additional public realm to the riverside walk, but it is not generously sized. The walkways will be wider and safer than existing. Trees are minimal.</p> <p>The applicants were encouraged to incorporate land to the rear in order to set the building back further from the riverside but could not reach a conclusion with the owners.</p>
<p><b>Tall Buildings Near the River Thames Frontage</b></p> <p>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.</p>	<p>The proposed building would not impede the outlook of residents within the existing adjoining building. However, a more generous public realm could improve how users of the riverside walk use the spaces.</p>
<p>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</p>	<p>The proposed tower steps down to 10 storeys at its landward end in an attempt to transition to account for lower surrounding building heights but even that height exceeds the parameter height of the mid-rise zone and thus fails in providing for an appropriate transition which is considered harmful.</p>
<p>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.</p>	<p>The proposed building has been set back slightly to improve the relationship to the riverside walk and provide a more welcome public route. The applicants were encouraged to set back further by discussing the underutilised land to the rear but</p>

	<p>could not reach a solution with the owners. Therefore, the set back is, on balance, sufficient to provide a more generous and public space.</p>
<p><b>Microclimate and Lighting</b></p> <p>12. The design of any tall building should avoid including lighting features which adversely impact on the occupiers of surrounding buildings (particularly those in residential use), as well as on night-time vistas and panoramas and fauna.</p>	<p>The applicants have submitted reports, and it is anticipated that as the proposed building is residential lighting it will not adversely affect neighbours as the adjoining flats face mainly towards the River Thames. However, views from the north bank of the river through the spider like suspension cables of Albert Bridge would be detracted by the lights from the tower impacting on its spatial significance.</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>It is not anticipated that the design of the building will result in light pollution and solar glare to any publicly accessible areas.</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 applicants have submitted reports in line with the GLA carbon emission spreadsheet and whole life carbon assessment. Please see CIS comments that address LP10.</p>
<p>15. Planning applications should be supported by a shade analysis that</p>	<p>The applicants have submitted sunlight, daylight and overshadowing</p>

<p>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>analysis by GIA. No adverse issues have been highlighted.</p>
<p><b>Ground Floor Uses and Public Realm</b></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>The proposed building incorporates active frontages to the riverside walk and Battersea Bridge Road. The main residential entrances are located on Battersea Bridge Road. Whilst the entrances are reasonably well defined due to the slope people in wheelchairs have a longer route when coming from the south to avoid the steps. This does meet the needs of people with disabilities yet more could have been done to be truly successful.</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 at ground floor which gives weather protection to users of the building.</p> <p>High-quality materials would be used for the paving. Social interaction with the provision of outdoor alfresco eating and drinking is proposed albeit limited.</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</p>	<p>Public spaces are proposed mainly on the north side of the building adjoining the riverside walk.</p>

<p>demonstrated that such an approach would not be appropriate</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>The main through route is the east-west riverside walk, and improvements are proposed within the Red Line of the application as well as outside which will require a S.278 Agreement with appropriate funding.</p>
<p>C. The Council will seek to restrict proposals for tall buildings outside the identified tall building zones.</p>	<p>The proposed building is located outside a tall building zone and therefore non-compliant as demonstrated by the above assessment. The harm has been identified above.</p>
<p>D. 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 tall building is not in a tall building zone and substantially exceeds the parameter heights of the adjacent tall building zones. The harm has been identified above.</p>
<p>E. 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>The site does lie within a mid-rise zone with a parameter height of 6 storeys or 18 m, but exceeds this height substantially, being 29 storeys and is thus defined as a tall building as per criteria A.</p>
<p>F. Proposals for mid-rise buildings will be supported in tall and mid-rise</p>	<p>All the below is not applicable as relates to mid-rise buildings.</p>

<p>building zones identified at Appendix 2, where the development would:</p>	
<p>1. Be located and designed in order to create a step down between the proposed development and buildings within the surrounding area;</p>	<p>Not applicable as a tall building is proposed.</p>
<p>2. Respond appropriately in height, scale and massing to existing buildings in the surrounding area, and protect or enhance heritage assets, including their settings;</p>	<p>Not applicable as a tall building is proposed.</p>
<p>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).</p>	<p>Not applicable as a tall building is proposed. The height, scale, and proportion of adjacent buildings is not respected and harm is identified.</p>
<p>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>	<p>Both the roof to the main tower and shoulder tower are flat which is not uncommon to modern developments in the area. An active frontage is proposed on the north and west elevations at ground level which is acceptable.</p>
<p>G. The Council will seek to restrict proposals for mid-rise buildings outside the identified tall and mid-rise building zones</p>	<p>Not applicable as a tall building is proposed.</p>
<p>H. Proposals for mid-rise buildings should not exceed the appropriate height identified within the relevant mid-rise building zones as identified at Appendix 2 of this Plan.</p>	<p>The proposed development substantially exceeds the appropriate height for the mid-rise zone within which it is located as it is 29 storeys in a six-storey maximum zone. Harm is identified.</p>

2.160 WLP Policy LP 3 A states: ‘Development proposals will be supported where they sustain, preserve and, wherever possible, enhance the significance, appearance, character, function and setting of any heritage asset (both designated and non-designated), and the historic environment. The more important the asset the greater the weight that will be given to its conservation. The proposed presents a degree of conflict with the objectives of Policy LP3 in terms of the impact it would have on the range of designated heritage assets, as described above, in causing less than substantial harm to their settings. Para 215 of the NPPF needs to address the harm identified in terms of public benefits. This exercise will be done within the planning balance.

2.161 Had the proposal been considered acceptable, conditions would have been recommended to be imposed to cover the following areas:

- A detailed landscape management and maintenance strategy to cover the riverside walk and frontage to Battersea Bridge Road.
- Details of all building materials.
- Details of hard landscape.
- Details of soft landscape.
- Details of lighting.

### **3 Amenity Impact**

3.1 Policy LP2 (General Development Principles) of the WLP 2023 states that...‘Development proposals must not adversely impact the amenity of existing and future occupiers or that of neighbouring properties, or prevent the proper operation of the uses proposed or of neighbouring uses’. Proposals will be supported where they avoid unacceptable impact on levels of daylight and sunlight; overlooking; being over-bearing, increasing sense of enclosure or creating unacceptable noise. Policy LP2 mirrors the objectives of Policy D6 (Housing quality and standards) of the 2021 London Plan, to which it aligns.

### **4 Daylight/Sunlight**

4.1 A daylight and sunlight assessment has been submitted in support of the application (One Battersea Bridge Road, Daylight, Sunlight and Overshadowing Report October 2024 Revision 03 (01 April 2025) by GIA) (the DLSL report). This is to assess the potential impacts of the proposed development on the residential occupiers of surrounding properties, along with the Royal College of Art (RCA), Dyson Building which is within an educational use and immediately to the south of the application site.

4.2 The DLSL report has been carried out in accordance with the Building Research Establishment (BRE) guidelines “Site Layout Planning for Daylight & Sunlight. A Guide to Good Practice” (BR 209 2022 Edition) (the BRE guidance).

- 4.3 With regard to assessing the impact of development on the amenity of neighbouring occupiers, in terms of daylight and sunlight, the courts have clarified that this should be a two-stage process (see: *Rainbird v The Council of the London Borough of Tower Hamlets* [2018] EWHC 657 (Admin)). In summary and first, as a matter of calculation, whether there would be a material deterioration in daylighting conditions and second, as a matter of planning judgement, whether that deterioration would be acceptable in the particular circumstances of the case.
- 4.4 In the above *Rainbird* judgement, the first stage can be answered by applying the BRE Guidelines: for each window assessing the ‘vertical sky component’ (VSC) and the ‘no sky line’ (NSL) for daylight and the ‘annual probable sunlight hours’ (APSH) for sunlight. If the guidelines are exceeded the deterioration would be material. In the second stage - whether that material deterioration is acceptable, wider considerations come into play. The acceptability of a material diminution in living conditions should be judged on a number of factors including context (Officer emphasis). It is also noted that the BRE guidance explains that their advice is not mandatory and that their guidelines should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer (para 1.6 of the BRE guidance). This BRE guidance is regarded as a useful instrument in forming a planning judgement on the application being assessed; as explained within para 14.11 of the WLP 2023.
- 4.5 The Mayor’s Housing SPG notes that an appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should consider local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time. The application site should be considered as such for this particular assessment, notwithstanding other compliance with 2023 Local Plan objectives, in particular, urban design.
- 4.6 ***VSC, NSL and APSH***
- 4.7 VSC
- 4.8 In relation to daylight, the DLSL report has calculated the Vertical Sky Component (VSC) at the centre point of each affected window on the outside face of the wall. The VSC is an external daylighting calculation that measures the amount of direct daylight to a specific window point on the outside of a property. The calculations fundamentally assess the amount of diffuse daylight, converting results into a percentage. The BRE suggests that 27% VSC is a good level of daylight. If a window does not achieve 27% VSC in the proposed scenario, and is reduced by less than 0.8 times its former value (i.e. the reduction is greater than 20%), then the diffuse daylighting of the existing area

lit by the window would be likely to appear more gloomy, and electric lighting would be needed more of the time.

4.9 It is common for DLSL reports to put forward the principle of adopting alternative VSC target values that are lower than the BRE recommended 27%. To a large degree, this is supported within Appendix F of the BRE guidance which recognises special requirements for setting alternative targets which respond to the existing nature and pattern of development surrounding a proposal. Appendix F provides an example where a mews or historic city centre would have been planned to achieve lower VSC targets of approx. 18%. This would, in effect, represent an inner-city location. While it is not asserted that the area surrounding the site can be described as a dense inner-city location, it can very reasonably be considered 'urban' where retained VSC values that are considered 'good' could be between 15% to 20%. The DLSL report by GIA regard a change in daylight less than an absolute 3% reduction from the existing VSC value to be imperceptible.

#### 4.10 NSL

4.11 In terms of No Sky Line (NSL), this is a measurement of the distribution of daylight within a room. It measures the distribution of daylight on the 'working plane'. In a dwellinghouse (or flat), the working plane means a horizontal 'desktop' plane of 0.85m from floor level - the approximate height of a table or kitchen work surface (0.7m high in offices). If a significant area of the working plane lies beyond the 'no sky line', then the distribution of daylight in the room would appear gloomy when compared to the rest of the room; irrespective of how bright it is outside. This is calculated by the BRE to amount to reductions of less than 0.8 times its former value (i.e. the reduction is greater than 20%), then supplementary electric lighting would be required if greater than 20%. The BRE guidance states... 'For houses (and flats), this would include living rooms, dining rooms and kitchens; bedrooms should also be analysed although they are less important (Officer emphasis). In non-domestic buildings (the RCA Dyson Building in this case) each main room where daylight is expected should be investigated'. (para 2.2.10 of the BRE guidance)

#### 4.12 APSH

4.13 BRE guidance recommends that loss of sunlight is assessed for all windows facing within 90 degrees of due south (of a proposed new obstacle, or development) that serve a main living area. This is assessed as APSH (Annual Probable Sunlight Hours).

4.14 The APSH is a measure of sunlight that a given window may expect over the year period. The BRE guidelines state the APSH received by a window should be at least 25% of the total available, including at least 5% between 21 September and 21 March. If the affected window receives in excess of these totals, or if not, then it is reduced by less than 20% of its former value (0.80 times its former value), then the sunlight of the existing building will not be noticeably affected.

The BRE guidance recommends that this test is done for main living rooms as kitchens and bedrooms are considered less important (paras 3.1.2 and 3.2.3 of the BRE guidance).

4.15 Assessment

4.16 The DLSL report has identified the following 11 properties, being the closest to the application site, for relevant testing. These properties are indicated along with their uses within the map below:



1. Thameswalk Apartments, 2 Hester Road
2. 6 Hester Road
3. Albion Riverside, 8 Hester Road
4. Hutchinson House, 5 Hester Road (Commercial use – not relevant for this assessment and not opposite the proposal)
5. Royal College of Art, Dyson Building
6. 2-28 Battersea Bridge Road
7. 30-44 Battersea Bridge Road
8. 19 Paveley Drive
9. 18 Paveley Drive
10. 17 Paveley Drive
11. 10-14 Paveley Drive
12. 20-31 Paveley Drive

4.17 Out of the 11 properties tested (excluding Hutchinson House, 5 Hester Road for the reason stated above) the following properties do not exceed the guidelines as expressed within the BRE guidance, and therefore pass stage one of this two stage assessment. This is because no material diminutions of VSC, NSL or APSH would be experienced:

7. 30-44 Battersea Bridge Road

10. 17 Paveley Drive

12. 20-31 Paveley Drive

4.18 Of the remaining eight properties tested, two properties would experience minor impacts to daylight/sunlight and are as follows:

6. 2-28 Battersea Bridge Road

11. 10-14 Paveley Drive

4.19 2-28 Battersea Bridge Road

4.20 Data has been obtained so that room layouts are known. The windows affected serve bedrooms. A large proportion of the rooms are served by two windows. Of the 28 rooms assessed, 16 would meet BRE guidelines for both VSC and NSL.

4.21 44 windows were assessed. With the proposal in place, 23 would meet BRE guidelines for VSC with the remaining 21 windows being impacted. Of the 21 impacted windows, nine would experience minor alterations to VSC with retained levels greater than 20%. Nine windows would retain VSC values in the mid to high teens. Three windows would experience changes of 29.2%, 31.1% and 31.8% of their former values. The windows would retain 18.7%, 18.2% and 18% VSC values which, within an urban location, can reasonably be regarded as acceptable. It is noted that the NSL values for all windows serving rooms assessed would remain fully BRE compliant. In terms of APSH, this test is not required as this property is within 90 degrees due south of the proposal.

- 4.22 Officers consider that the reductions in VCS lie within tolerable parameters which is further illustrated be acceptable by the total compliance with NSL guidance. APSH would not be affected by the proposal. The impact of the proposal, therefore, on this property is considered to be acceptable.
- 4.23 10-14 Paveley Drive
- 4.24 Data has been obtained so that room layouts are known. The windows affected serve living/diners, kitchens and bedrooms. Of the 28 rooms assessed, 25 would meet BRE guidelines for both VSC and NSL.
- 4.25 50 windows were assessed. With the proposal in place, 48 windows would meet BRE guidelines for VSC with the remaining two windows being impacted. At 24.2% and 24.8% of their former values, the reductions to these two windows are considered to be marginally short of the 20% target and within acceptable limits. One room out of the 28 tested for NSL would witness a minor change outside of BRE targets being 23.3% of its former value. This would be to a kitchen with a floor area below 13sq.m (see Appendix 5 Glossary of the WLP 2023) and, therefore, is regarded as a non-habitable room and cannot be impacted. All four rooms requiring testing for APSH would see their values unaffected by the proposal with no changes.
- 4.26 Officers consider that the reductions in VSC to two out of the 50 windows tested to firmly lie within tolerable parameters. This is further illustrated to be acceptable by the total compliance with NSL guidance. The impact of the proposal, therefore, on this property, is considered to be acceptable.
- 4.27 The following are the six remaining properties that would be impacted by the proposal, and require assessing at stage two of the assessment. The properties are as follows:
1. Thameswalk Apartments, 2 Hester Road
  2. 6 Heaster Road
  3. Albion Riverside, 8 Hester Road
  5. Royal College of Art, Dyson Building
  8. 19 Paveley Drive
  9. 18 Paveley Drive
- 4.28 Thameswalk Apartments, 2 Hester Road
- 4.29 Data has been obtained so that a number of room layouts are known. This property attaches to the application site running parallel to the Thames Path, to which it fronts. The windows affected serve bedrooms and a study within the rear elevation. A large proportion of the living space is served by 'French' windows overlooking the Thames. Officers requested the applicant to assess

these river facing windows within the DLSL report, irrespective of not needing to do so, as they would all pass the initial BRE 25 degree daylight angle (see para 2.2.5 of the BRE guidance and Figure 14). This 25 degree angle would not be subtended by any proposed development. Of the 41 rooms assessed, 30 would meet BRE guidelines for both VSC and NSL.

- 4.30 59 windows were assessed. 45 of these windows would meet BRE guidelines. Eight out of the 14 windows that do not meet BRE guidelines would experience reductions between 20% to 30% and are to bedrooms which is considered tolerable within an inner urban location. Six windows located at the rear (south) facing roof level would experience reductions between 41.3% and 81.8%. The rooms affected are bedrooms and one study room. These reductions could initially be perceived as significant, yet it is important to note that these windows are small side facing within dormer style projections that have larger rear facing windows. These larger rear facing windows would continue to receive adequate daylight; if the proposal were to be in place. The retained NSL values for these rooms served by the dormer windows are compliant with the BRE guidance.
- 4.31 In terms of NSL, out of the 39 rooms tested, 35 would meet the BRE guidance. The four rooms below target would experience reductions between 20.5% and 25.6% of the room's NSL. These windows serve bedrooms. The BRE guidance states that bedrooms should be tested but are less important in terms of NSL (para 2.2.10 of the BRE guidance), and therefore, these reductions are considered to lie within acceptable parameters.
- 4.32 As regards APSP, 11 of the 14 rooms tested would meet BRE guidelines. Two bedrooms would experience reductions between 22% and 24% of their APSP, which is marginally below the 25% target stated within the BRE guidance. The winter values for these rooms at 6% and 4% would exceed or be marginally below the 5% BRE target. The remaining room is a study with 19% retained APSP with 5% in winter. These rooms are bedrooms and a study. The BRE guidance places less importance in preserving APSP as stated in para 3.1.2 of the guidance. As such, the daylight and sunlight conditions to this property are considered to be acceptable and lie within tolerances that inner urban locations can sustain.
- 4.33 6 Hester Road
- 4.34 Data has been obtained so that room layouts are known. The windows affected serve living/kitchen/dining rooms and bedrooms. The property is a reverse 'L' shape and parallel while to the east application site approx. 11.4m in separation (at its closest point) formed by a service road. The majority of the elevation is located approx. 20m from the application site. The windows within this elevation are all obscured with access decks and stairs; notably to their own detriment. Of the 55 rooms assessed, 16 would meet BRE guidelines for both VSC and NSL.

- 4.35 85 windows have been assessed for VSC and 36 of these windows would meet BRE guidelines. Of the windows that do not achieve compliance with guidelines, 22 would experience minor losses between 20% to 30%, with 10 between 30% to 40%. The remaining 17 windows would experience reductions of over 40% in VSC.
- 4.36 Of the 27 windows that would experience more than a 30% reduction in VSC, five would retain more than 20% of the 27% target value, while five would retain values between 15% and 20%; were the proposal to be in place. The remaining 17 windows experiencing more than 30% reductions all serve bedrooms. 13 of these windows have existing values less than 10% when 27% is the BRE target. This is due to these windows being severely obscured by the significant amount of access decks and stair runs between these decks. These windows were also designed to have a narrow width running from floor to ceiling level, so 'slit' like windows. It is recognised that windows that have such low existing VSC levels, small changes in these levels, through the placement of a new building, can exaggerate the percentage change.
- 4.37 It is also the case that the BRE guidance (paras 2.2.13 and 2.2.14) allows for an adjustment to VSC values through assessing a 'without balcony' scenario. A significant number of the VSC to the rooms assessed are affected by their own access decks, and would see their existing VSC values improve in a 'without balcony' scenario. Furthermore, the manner in which 6 Hester Road has been designed, was to present a façade toward the application site that was considered less important than the façade facing Albion Riverside. It is within this Albion Riverside facing elevation that the majority of the windows, serving principal living accommodation (living/kitchen/dining rooms), are located. This façade is notable for possessing no obstacles, in the form of access decks, placed in front of them. All of these above factors are important to the second stage of the process in determining what material consideration exist to regard the loss of daylight to lie within acceptable parameters. It is the case, in Officers' opinion, the above design factors, in terms of the notable quantum of structural deck access obstacles, indicate that these VSC losses are considered tolerable; given the existing design reasons, and are within acceptable parameters.
- 4.38 In terms of NSL, of the 55 rooms tested, 24 would meet the BRE guidance. Four rooms located at fourth floor level would witness minor reductions (over 20% to 29.9% of their former values) serving two living/kitchen/dining rooms and two bedrooms. These reductions are not considered significant with good daylight distribution remaining. The remaining 27 rooms would witness impacts greater than 30% and are all bedrooms. As stated above, in terms of NSL, BRE para 2.2.10 states that these rooms should be analysed but are less important for daylight distribution purposes. For the same reasons as the VSC assessment above, the placement of the majority of bedrooms facing the application site (all obscured by access decks and their stair accesses) serves to enforce the lesser degree of importance this elevation was given to possess at design stage, and these losses are all considered to lie within acceptable parameters.

- 4.39 As regards ASPH, of the 55 rooms that qualify for assessment (i.e. 90 degrees due south of the proposed development) 51 of the rooms meet the BRE guidelines. All of these tested rooms are bedrooms and para. 3.1.2 of the BRE guidance states that sunlight is less valued in bedrooms with the main requirement in living rooms. The living rooms remain unaffected. As such, no harmful loss of ASHP would be resulted in this regard, and the proposal's impacts would lie within acceptable parameters.
- 4.40 Albion Riverside, 8 Hester Road
- 4.41 Data has been obtained so that room layouts are known. The windows affected serve living/kitchen/dining rooms or living rooms and bedrooms. The property is located to the east of the application site. It is of a significant scale being of a 'U' shape with its curvature facing south and open aspect facing the River Thames. Of the 194 rooms assessed, 144 would meet BRE guidelines for both VSC and NSL.
- 4.42 313 windows have been assessed for impacts to VSC and 249 would achieve compliance with BRE guidelines. It is noted that a significant proportion of the rooms within this building are served by more than one, or multiple, windows. It has been demonstrated within the DLSL report that these rooms with more than one window are served by 'mitigating' windows (when one window would fail the BRE test), which results in the overall VSC for the room to remain BRE compliant. Of the 64 windows that would not meet BRE guidelines, 31 windows would experience minor reductions to their values with a change between 20% and 29.9% of their former values. These reductions are considered minor in an inner urban location and are considered to be tolerable.
- 4.43 28 windows would experience a reduction in VSC between 30% and 39.9%. 11 serve living/kitchen/dining rooms or living rooms which are also served by mitigating windows, resulting in the rooms being overall VSC compliant. The five windows that experience a VSC change of 40% or over, two serve living/kitchen/dining rooms where other windows serving the rooms result in the VSC levels being BRE complaint. The three remaining windows serve single aspect bedrooms and, from a total of 313 windows tested, this margin of failure is considered to not be significant so as to demonstrate harm.
- 4.44 In terms of retained VSC, of the 64 windows that do not meet BRE guidelines, 42 retain VSC values over 15% with 22 over 20% (BRE target is 27%). Again, taking into account alternative values for inner urban locations, this retained quantum of VSC is considered to lie within tolerable parameters.
- 4.45 In terms of NSL, of the 194 rooms assessed, 167 would meet BRE guidelines. Five of the rooms would experience minor reductions between 20% to 30%. Of the 22 remaining rooms, 21 serve bedrooms which BRE guidance states should be tested but are less important for daylight distribution (BRE para 2.2.10). The final room is a living/kitchen/dining room that would retain 67% of its internal

floor area with a view of the sky. The impact on this property, in terms of NSL, is considered to lie within tolerable parameters.

4.46 As regards ASPH, of the 194 rooms tested, 190 would achieve BRE compliance. Three rooms are bedrooms which are considered less important as stated within para.3.1.2 of the BRE guidance. The remaining room is a living/kitchen/dining room which would retain 22% of the BRE recommended 25% ASPH, with a retained 4% in winter which is marginally below the 5% recommended by the BRE guidance. Given that only one room out of 194 tested rooms would witness a minor reduction, indicating a high degree of compliance, no demonstrable harm can be identified, and the proposal is considered to lie within acceptable parameters.

4.47 Royal College of Art, Dyson Building

4.48 Partial data has been obtained so that some room layouts are known. Reasonable assumptions have been made for rooms behind windows with no available data. The windows affected serve the general functionality of the Dyson Building as a post-graduate education facility within the Royal College of Art Battersea campus. The property is located to the south of the application site. Of the five rooms assessed, two would meet BRE guidelines for both VSC and NSL.

4.49 Of the 62 windows tested for VSC impacts, 33 would meet BRE guidelines. 29 windows would experience minor impacts, yet these impacts should not be given the full weight that is applied to windows serving habitable residential accommodation. All 62 windows achieve compliance with BRE guidelines for NSL. All five rooms would achieve compliance with BRE guidelines for APSH. In terms of the minor VSC impacts, the BRE guidance advises, within para.2.2.2, that the guidelines 'may also be applied' to non-domestic accommodation where there is a reasonable expectation of daylight. In this instance, in the interests of completeness, the applicant has chosen to assess this building. It is considered that these minor VSC diminutions should be taken within the context of the 100% NSL and APSH compliance, and the functionality of the rooms behind the façade facing the application site would not be demonstrably harmed.

4.50 19 Paveley Drive

4.51 Data has been obtained so that room layouts are known. The windows affected serve living/dining rooms and kitchens. The property is located over 50m to the east of the application site. Of the 16 rooms assessed, four would meet BRE guidelines for both VSC and NSL.

4.52 Of the 34 windows assessed for VSC impacts, nine would meet BRE guidelines. Out of the 25 remaining windows, 15 would experience minor changes in VSC between 20% to 29.9% and within acceptable limits, seven between a 30% to 39.9% loss with three over a 40% loss. It is important to note that the design of the building's facades facing the application site incorporates a series of

staggered balconies. These balconies have windows sitting beneath these obstructions which exacerbates the VSC losses when over the 30% range. Without the balconies in place, all the VSC values would improve (BRE paras 2.2.13 and 2.2.14). It is the case, however, that the three windows with over 40% losses, their existing VSC values are 10% or below, where 27% is the recommended value. So, the point of commencement for retained VSC is very low due to the balconies, and changes are easily exacerbated by these obstructed scenarios. It is within this scenario that Officers are of the view that these losses lie within tolerable parameters.

- 4.53 In terms of NSL, of the 16 rooms assessed, 14 would meet BRE guidelines. The two rooms that would be impacted would experience minor reductions between 21% to 22% (20% BRE target value). These two rooms serve kitchens, which BRE guidance states should be tested but are less important for daylight distribution (BRE para 2.2.10). These two rooms would retain 72.2% of their internal floor area with a view of the sky. The impact on this property in terms of NSL is considered to lie within tolerable parameters.
- 4.54 As regards APSH, the four rooms which qualify for testing (i.e. 90 degrees due south of the proposal) would all achieve BRE compliance with the guidelines. As such, the daylight and sunlight conditions to this property are considered to be acceptable and lie within tolerances that inner urban locations can sustain.
- 4.55 18 Paveley Drive
- 4.56 This building attaches to the north-west facing flank wall of 19 Paveley Road and is of similar design and layout. Data has been obtained so that room layouts are known. The windows affected serve living/dining rooms and kitchens. The property is located over 56m to the east of the application site. Of the 16 rooms assessed, six would meet BRE guidelines for both VSC and NSL.
- 4.57 Of the 30 windows assessed for VSC impacts, 14 would meet BRE guidelines. Out of the 16 remaining windows, 12 would experience minor changes in VSC between 20% to 29.9% and within acceptable limits, one between a 30% to 39.9% loss with three over a 40% loss. As discussed above for 19 Paveley Drive, it is important to note that the design of the building's facades facing the application site incorporate a series of staggered balconies. These balconies have windows sitting beneath these obstructions which exacerbates the VSC losses when over the 30% range. Without the balconies in place all the VSC values would improve. It is the case, however, that the four windows with over 30% losses that serve living/dining rooms are secondary and are affected due to the balconies which easily exacerbate these values. It is within this scenario that Officers are of the view that these losses lie within tolerable parameters.
- 4.58 In terms of NSL, all of the rooms assessed would meet BRE guidelines.
- 4.59 As regards APSH, the two rooms which qualify for testing (i.e. 90 degrees due south of the proposal) would all achieve BRE compliance with the guidelines.

As such, the daylight and sunlight conditions to this property are considered to be acceptable and lie within tolerances that inner urban locations can sustain.

4.60 Overshadowing

4.61 The BRE guidelines, in terms of overshadowing impacts on neighbouring amenity areas, advises in para 3.3, that such amenity spaces should receive at least two hours of sunlight on 21<sup>st</sup> March to be adequately sunlit throughout the year. If this is reduced, due to the placement of new development, below two hours, then this should not be exceeded by 0.8 times its former value (i.e. 20% reductions).

4.62 The following areas adjacent to existing developments have been tested in terms of overshadowing impacts:

1. Thameswalk Apartments, 2 Hester Road
2. 6 Hester Road - 1st Floor Courtyard
3. 30-44 Battersea Bridge Road
4. 2-28 Battersea Bridge Road
5. 10-31 Paveley Drive Riverbank – Green Space
6. 10-31 Paveley Drive – Mother & Child Square

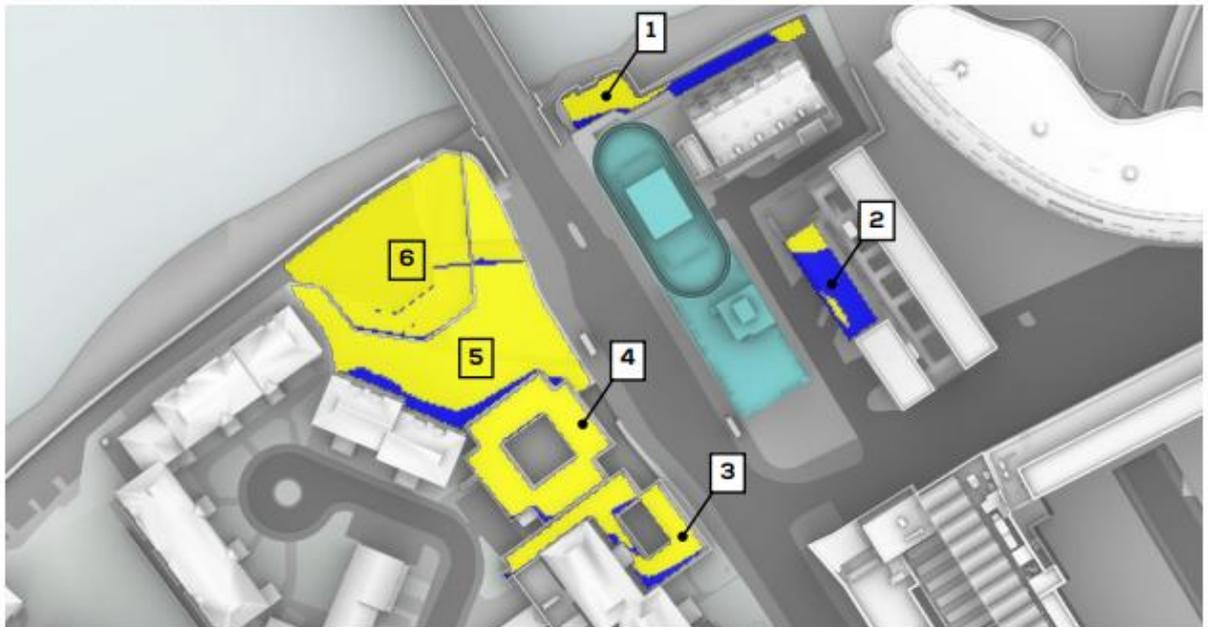
EXISTING SCENARIO



4.63 The DLSL report indicates that areas three, four, five and six would not experience any overshadowing impacts with their existing values being unaffected by the proposal. Area one, Thameswalk Apartments, would experience a reduction of 16.8% which is within the 20% reduction

recommended by the BRE guidelines. Area two, 6 Hester Road – 1st Floor Courtyard would experience a 36.5% reduction over the recommended 20%. This space, in Officers' opinion, cannot be regarded as primary outdoor space as its main function is to provide the necessary separation gap between it and the development site. This space would not exist if it was not necessary in order to establish the necessary degree of separation between the habitable accommodation and the existing office building, and at the time of design conception, not to sterilise the future development opportunities of the application site. In addition, the reduction in sunlight at 36.5% for an amenity area in such close proximity and at a low level (over the ground floor roof) with very little privacy, would inevitably be impacted by any development that would be viable to propose at the application site, and this reduction is not considered to be excessive within this context. As such, the reduction in received sunlight is considered to be materially justified and the diminution is considered to lie within acceptable parameters.

#### PROPOSED SCENARIO



#### 4.64 Conclusion

4.65 It is considered notable that the proposal, given its physical scale, performs well in terms of DLSL impacts. The material considerations that have arisen at stage 2 of this assessment, notwithstanding 6 Hester Road, have been outlined above. All are considered to lie within acceptable tolerances. Where VSC losses are identified, it is notable that NSL remains largely unaffected along with APSH which indicates good levels of remaining day and sunlight. In terms of 6 Hester Road, as discussed above, the affected rooms are significantly hindered by the design facets of this existing building. This is through the placement of multiple access decks and stairs (see paras 2.3.6 and 3.2.10 of the BRE guidance). It is Officers' opinion that the design response during the conception of 6 Hester Road knowingly placed less emphasis on the importance of the elevation facing the application site. The resultant reductions

in VSC and NSL are, to a large degree, expected in this scenario. The nature of the windows and rooms affected, being narrow while not serving principal living rooms, and degree of physical interference by access decks and stairs, produces a starting point that is already compromised. As such, Officers consider the impacts to this property, and the occupiers within, to be acceptable yet the degree of harm caused will be further assessed within the planning balance of the overall proposal.

## **5 Privacy and Outlook**

- 5.1 Policy LP2 (General Development Principles) Part B requires development to not adversely impact the amenity of existing and future occupiers or that of neighbouring properties. Part B.2. relates specifically to overlooking and advises development will be supported where the development...‘avoids unacceptable levels of overlooking (or perceived overlooking) and undue sense of enclosure onto the private amenity space of neighbouring properties’.
- 5.2 Policy LP2 Part B.3. specifically relates to outlook and supports development where it...‘is not visually intrusive or has an overbearing impact as a result of its height, scale, massing or siting, including through creating a sense of enclosure’. It is noted that the planning system cannot protect specific views from private properties but can consider whether a proposed development is intrusive or overbearing resulting in a sense of enclosure.
- 5.3 Privacy
- 5.4 The existing building is within an office use. It is noted that when at full occupation, this building had an existing overlooking relationship with its surrounding neighbours. This relationship would have been one that was more intensive during the daytime office hours of the facility. While it is appreciated that this relationship would have assuaged outside of these office hours, this relationship would still have existed; albeit to a lesser degree than a residential use normally gives rise to. The proposal has clear glazed windows serving commercial floor area (ground and first floors) and residential floor areas within all four of its elevations.
- 5.5 Opposite (RBKC)
- 5.6 The windows proposed for the north facing curved elevation facing the River Thames would be approx.265m from residential properties opposite (within the Royal Borough of Kensington and Chelsea). This is a significant distance and no overlooking to these properties could be exerted upon them by the proposal; if it were acceptable in other policy respects.
- 5.7 Morgan’s Wharf
- 5.8 To the west lies the Morgan’s Wharf residential development. The developments that would be located closest to the proposal are 2 – 28 Battersea Bridge Road and 19 Paveley Drive. The separation distance between

these properties and the application site would be approx.38m for 2 – 28 Battersea Bridge Road and approx.49.5m for 19 Paveley Drive. Both these distances are more than adequate to ensure good privacy levels are maintained between them.

#### 5.9 RCA Dyson Building

5.10 The RCAs Dyson Building is located approx.30m to the south of the proposal. This is within an educational use with less protection than residential accommodation facing residential relationships. It is the case, however, that at approx.30m, the separation between these two buildings would be more than adequate to maintain privacy between them.

#### 5.11 Albion Riverside 8 Hester Road

5.12 The Albion Riverside mixed use but largely residential building, is located approx.45m to the west of the proposal. This approx.45m of separation would be more than adequate to maintain privacy levels between these two buildings.

#### 5.13 Thameswalk Apartments 2 Hester Road

5.14 The Thameswalk Apartments residential building, attaches to the existing office building and would be sited directly to the east of the proposal. The windows serving bedrooms within the rear elevation of the Thameswalk Apartments are already overlooked by the deck accesses and stairs serving 6 Hester Road along with the amenity space over first floor level. This elevation is also already overlooked by the existing office development within the application site, albeit obliquely. Given that the proposal would be approx.45m in length, when presenting at a right angle to the rear elevation of the Thameswalk Apartments, it is considered that for the first 18m of its length, the suitably oblique angles looking back to the Thameswalk Apartments would be such that direct overlooking to this rear elevation would not be to demonstrate significant harm. This is within the context of the existing office use overlooking relationship discussed above. Further along the depth of the proposals approx.45m length, overlooking relationships would reduce further by virtue of the separation distance increasing, while recognising the overlooking become less oblique, thus preserving the amenity of the rear Thameswalk Apartments rear facing elevation.

5.15 The terraced areas to the front, River Thames, facing elevation of the Thameswalk Apartments closest to the proposal, would see an existing relationship of being overlooked by the existing office building to being overlooked by the commercial and lower floors of the residential component of the proposal. This is a side facing and very short lived relationship with the majority of the these amenity spaces being unaffected due to their open river facing orientation. It is considered that the privacy levels to these terraces would not be harmed to such a degree, given the existing overlooking relationship and the general levels of activity on the immediate location in continuous pedestrian movements along the Thames Path access and from

Battersea Bridge that connects to this access. As such, it is officers' opinion, that overlooking between this building and the proposal would lie within acceptable and policy compliant parameters.

#### 5.16 6 Hester Road

5.17 Lastly, 6 Hester Road is situated to the east of application site. The property is a reverse 'L' shape and parallel to the application site approx. 11.4m in separation (at its closest point) formed by a service road. The majority of the elevation is located approx. 20m from the application site. The windows within this elevation are all obscured behind access decks and stairs. At 20m, these windows are located within a sufficient distance from the application site to maintain levels of privacy; irrespective of being obscured by the decks and stairs. Given the section of this building that would be closest to the application site (approx. 11.4m) would not present directly in front of windows serving proposed habitable accommodation, any overlooking impacts would be ones that are oblique. As discussed for the daylight/sunlight impacts to this property, this building is positioned within its site in a manner which has optimised its own opportunities, yet left its occupiers open to a degree of amenity impacts upon the inevitable redevelopment of the application site. There would be relatively close oblique overlooking angles at 11.4m to the application site yet this was already established for the office use. It is considered that due to this existing relationship, and the significant number of properties that would remain unaffected by the proposal, the degree of harm to these occupiers lies within acceptable tolerances, especially given it was not designed as the best neighbour. The amenity space over the first floor is overlooked by its own accommodation and that of the Thameswalk Apartments and the application site. No harm is considered to be identified to the future usability of this space.

#### 5.18 Conclusion

5.19 It is considered that a significant majority of surrounding residential occupiers would not receive any discernible reduction in privacy levels. Where close relationships have been identified, these are considered to be tolerable for the reasons stated above. The proposal is considered to comply with the objectives of Policy LP2 and no significant harm can be identified to warrant refusal in this respect.

### **6 Outlook and Sense of Enclosure**

6.1 Given the separation distances referred to above, no loss of outlook would be experienced by any property within RBKC, or 2 – 28 Battersea Bridge Road, 19 Paveley Drive, Albion Riverside, 8 Hester Road and the RCA Dyson Building.

#### 6.2 Thameswalk Apartments 2 Hester Road

6.3 In terms of the River Thames facing elevation, the existing office building is already taller than the Thameswalk Apartments and has an existing outlook impact on the terraces immediately adjacent to the application site. This

impact is relatively low, given the unfettered open aspect over the river that these terraces experience that would remain unfettered if the proposal would have been found to be acceptable. The curvature of the proposal's river facing elevation would serve to limit the degree of outlook loss to these terraces and no harmful impact over the existing situation can be identified.

6.4 The rear facing elevation of the Thameswalk Apartments are already constrained by the existing arrangements of the application site, along with the proximity of 6 Hester Road. The main body of the proposed tower would be sited over a similar footprint as existing, yet this existing arrangement already witnesses the rear elevation of the Thameswalk Apartments being exceeded in height by the existing office arrangement. The proposed scenario would significantly exceed further the height of this building, yet due to the vertical nature of the uplift in development proposed, outlook would not be significantly affected over the existing situation; in officers' opinion.

#### 6.5 6 Hester Road

6.6 The relatively close oblique overlooking angles at 11.4m to the application site, as discussed for privacy, would not be the case for these windows in terms of outlook. This is due to the proposal not presenting in front of these windows. The 10 storey component of the application site would present immediately to the north of this neighbour but an ample amounts of outlook would remain available to these occupiers. All the windows that are located behind the access decks and stairs are already severely compromised by these existing elements of their own built fabric, and the presence of the proposal would not, in officers' opinion, exacerbate this impact to significant levels that warrant refusal in this respect.

#### 6.7 Conclusion

6.8 The impacts on outlook and sense of enclosure would not be discernible to the majority of existing occupiers, largely because of adequate separation distances between the proposal and these occupiers. The scenarios when the proposal would potentially alter outlook to the Thameswalk Apartments and 6 Hester Road have been assessed above and, in officers' opinion, given the existing relationships, are found to be largely similar or have negative physical existing factors, and to lie within acceptable parameters. The proposal is considered to comply with the objectives of Policy LP2 and no significant harm can be identified to warrant refusal in this respect.

#### 6.9 Noise and Disturbance

6.10 2023 WLP Policy LP2 requires development to not lead to detrimental impacts on new and existing users of properties through unacceptable noise and vibration.

6.11 A noise report has been submitted in support of the application. The submitted assessment concludes that with the glazing and ventilation specifications

recommended in the report, the relevant standards can be achieved both inside the residential units and the external amenity spaces considering traffic aircraft noise, leisure noise from the River Thames and noise from pedestrians and cyclists using the Thames Path.

- 6.12 The Council’s Environmental Health - Noise officer has reviewed the report and is satisfied with the assessment undertaken to date. Should the proposal had been found acceptable, conditions would have been recommended to provide details of a noise control scheme for the building services plant, sound attenuation against externally generated noise including road and aircraft noise, as well as a scheme of sound insulation against noise from the commercial units and the gyms and details of extraction and mitigation/control of fumes and odours generated from commercial cooking.
- 6.13 The application site itself is allocated for a residential-led mixed use scheme due to being located within a policy-led designation i.e. being within a Focal Point of Activity. It is considered that the proposed residential units (with associated outdoor amenity areas) are compatible with the surrounding residential area.
- 6.14 The internal communal space at levels 3 and 11 and communal garden at level 11 would be sizeable with capacity to host large groups and generate high levels of noise and disturbance if not managed properly. While these are located away from other residential properties, further details of how the spaces are managed would be included with the operation management plan. Had the proposal had been found acceptable, further details would have been secured within the s106 agreement.
- 6.15 Additionally, had the proposal had been found acceptable, conditions would have been recommended restricting the opening hours of the commercial uses in order to protect against unacceptable levels of noise and disturbance to neighbouring properties
- 6.16 Conclusion
- 6.17 Given the above assessment and subject to the recommended conditions, the proposal is considered to Officers to comply with policy LP2 of the WLP (2023) regarding noise and disturbance.

## **7 Standard of Accommodation**

- 7.1 Policy LP27 of the WLP (2023) requires all new residential development to comply with the Nationally Described Space Standard and meet all requirements set out in the Policies D5, D6 and D7 of the London Plan (2021).
- 7.2 Unit and Room Sizes
- 7.3 All the proposed units are compliant with the minimum gross internal areas (GIA) set out in the Technical housing standards – nationally described space standard (National Space Standard).

## 7.4 Proposed Unit Sizes/amenity space:

<b>Unit (bedspaces)</b>	<b>Size of Unit ranging from</b>	<b>Technical Housing Standards</b>	<b>Private Individual Amenity Space ranging from</b>	<b>Policy LP27</b>
4 x 1-Bed 1P	50sq.m to 53sq.m	39sq.m	10sq.m to 11sq.m	10sq.m
9 x 1-Bed 2P	53sq.m	50sq.m	10sq.m	10sq.m
15 x 2-Bed 3P	61sq.m to 62sq.m	61sq.m	10sq.m	10sq.m
29 x 2-Bed 4P	75sq.m to 108sq.m	70sq.m	9sq.m to 12sq.m	10sq.m
9 x 3-Bed 4P	75sq.m	74sq.m	15sq.m	15sq.m
34 x 3-Bed 5P	86sq.m to 222sq.m	86sq.m	11sq.m to 15sq.m	15sq.m
10 x 4-Bed 5P	97sq.m to 443sq.m	90sq.m	11sq.m to 15sq.m	15sq.m
Total = 110 flats	Total = 13,188sq.m		Total = 1,272sq.m (plus 985.6sq.m internal and external communal amenity spaces = 2,257.6sq.m.)	

7.5 The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling and the London plan set a standard of 2.5m for at least 75% of the gross internal area. The proposed development would comply with this 2.5m head height throughout the properties.

7.6 Daylight, Outlook and Privacy for Future Occupants

7.7 Policy LP27 of the WLP states that all new residential development will be expected to provide dual-aspect accommodation, unless it can be suitably demonstrated that a single aspect dwelling would provide for a more appropriate design solution than a dual aspect dwelling. The policy goes on to state that all single aspect units should include provision for acceptable levels of daylight, optimise opportunities for enabling direct sunlight; ensure the aspect is not predominantly north facing; provide a good level of natural ventilation and ensure future occupiers have good levels of privacy.

- 7.8 The development would achieve 74% dual aspect units (81 units). Of the 29 single aspect units that are proposed, 27 flats would be located in the shoulder element resulting in 50% of the affordable tenure being single aspect. Although the Council would prefer a 100% dual aspect scheme for all tenures, none of the single aspect units would be facing due north. 14 units would be south-west facing and 13 units would be north-east facing. Officers are cognisant of the site's constraints, and therefore the proposed arrangement is considered acceptable in this regard. Potential for overheating would be assessed in the Sustainability section below.
- 7.9 Internal Daylight
- 7.10 An Internal Daylight, Sunlight and Overshadowing report has been prepared by GIA (15 October 2024 Rev.2) in support of the application. This is to demonstrate, through detailed analysis, the future availability of daylight and sunlight within the proposed development and the acceptability of living conditions for future occupiers. This assessment has been conducted using the methodology within the June 2022 BRE (BR 209) guidelines. For internal daylight access, the minimum received values (measured in lux) for Median Daylight Illuminance (MDI) are as follows:
- 100 lux for bedrooms
  - 150 lux for living rooms
  - 200 lux for living/kitchen/dining rooms, kitchens and studios
- 7.11 For sunlight access, the minimum duration of sunlight exposure within at least one habitable room of a proposed residential units should be 1.5 hours on the 21<sup>st</sup> March.
- 7.12 Daylight Access
- 7.13 The GIA report has assessed all proposed habitable rooms up to level 12 for MDI. Levels 18, 24 and 28 have also been tested for MDI. It accepted, as a matter of logic, that the MDI to the accommodation within upper floors of the proposed tower will incrementally increase the higher up the accommodation is situated.
- 7.14 Out of the 273 habitable rooms tested within the proposal, 265 (97%) achieve minimum MDI levels. This is a notably high degree of compliance with the BRE guidelines. Four of the eight rooms receiving lower levels of daylight are bedrooms and would still receive an excess of 59 lux (100 lux recommended). These rooms are located on the lower levels of the proposal (02 and 03) and are located behind inset balconies that produce a higher level of obstruction. Two of these bedrooms would receive in excess of 79 lux at level 03, which is considered to represent failings that are marginal and not harmful.
- 7.15 Of the four remaining rooms with shortfalls, all would serve kitchen/living/dining (LKD) rooms at levels 02 to 05. The LKD at level 03 would

have access to 183 lux which is a minor shortfall of 17 lux. The remaining three LKDs would have access to between 125 and 146 lux. The GIA report makes the point that if the front proportion of these rooms were tested, the MDI would be above the minimum 150 lux target for living rooms. Officers are of the opinion that these lux shortfalls for these room at lower levels of the proposal are, to a large degree, expected. It is notable that such few rooms do not meet the BRE targets with 97% of all accommodation meeting the guidelines. This is a very high overall percentile of compliance and the identified shortfalls, along with their tolerable nature, are not considered to demonstrate a degree of harm that could be considered significant or contrary to policy objectives. The proposal performs well in this regard and is considered to be acceptable.

#### 7.16 Access to Sunlight

7.17 For sunlight, all tested residential accommodation would achieve the 1.5 hours for at least one habitable room on 21<sup>st</sup> March. This indicates very good sunlight access and is therefore considered to achieve policy objectives in this regard.

#### 7.18 Outlook and Privacy

7.19 The flats would generally have good access to outlook and privacy, which is considered acceptable given the separation distances within a constrained environment.

#### 7.20 Amenity Space

7.21 London Plan policy D6 requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The external space must achieve a minimum depth and width of 1.5m.

7.22 Policy LP27 of the WLP requires that new residential dwellings are provided with dedicated outdoor amenity space of at least 10 sqm for 1-bedroom or 2-bedroom dwellings and 15 sqm for 3-bedroom units and above; which goes beyond the London Plan requirements. Given the number and size of units within the proposed development this would equate to a minimum requirement of 1,365sq.m of amenity space required to be provided.

7.23 The proposed development would provide dedicated private amenity space for all residential units, totalling 1,272sq.m as private balconies or winter gardens. This would result in a shortfall of 93sq.m for the private tenure only. Specifically, 40 out of the 56 private flats would have undersized winter gardens: 14 x 2 bed (9sq.m), 24 x 3 bed (11sq.m) and 2 x 4 bed (11sq.m). Whilst the occupiers of the private tenure would not have access to the communal garden at level 11, they would have access to a gym at level 2 (225.5sq.m) and an internal communal amenity space at level 3 (224.1sq.m). This would result in 449.6sq.m of additional amenity space which would mitigate the shortfall of private amenity space. Furthermore, all winter gardens would be London Plan

compliant and only marginally short of LP27 requirement for private amenity space, which considered acceptable to Officers.

- 7.24 With regard to the affordable tenure, all of the 54 flats would have LP27 compliant balconies (10 or 15sq.m). In addition, these occupiers would have access to the communal garden (312sq.m, including 231.5sq.m of children's play space), a gym (110sq.m) and an internal communal amenity space (114sq.m). All located at level 11.
- 7.25 The outdoor amenity space at level 11 has been tested against the BRE criteria for a minimum of two hours of sunlight on more than 50% of the space on the 21<sup>st</sup> March. The results show that 96% of this area would experience two hours of sunlight and this 96% value is comfortably exceeding the recommended 50% of the area. This indicates very good access to sunlight for this amenity space and compliance with policy objectives is demonstrated in this regard.
- 7.26 Communal Open and Play Space
- 7.27 Policy S4 (Play and informal recreation) of the London Plan and policy LP19 of the WLP seek to ensure that development proposals include suitable provision for play and recreation and incorporates good-quality accessible play provision for all ages, of at least 10sq.m per child. The GLA's play space calculator has been used to assess the play space requirements for the scheme. This generates a requirement for is 968sq.m of play space provision.
- 7.28 The proposed development would deliver a total of 231.5sq.m of play space within the communal garden at level 11, with all communal areas of amenity space considered to have playable value for residents. The on-site play provision includes 164sq.m for 0-4 years, 50sq.m for 5-11 years and 17.5sq.m for 12-15 years for the affordable tenure only.
- 7.29 The applicant seeks to offset the 736.5sq.m shortfall with a financial contribution of £147,300. Following consultation, the Council's Parks Officers advised that this contribution shall be spend on the provision, improvement and/or upgrade of play spaces within a 1,500m walking distance from the development site. For instance, this sum would fully fund a refurbishment at Harroway Gardens (approx.1,200m) and would provide partial refurbishment (approx. 32-46%) of Battersea Park natural playground (approx. 1,000m). Should the proposal had been found acceptable, this would have been secured within the s106 agreement.
- 7.30 Should the proposal had been found acceptable, a condition would have been recommended requiring final details of play equipment.
- 7.31 Inclusive Access
- 7.32 Policy D7 (Accessible Housing) of the London Plan (2021) requires developments to provide suitable housing and genuine choice for London's

diverse population, including disabled people, older people and families with young children. Residential development must ensure that:

- 7.33 1) at least 10 per cent of dwellings meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’
- 7.34 2) all other dwellings meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.
- 7.35 The supporting text to policy D7 states that wheelchair user dwellings should be distributed throughout a development across tenures.
- 7.36 WLP Policy LP27 (Housing Standards) reiterates that all new residential development should meet all requirements for accessible housing set out in Policy D7 of the London Plan.
- 7.37 The application proposes that 12 (10%) of dwellings would be built to meet Building Regulation M4(3) ‘wheelchair user dwelling’ requirement with the remaining 90% designed to meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’. The M4(3) wheelchair units would be provided in a range of locations and tenure including 2 x 2 bed 4 person, 3 x 3 bed 5 person and 1 x 4 bed 5 person units for the private housing and 1 x 2 bed 3 person, 1 x 3 bed 5 person and 4 x 4 bed 5 person units for the social rent housing. Although Officers would have preferred a wider mix of units for the social rented accommodation, there is no strict policy requirement to do so provided the units are provided across all tenures; which has been achieved in this instance. As previously stated, Officers are supportive of the overall mix of private and affordable units.
- 7.38 It would be a requirement that for the M4(3) homes as social rent are delivered as fully wheelchair accessible at first occupation (M4(3)2b) with their final design agreed by the Council’s Occupational Therapist prior to commencement of their construction on site. Had the proposal had been found acceptable, this would have been secured within the s106 agreement.
- 7.39 Conclusion
- 7.40 Overall, it is considered that the proposal would provide an acceptable standard of accommodation, with all units of an appropriate size and layout. It would perform well in all respects in terms of outlook, privacy, and access to daylight and sunlight within accommodation and amenity space. The overshadowing of the outdoor amenity space has been shown to be at low levels. The shortfalls in MDI are very infrequent and located at lower levels within the proposal that could reasonably be expected to witness lower values. The 97% of overall compliance for internal daylight, however, is considered to be very high and the shortfall not significantly harmful. The total compliance with BRE guidelines, in terms of access to internal sunlight and excellent levels of sun on ground for the amenity space, indicate a high degree of performance in this regard. Residents would have access to suitable levels of dedicated

private outdoor amenity space as well as access to internal and external communal amenity areas which would include play provision. As such, in officers’ opinion, compliance with Policy LP27 is considered to have been achieved and no harm can be identified.

**8 Housing Mix**

8.1 Policy LP24 of the WLP (2023) all sets out that dwelling mix will be considered on a site-by-site basis based on housing need, surrounding context and character. Proposals creating additional market housing would be supported where the dwelling mix includes a range of house sizes to address local need for including family-sized housing and down-sizing; and takes into account the existing housing stock in the neighbourhood in order to avoid any over-concentration of a single size of homes where this would undermine the achievement of creating mixed and balanced communities. In line with policy LP24 of the WLP (2023), development proposals will be supported where the private sale housing mix and affordable housing dwelling mix contributes to the borough-level indicative proportions detailed below:

Dwelling size/tenure	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Private Housing	30-40%	30-40%	15-25%	5-10%
Proposed Private Housing	7%	46%	43%	4%
Low-cost rent affordable housing	40–45%	30-35%	20-25%	5-10%
Proposed Social Rent	17%	33%	35%	15%

8.2 The housing mix is discussed below, overall Officers consider the proposal to be compliant with policy.

8.3 Private Housing Mix

8.4 With regard to the private unit mix, the proposal would not strictly comply with the range of policy LP24 as it would include a smaller 1 bed provision (-23%), a slight oversupply of 2 bed (+6%), an oversupply of 3 bed (+18%), and a smaller 4 bed provision (-1%).

8.5 Officers consider this an appropriate mix, with an acceptable emphasis on larger units, to enable balanced communities to thrive in this area. This is reinforced due to the acceptability of the affordable housing units mix which is discussed below.

8.6 Social Rent Housing Mix

- 8.7 In terms of Policy LP24 (part D) for the social rent, with 17% proposed as one bedroom this would be an under supply and with 33% proposed for two beds this would be in line with the policy range. For three and four beds, there are 35% and 15% proposed respectively which is a considered a welcome oversupply of family sized and larger family sized accommodation.
- 8.8 While not achieving the exact ranges provided within the policy the proposal generally accords with the mix required for social rent. It is also considered by Officers that providing 9 x 3-Bed 4 person, 10 x 3-Bed 5 person and 8 x 4-Bed 5 person as social rent as a positive and welcomed aspect of the scheme with the 2 bedroom units being with target range. Whilst the proposal would include an under provision of one bedroom units, supporting paragraph 17.21 of the Local Plan states that preference will be given to larger homes and therefore the proposed unit mix is considered to be within acceptable parameters to Officers.
- 8.9 The policy confirms that the unit mixes are to be applied flexibly in light of individual site circumstances, including location, site constraints, sustainable design, the need to provide mixed and balanced communities, viability and the availability of public subsidy. The proposed development's unit mix is considered acceptable by officers and in line with the principles of the above policies by providing a suitable range of unit sizes overall in line with borough-level indicative proportions for market housing needs. Furthermore, the significant proportion of family-sized homes for social rent offered would help meet the identified needs of applicants registered on the housing access lists, and this is welcomed by officers given the constrained nature of the site and considered a benefit of the scheme.
- 8.10 Conclusion
- 8.11 Accordingly, the housing offer provides an acceptable mix of house types as set out in Policy LP24 of the WLP (2023) and provides for an inclusive development which responds to local and strategic housing need, and in particular affordable housing need, on an underutilised brownfield site.

## **9 Affordable Housing Provision**

- 9.1 The London Plan (2021) Policy H4 seeks to maximise the delivery of affordable housing and securing the Mayor's strategic target of 50% of all new homes to be genuinely affordable. This policy provides 5) specific measures to achieve this aim of which 1) requires affordable housing to be provided through the threshold approach as prescribed in Policy H5.
- 9.2 Policy H5 of the London Plan (2021) sets out the threshold approach to applications and requires a minimum of 35% for a site in this location. Part C of this policy sets out the criteria that must be met in order to follow the Fast Track Route part of which does not require the 35% to be verified by the applicant within a Financial Viability Assessment (FVA) as specified within Part E of this policy.

- 9.3 Policy H6 of the London Plan (2021) requires a minimum of 30 per cent low-cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes and a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership. The remaining 40% can be determined by the boroughs based on identified need.
- 9.4 Policy LP23 of the WLP (2023) sets out an affordable housing tenure split of 50% low-cost rent products. The policy also requires on site delivery, with off-site provision only accepted in exceptional circumstances and a payment of a financial contribution only when it is clearly demonstrated to the Council's satisfaction that an alternative site cannot be identified to deliver the affordable housing.
- 9.5 It is currently proposed that 50% (by habitable room) would be affordable housing, all provided as social rent. This compares to the originally submitted version that proposed 35% affordable housing with a tenure split of 70% social rent to 30% intermediate. At 50% affordable housing, it significantly exceeds the 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 mechanism are not required.
- 9.6 The Director of Housing (Strategy, Compliance and Enabling) (DHSCE) welcomes the fact that 50% of the homes will be for social rent, including 3 and 4-bedroom family homes which will help meet the needs of applicants registered on the Council's housing access queues. The DHSCE recommends that an early-stage viability review is undertaken, in line with the GLA's affordable housing and viability SPG, if an agreed level of progress on implementing the permission has not been made within 24 months of granting permission. Should the proposal had been found acceptable, the terms of the review would have been set out within the S106 agreement.
- 9.7 Whilst the proposed affordable housing provision is a clear benefit of the scheme, following consultation, the Council's Viability officer provided further analysis of the proposed housing offer when assessed against the housing requirements for the Borough and presumption to redevelop brownfield land under the 2024 NPPF. This assessment is provided within the overall 'Planning Balance' section below.

## **10 Highways and Transportation**

- 10.1 London Plan (2021) policy T4 relates to assessing and mitigating transport impacts of development, taking into account the cumulative impacts on public transport and the road network capacity including walking and cycling, as well as associated effects on public health.
- 10.2 London Plan policy T6 (Car parking) relates to parking and gives maximum standards for car parking in developments, along with parking standards for disabled people and identifies an appropriate balance being struck between

promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. Policy T5 (Cycling) of the London Plan provides the cycle parking standards.

- 10.3 The above standards and assessment of the impact of development on transport access, capacity and connectivity, together with measures to promote sustainable transport, are echoed within Local Plan policies LP50 (Transport and Development) and LP51 (Parking, Servicing and Car Free Development).
- 10.4 Trip Generation
- 10.5 The Council's Transportation Officer used the existing 4,877sq.m of Class E(g)(i) office space with 33 off-street parking spaces to calculate baseline trip generation figures. Office sites in Greater London with a PTAL of 3 or higher would generate 100 two-way person trips in the AM weekday peak hour and 101 two-way person trips in the PM weekday peak hour.
- 10.6 Based on the Mid-Level Super Output Area (MSOA) workplace-based travel to work data from the Census of 2011, of these trips, 14 would be made by bus, 16 by train, and 15 by London Underground. Fifteen trips would be made by car. The Census data gives fewer trips by car than TRICS, which gave a total of 29 two-way car trips in the AM weekday peak hour and 16 in the PM weekday peak hour. However, TRICS data is based on actual surveys of sites, many of which have a similar number of off-street parking spaces as this one did, whereas the Census is a survey of everybody who worked in the MSOA in 2011 and is based on how they said they travelled to work. Overall, the office development creates 746 two-way person trips per 06.00-22.00 day, of which 232 trips are by motorised vehicle.
- 10.7 Moving on to the proposed development, the 110 proposed flats would create 61 two-way person trips in the AM weekday peak hour and 62 in the PM weekday peak hour. The applicant has adjusted the MSOA Census Travel to Work Data (residents) from a car mode share of 16% to 10% of all resident trips to allow for the fact that the applicant will provide 0.16 off-street residential car parking spaces per dwelling. They have reallocated the 6% of trips to sustainable modes. The Transportation Officer raised no objection to this approach.
- 10.8 The new flats would create 17 two-way bus trips in the AM weekday peak hour and 17 in the PM weekday peak hour. It is not considered that the proposed flats would create a materially harmful impact on any part of the transport network.
- 10.9 The proposal includes 535sq.m of class E(g)(iii) office space, which would create 11 two-way person trips in the AM weekday peak hour and 11 two-way person trips in the PM weekday peak hour, of which three two-way trips will be by bus in each of these hours. Overall, the proposed office would create 79 two-way trips between the hours of 06.00 and 22.00. It is not considered that the

proposed office would create a materially harmful impact on any part of the transport network.

- 10.10 The proposal also includes 189sq.m of floorspace for a restaurant. This would create 115 two-way person trips between 06.00 and 22.00. Three two-way trips would take place in the AM weekday peak hour and 11 two-way person trips would occur in the PM weekday peak hour. Again, it is not considered that the proposed restaurant would create a materially harmful impact on any part of the transport network.
- 10.11 Finally, the proposal includes 274sq.m of community floorspace but has not included trip generation analysis for this land use. However, the gross internal area floorspace is below the threshold of 500sq.m set out in Appendix B of the Government Guidance on Transport Assessment (Department for Transport, 2007) at which formal assessment of transport impacts is required. On that basis, it is not considered that the community use would create a materially harmful impact on any part of the transport network due to the number of net additional trips it might create.
- 10.12 The applicant proposes 349sq.m of “shared” use and although it is not clear what this is, overall, the proposed development would create a combined total of 820 person trips between the hours of 06.00 and 22.00 compared with 746 two-way person trips by the extant land use. Transportation Officers do not consider that the net increase of 74 two-way person trips spread across all modes would create a materially harmful impact on the transport network, therefore the proposed development is considered acceptable. Following consultation, Transport for London (TfL) raised no objection and do not consider that a financial contribution towards additional bus capacity is needed to make the proposed development acceptable in planning terms.
- 10.13 Vehicular Access
- 10.14 Vehicles will access and egress the proposed development to its rear that is itself accessed from private access road which is north of and can be accessed from Hester Road. The applicant indicated they have a legal right of access along this existing private road which was used by the occupants of the existing office block with its 33 vehicular parking spaces at basement level.
- 10.15 The proposal includes five disabled vehicular parking spaces at lower ground floor level and the 13 standard car parking spaces at basement level which would be accessed by a car lift located to the west of the private access road. Whilst the basement and access/egress already exist, any lower ground floor or basement car park must have an overhead clearance floor to ceiling height of 2.6m to accommodate vehicles used by disabled motorists or carrying disabled residents that might have hoists.
- 10.16 Although the number of vehicular trips generated by the proposed dwellings would be low, the car lift would have to provide access to and egress from the lower ground floor and basement. Should the proposal had been found

acceptable, a condition would have been recommended to submit details of how the car lift would operate, and how motorists would request the lift from both inside and outside the building before development commences. This would be to reduce the risk of vehicles waiting to use the lift queuing on the private access road west of the site which is shared with residents of Thames Walk flats.

#### 10.17 Pedestrian and Cycle Access and Egress and Public Realm Improvements

- 10.18 Due the proposed public realm improvements, pedestrians who are residents would have stepped and ramped access to the residential lobby of the building from the eastern side of Battersea Bridge Road. Cyclists who are residents in the private and affordable dwellings or employees at the proposed office space would be able to access to cycle lifts via the private access road immediately west of the site. These lifts would allow them to access secure cycle parking at basement level (in the case of all residents) from which they could access stairs or a lift to take them to the floor on which they live. Employees at the offices or restaurant would access to a secure cycle store at ground level via an entrance to the west of the private access road.
- 10.19 The proposal includes public realm improvements on the footway on the eastern side of Battersea Bridge Road such as planters and resurfacing of the footway. Battersea Bridge Road is maintained by TfL as part of the trans-London strategic road network. TfL have proposed and are developing designs for their own Healthy Streets Corridor Improvement scheme on the footway and carriageway to the west of the site.
- 10.20 TfL have requested a financial contribution of £436,812.00 to help finance a new signalised pedestrian and cycle crossing point west of the site, the introduction of the fully separated cycle lane with a filter lane on the western side of the western side of the carriageway, and the resurfacing of the footway on both sides of the road west of the site. The contribution amount has been estimated based on the square meterage of the new site that directly faces Battersea Bridge Road. This is the same method that TfL used to obtain financial contributions from developments for the Nine Elms/Battersea Park Road Healthy Streets Corridor Improvement scheme.
- 10.21 As the proposal would be a low-car development, all but 10% of the trips to and from it by residents, employees, or customers, would be made by sustainable modes of travel. This would amount to 378 two-way person trips between 06.00 and 22.00 every day. The proposed works, most notably the new signalised crossing west of the site would be beneficial for everyone accessing the site given its proximity to it and would make travel by sustainable modes safer and more attractive than it is now. As such, Officers considered this positive for the scheme and, should the proposal had been found acceptable, the financial contribution would have been secured within the s106 agreement.

- 10.22 The applicant also proposes public realm improvements on the riverbank north of the site which Officers support in principle. Most of the area in which these works would be completed is adopted highway and part of the Thames Path. The proposal includes changing the current level differences, and adding planting, steps, and informal seating. The applicant would have to enter into an agreement with the Council under S278 of the Highways Act 1980 to carry out the works and would need to get them approved by the Borough Engineer before they start. The works would need to be approved by the Council and completed by the applicant prior to the first occupation of the development. Furthermore, The applicant needs to submit details of their legal right of access up and down the private third party-owned access road that will provide access to and egress from the development for all vehicles, including construction vehicles, before any work on site begins. Should the proposal had been found acceptable, these would have been secured by conditions.
- 10.23 As the proposed level changes on the riverbank may put additional weight on to an existing highway structure, the applicant would also need to get an approval in principle (AIP) from the Council's Highway Structures Engineer for the proposed changes to the highway structure on the riverbank before the commencement of development. They also need the AIP to get highway approval for the rebuilding of a basement structure adjacent to the highway. Should the proposal had been found acceptable, this would have been secured by a condition.
- 10.24 Car parking
- 10.25 Wandsworth's Local Plan Policy LP51 requires that parking is provided in accordance with the latest London Plan standards, whilst also demonstrating that development will not lead to an unacceptable amount of on-street parking.
- 10.26 LP51, part F of the WLP 2023 states, that no additional parking permits will be issued to any occupiers of additional housing units created in major residential or mixed-use developments anywhere in the borough or through conversions in existing or future Controlled Parking Zones (CPZ).
- 10.27 The proposal includes 18 car parking spaces, with five disabled parking spaces at lower ground floor level and 13 car parking spaces at basement level. The Transportation officer raised no objection to the number of off-car parking space proposed, as the Local Plan states that a ratio of up to 0.25 spaces per dwelling is acceptable for residential land uses in an area with a public transport accessibility level (PTAL) of 3, which this one has.
- 10.28 Regarding the proposed provision of off-street disabled parking spaces, the applicant needs to provide one space each for each M4(3) and M4(2) household within three percent of the households prior to the first occupation of the development with a view to providing one space each another 7% of the households subject to demand. This equates to the applicant providing three spaces prior to first occupation of the site, and another 8 spaces over the

lifetime of the development subject to demand. Should the proposal had been found acceptable, this would have been secured within the s106 agreement.

10.29 The site is in the controlled parking zone (CPZ) of B2: Battersea, which operates from 09.30 – 16.30, Monday – Friday. The applicant would need to provide up to 28 off-street vehicular parking spaces and has a shortfall of 10 off-street spaces against this local maximum and London Plan (2021) standard. The fact that this development is in an area in a CPZ that operates for 7 hours per day five days per week shows that local roads and streets have a high level of on-street parking stress relative to total on-street parking capacity. It is therefore acknowledged that residents of the proposed development would be excluded from applying for on-street parking permits with the exception of any potential blue badge parking. Should the proposal had been found acceptable, this would have been secured within the s106 agreement.

#### 10.30 Car Club Space and Membership

10.31 Whilst the Transportation officer would usually request the applicant to provide one off-street car parking space for a car club for the first 100 dwellings of a site, these spaces are best provided at ground level to make them as visible as possible to local people and improve the viability of the car club operation. However, this would not be considered practical in this instance due to the space being accessed from a private road shared with another residential development, that also has use of the ground level spaces. Furthermore, this option would encourage vehicles to be parked on Hester Road which would not be considered appropriate given its primary purpose as a shared space for pedestrians and cyclists.

10.32 As such, should the proposal had been found acceptable, providing membership to a local car club for all of the first households to occupy the development for one year would have been secured within the s106 agreement.

#### 10.33 Cycle Parking

10.34 The proposal includes long-stay residential cycle parking at basement level in the development that has the number of spaces required to meet the minimum standard set out in Chapter 10 of the London Plan (2021) and has provided cycle lifts to street level for residents who are cyclists in both the private and affordable dwellings. Ten long-stay secure cycle parking spaces are proposed at ground floor level for employees/occupants of the non-residential land uses. Again, this is in accordance with the standard set out in the London Plan (2021), therefore this is considered acceptable. Should the proposal had been found acceptable, this would have been secured by condition.

10.35 The applicant indicated that 12 short-stay cycle parking spaces would be provided at ground floor level to the south of the southern building. Should the proposal had been found acceptable, details of six Sheffield stands to be provided at ground level for short-stay cycle parking would have been secured through condition.

10.36 Travel Plan

10.37 The applicant provided a framework travel plan. While they have agreed to carry out a baseline travel survey for all residents within six months of first occupation of the site, they have not included, as an explicit objective within their travel plan, to reduce the number of single occupancy residential car trips to and from the site and, with this, the reduction of the percentage of resident trips undertaken by private car as the main driver. Should the proposal had been found acceptable, a detailed travel plan, plus a monitoring fee, would have been secured within the s106 agreement.

10.38 Delivery and service

10.39 Table 5.18 of the transport assessment shows that the extant 4,877sq.m of office land use creates 16 x two-way vehicular service trips per day, of which two trips are made by HGV.

10.40 The applicant has forecast that the proposed 110 flats would create 36 two-way vehicular service trips per day of which four trips would be made by HGV and the rest by LGVs or vans.

10.41 The applicant has used TRICS to forecast that the proposed office use would generate two two-way vehicular service trips per 12-hour day, of which all trips would be made by HGVs and vans, and that the restaurant land use would generate 8 two-way vehicular service trips per day of which two will be made by HGVs.

10.42 Overall the development would create 50 two-way vehicular service trips per 12-hour day, a net increase of 34 two-way trips when compared against the existing use. It is not considered that the proposed development would create a materially harmful impact on the operation of the highway or transport network because vehicles can make use of the private access road off Hester Road.

10.43 Notwithstanding the above, it should be noted that Hester Road is a pedestrian and cycle zone only, except for access. Parking is managed by the Council on parts of it that are highway and by private companies on parts that are not. It is a shared space area with pedestrians partly separated from vehicles via metal bollards. There is a running lane width of 6m but not many areas where informal short-stay vehicular parking is clearly marked as permitted. Because of this, delivery vehicles are advised to use the private access road and turning area to the rear of this development wherever possible.

10.44 Regarding refuse collection, the applicant has proposed three refuse stores, one each for the tower element and shoulder element and one for the commercial uses. Provided they can use the private access road and turning head, a refuse HGV should be able to get within 10m of each refuse store in accordance with guidance set out in Manual for Streets (Department for Transport, 2007). The Transportation officer has no objection to the proposal for household or commercial waste collection in principle. However, the

applicant needs to provide a vehicle swept path drawing which shows that a refuse vehicle of 9.2m x 2.5m can reverse up the private access road on collection days without colliding with vehicles parked in the on-street private spaces on the eastern side of the access road that are 60 degrees to its carriageway. Should the proposal had been found acceptable, a detailed waste management strategy would have been secured via a condition to make sure that safe and suitable access to the development can be provided for refuse operatives in accordance with Para. 115b of the NPPF.

#### 10.45 Construction Logistics

10.46 The applicant provided an outline construction logistics plan (CLP) including an analysis of how many vehicular and HGV trips would be generated in the peak phases of the development. Should the proposal had been found acceptable, a detailed demolition and construction logistics plan would have been secured within the s106 agreement.

10.47 The applicant also needs to consider that they would have to enter the site access via Battersea Bridge Road and then Hester Road, which is a shared space area with the emphasis put in pedestrian use. Hester Road is made of permeable paving, so a full-pre-commencement highway condition survey would need to be carried out and agreed with the Local Highway Authority prior to the detailed construction logistics plan being approved to ensure that Hester Road can tolerate consistent use by HGVs with a laden weight of up to 45 tonnes. Should the proposal had been found acceptable, this would have been secure within the s106 agreement.

#### 10.48 Conclusion

10.49 Subject to the recommended conditions and obligations being secured on any permission, Officers consider that the proposal would have an acceptable impact upon highways safety and capacity and would provide acceptable car and cycle parking provision. The proposal would therefore accord with policies T1, T2, T4, T5 and T6 of the London Plan and LP50 and LP51 of the WLP (2023).

### **11 Sustainability**

11.1 The NPPF (2024) requires local authorities to support the move to low carbon futures by planning for new development which reduces greenhouse gas emissions; actively support energy efficiency improvements to existing buildings and expect new developments to attempt to minimise energy consumption through landform, layout, building orientation, massing and landscaping.

11.2 The emission reduction targets set-out in the London Plan for major developments are zero carbon for residential and commercial development, with at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2021 of the Building Regulations) on-site. The remaining

regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution.

- 11.3 Local Plan Policy LP10 generally reflects the requirements of London Plan Policy SI2, ensuring new development achieve high standards of sustainable design and construction, seeking to achieve zero carbon by 2050 with a requirement for all non-residential buildings to achieve BREEAM ‘Outstanding’.
- 11.4 Energy and Water Reduction
- 11.5 Policy LP10 requires all residential development to follow the energy hierarchy: Be Lean, Be Clean, Be Green, as well as submitting an energy assessment informed by preliminary standard assessment procedure (SAP) calculations. The policy also requires that new developments within decentralised energy opportunity areas shall be designed to be fully compatible with any existing or future decentralised energy network (DEN), which the application site is located within.
- 11.6 The submitted Energy Statement sets out how the development would aim to reduce carbon emissions through the “lean, clean, green” energy hierarchy for the proposal. The London Plan stipulates that 10% residential and 15% non-residential Be Lean (energy efficiency measures) CO<sub>2</sub> savings should be achieved.
- 11.7 The applicant has submitted an Energy Strategy Report demonstrating how carbon reductions have been achieved through the stages of the energy hierarchy. Based on the applicant’s energy strategy the scheme would achieve a 63% reduction in carbon dioxide emissions over and above the baseline Part L 2021 Building Regulations (66% domestic, 42% non-domestic). Of this, 15% would be through energy efficiency measures with the remaining savings derived from the renewable energy proposals (solar panels and ASHPs). As such, the proposal would meet the Be Lean (energy efficiency measures) CO<sub>2</sub> savings as 15% would be achieved for the domestic and non-domestic.
- 11.8 With the adoption of the London Plan (2021) Carbon offset payments would be required to achieve zero carbon for the residential and non-domestic elements (all) of the development, ensuring compliance with London Plan policies. As the proposal has managed to achieve a combined 63% reduction, the applicant would need to offset the remaining 37% in order to achieve a 0% rating. Climate Integrated Solutions (CIS), the Council’s independent specialist sustainability consultants, have calculated that a total of £157,917 is therefore required. However, this sum could be subject to change following a final energy review, which would be secured through the recommended Section 106 Agreement. ‘Be seen’ has also been introduced in the 2021 London Plan which a mechanism with which to monitor the implementation phase of the energy saving measures. This element of the hierarchy would have been captured through a s.106 obligation should the proposal had been found acceptable.

- 11.9 Should the proposal had been found acceptable, a condition would have been recommended requiring the CO2 emission on-site reductions of 35% to be met as a minimum, with the main target of 63% to be achieved. A condition limiting water usage would also have been recommended as well as conditions requiring further details of the location, layout, noise mitigation and screening of the ASHPs and details of the number, location and layout of the solar panels.
- 11.10 Subject to these recommended conditions, the proposal would be in accordance with policy LP10 of the WLP (2023).
- 11.11 BREEAM
- 11.12 Policy LP10 requires new non-residential buildings over 100 sqm to meet BREEAM 'Outstanding' standard, unless it can be demonstrated that this would not be technically feasible. New buildings should be designed taking into account changes to the climate over their lifespan.
- 11.13 A BREEAM pre-assessment has been submitted and this has demonstrated that a BREEAM Excellent rating is achievable for the development with a targeted score of 70.55% (70% required for Excellent).
- 11.14 While this would not comply with the policy requirement for BREEAM Outstanding, the project would incorporate major aspects of sustainable design. The units would still be a high achieving Excellent and include above best practise efficient, considerate and future proof design.
- 11.15 For the residential element of the scheme, a Home Quality Mark pre-assessment was submitted stating that a 3 stars score is targeted. Following consultation, no concerns were raised and the information and target achieved is deemed acceptable.
- 11.16 The Council's sustainability advisor has reviewed the applicant's justification for not meeting the aforementioned credits and is satisfied that sound technical reasons have been provided for the majority of the non-targeted credits. Furthermore the provision of achieving a three-star (rated 1 to 5 stars) Home Quality Mark certification which is welcomed and weighs in the favour of the scheme.
- 11.17 Therefore, should the proposal had been found acceptable conditions would have been recommended to secure the BREEAM Excellent rating at 70.55%, the three star Home Quality Mark and water efficiency.
- 11.18 Overheating
- 11.19 With regard to cooling and overheating, measures to mitigate the risk of overheating to the buildings include passive and active design measures incorporated into the development in accordance with the objectives of London Plan policy SI4.

- 11.20 An overheating assessment has been provided within the submitted Energy Strategy. The assessment confirms that the criteria are met within the constraints described in Building Regulations Approved Document O and TM59 domestic Overheating criteria. The whole building has been analysed in this assessment and demonstrate compliance.
- 11.21 Where allowable occupied spaces benefit from opening windows with an external perforated shading screen having a free area of 50% alongside mechanical ventilation.
- 11.22 The analysis confirms that all assessed bedrooms, living/kitchens, and communal corridors with opening windows and designated as predominately naturally ventilated are shown to be compliant with regards to Building Part O and TM59 domestic Overheating criteria.
- 11.23 Those bedrooms, living and kitchen areas are subject to noise constraints and therefore are designated as predominantly mechanically ventilated only pass the Building Part O and TM59 domestic Overheating criteria with the addition of supplementary cooling.
- 11.24 This document has been reviewed by the GLA officers and the Council's Sustainability Consultants (CIS) and found to be appropriate, and as such, considered this compliant with LP10 of the WLP. Should the proposal had been found acceptable a condition would have been recommended to prior to commencement of works on site, to quantify the number of units that would require temperature looping and the expected cooling load associated. Any cooling provision (both cooling capacity and number of units provided with cooling) should be minimised only to the facades with acoustic restrictions.
- 11.25 Whole Life Carbon
- 11.26 A Whole Life Carbon Assessment has been undertaken in accordance with the London Plan, and the GLA Guidance (2022). This reviews the embodied carbon emissions associated with the proposed development, taking into account the materials quantities and loads, the operational energy consumption of the built scheme, with total emissions estimated and compared to the GLA benchmarks.
- 11.27 The report states that the proposed development would meet the GLA benchmarks for all criteria and, as such, demonstrate that the development has taken account of relevant policy and reduced emissions as far as reasonably possible. This document has been reviewed by the GLA officers and the Council's Sustainability Consultants and found to be appropriate, and as such, considered compliant with LP10 of the WLP. Should the proposal had been found acceptable a condition would have been recommended to submit a post-construction assessment to report on the development's actual WLC emissions.
- 11.28 Circular Economy

- 11.29 London Plan policy SI7 identifies a circular economy as one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste. It places an emphasis on creating a built environment where buildings are designed for adaptation, reconstruction and deconstruction.
- 11.30 A Circular Economy Statement has been submitted which takes into account the GLA's draft guidance (2020) and outlines how circular economy principles will be incorporated in the design, construction and management of the proposed development, including through minimising materials use and the sourcing and specification of materials; minimising and designing out waste at various stages; and by promoting re-usability, adaptability, flexibility and longevity.
- 11.31 Through the incorporation of fundamental sustainability principles, the proposed development has:
- Demonstrated how materials have been selected on site based on longevity and/or environmental impact.
  - How demand for materials will be minimised.
  - How demand for quantities of resources will be reduced. Including, land, carbon dioxide, water, and energy.
  - How materials and resources will be sourced sustainably considering low impact materials and recycled content.
  - How the Proposed Development is designed for longevity, adaptability, flexibility, reuse and recoverability.
  - How the Proposed Development will design out waste through, standardisation of components, modularisation, building in layers, servitisation / leasing of materials and through an end-of-life strategy (including design for disassembly).
  - How construction demolition, excavation and municipal waste will be reduced and handled at the Proposed Development in accordance with the waste hierarchy.
- 11.32 The Circular Economy Statement details how the proposal's design and construction would reduce material demands and enable re-use. The Circular Principles identified in the Circular Economy Statement were reviewed by the GLA officers and the Council's Sustainability Consultants and are considered appropriate and meet the requirements of London Plan policy SI7. Should the proposal had been found acceptable a condition to submit a Post Completion Report would have been recommended to be secured which would provide further details from the applicant.

11.33 Conclusion

11.34 Given the above assessment and subject to the recommended conditions, the proposal is considered to Officers to comply with policy LP10 of the WLP (2023).

**12 Flood Risk and SuDs**

12.1 Sequential and Exception Test

12.2 The application site is located within Flood Zones 2 & 3a. As stated previously, the application site is identified within the Wandsworth Riverside Strategy Area. It identifies the site as appropriate for a residential led mixed use development.

12.3 Under the NPPF, all new planning applications within this flood zone (3a) should undergo a Sequential Test with a view to locating particularly vulnerable new developments (e.g. residential, hospitals, mobile homes etc.) outside of the floodplain.

12.4 Policy LP12 states that the Sequential Test is considered to have been passed to application sites located within an Area Strategy. As the site is located within the Wandsworth Riverside Strategy Area, the Council therefore considers the Sequential Test to be passed. An Exception Test is required as the proposal represents a 'more vulnerable' development located within flood zone 3a and this test shows how the development would manage flood risk on the proposed application site. This accords with the approach set out in Policy LP12 of the WLP (2023).

12.5 For the exception test to be passed it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

12.6 The proposal includes the introduction of 110 residential units as well as community and commercial floorspaces and would therefore provide wider benefits to the community by virtue of increased housing stock, with on site 50% affordable housing provision, and community and commercial provision which would be of use to the immediate community in Wandsworth (part a). With regard to part b) of the above Exception Test, the planning application has been accompanied by a flood risk assessment (FRA) which is discussed below.

12.7 Flood Risk

12.8 NPPF (2024) paragraph 181 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by

a site-specific flood-risk assessment development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 12.9 Policy LP12 of the WLP requires all planning applications will need to clearly demonstrate that the proposals avoid or reduce contributing to all sources of flooding, including fluvial, tidal, surface water, groundwater, flooding from sewers, take account of climate change (including predicted future changes), and would not increase flood risk elsewhere.
- 12.10 The submitted FRA shows that the proposed residential use would be located on the second floor and above any floodwater levels at a minimum of 15.2m AOD. Therefore, the residential accommodation would not be inundated with floodwater for all events up to and including the 1 in 100 year (+30%), 1 in 1000 year events due to a breach in the flood defences.
- 12.11 The strategy also includes measures to reduce flood risks overall; including no self-contained basement flats; only less vulnerable uses on the basement, lower ground and ground floors; and ensuring all habitable areas are >2m above the extreme breach level. All site users have access to upper levels for the lifetime of the development in the event of an extreme event. Should the proposal had been found acceptable, a condition would have been recommended for the development to be constructed in accordance with these details.
- 12.12 In terms of Safe Access and Egress, the submitted FRA includes information on how the development would respond based on the likely flood risk and associated warning time. The proposed evacuation procedure states that all tenants would have dry access to the amenity floor at level 1, above the extreme event for the lifetime of the development. Equally, based on likely flood risk and associated warning time it is also considered likely that there would be sufficient time to evacuate in normal flood warning situations from all types of flood events.

12.13 As discussed, the submitted FRA contains various measures that would comply with the above elements required by national policy. In terms of Residual Risk, the mitigation measures within the FRA show that the flood risk can be effectively managed and therefore the consequences of flooding are acceptable. As such, the residual risk is considered to be acceptable for the lifetime of the development. The proposal is considered to achieve the aims of the Exception Test (part a) and b)) as detailed above. The Environment Agency (EA) raised no objection in that respect. Should the proposal had been found acceptable, a condition would have been recommended for the development to be built in accordance with the submitted FRA.

12.14 Flood Defences

12.15 Policy LP12 Part J relates to flood defences and states:

12.16 Applicants will be required to demonstrate, where relevant, that their proposal complies with the following:

1. That the effectiveness, stability and integrity of flood defences, river banks and other formal and informal flood defence infrastructure will not be compromised.

2. Ensures that the proposal does not prevent essential maintenance and upgrading of any formal or informal flood defence infrastructure to be carried out in the future in a cost-effective manner in agreement with the Environment Agency.

3. All development proposals should be set back 16 metres from the landward side of any tidal Thames flood defences, unless exceptional circumstances are demonstrated for not doing so, which has to be justified by evidence submitted at planning application stage and agreed by the Environment Agency. All developments along other main rivers (including culverted main rivers) should be set back by 8 metres from the top of the bank or from the outer edge of the culvert unless significant constraints for not doing so are evidenced at planning application stage and agreed by the Environment Agency. This is to allow for any foreseeable future maintenance and upgrades in a sustainable and cost-effective way.

4. Has taken into account the requirements of the Environment Agency's Thames Estuary 2100 Plan, and demonstrates how current and future requirements for flood defences have been incorporated into the development, including the need to raise flood defences to the required levels whilst enhancing the riverside environment in accordance with the Thames Estuary 2100 Plan.

5. Would not result in the removal of formal or informal flood defences unless this forms part of an agreed flood risk management strategy adopted or approved by the Environment Agency.

6. That the opportunities to undertake river restoration and enhancement and implement natural flood management measures as part of a development to

make space for water have been assessed and where technically feasible incorporated into the proposal. Enhancement of existing assets, such as through de-culverting, the using bio-engineered river walls, and raising bridge soffits to take into account climate change should be accommodated in development proposals where technically feasible.

7. The culverting of watercourses and building over culverts will not be supported. Deculverting and the naturalisation of watercourses is encouraged where possible.

12.17 Officers note that the EA objected to the proposal on the following grounds:

- Provide appropriate offset (16m) to the adjacent Thames tidal flood defences, including buried elements
- Demonstrate that the flood defence has a lifetime commensurate with that of the development
- Demonstrate how the flood defences adjacent to the site will be raised in line with the requirements of the Thames Estuary 2100 (TE2100) plan

12.18 In consideration of the offset to the Thames tidal defences, the applicant firstly indicated that the existing built footprint on site is 6m from the Thames tidal defences, and that, as the current building footprint would be retained, the proposal would have a similar offset. The EA objected due to the off set being less than 16m, as specified as a minimum by the EA, and in line with policy LP12. The EA also indicated that it was unclear whether this 6m figure accounted for any buried elements forming part of the defence or of the proposed basement levels. The applicant submitted additional drawings showing the lower ground and basement levels in relation to the flood defence as well as a proposed second piled wall to the front of the lower ground and basement levels with a design life of 120 years to function as a river wall independently from the existing river wall and the new building foundations.

12.19 The EA maintained their objection to the proposal, insofar as the offset between the second piled wall and riverbank would be further reduced to 1.9m. Officers note that varied distances of offset are evident along this part of the Thames path and all of them encroach on the 16m off set the EA seeks to achieve through this policy (except as small landscaped area of the Albion Riverside due to its curved design yet has trees and seating that are physical obstacles within this space). Whilst the EA apply this strategic 16m offset to all new development proposals fronting the River Thames, Officers do question the practicality and potential contribution made that one development site (i.e. this proposal) out of hundreds of metres of building fronting the Thames path, where this offset is nowhere near achieved, or achievable, would make in meeting this objective. The majority of the Albion Riverside is closer than 16m from the tidal defence with its closest element 6.6m away. This building was completed in 2003 and has multiple decades of life left before the consideration of obsolescence. This is also the case for the Thameswalk Apartments to which the proposal would attach. This is a residential six storey

building that is of conventional construction, using brickwork, and 5.8m from the tidal defence at its closest points. This was erected at the same time as the application building in the 1980s. Given that this is a well-maintained residential building, constructed of robust materials using conventional construction techniques, the lifespan of this building could, arguably, be as long as the Albion Riverside that is 20 years or so younger. As such, the prospect of achieving this 16m offset, just within the immediate locality, would not be achievable for multiple decades. The sites that have achieved a 16m offset in Wandsworth in recent decades is the Battersea Reach development (approx.2kms to the south-west), and some aspects of the Battersea Power Station redevelopment (approx.1.5kms to the east). These are two sites out of kilometres of Thames path that are within Wandsworth. It is also the case that the request of the EA would not be possible to achieve without impacting the optimum viable use the site and securing most effective use of this previously developed land.

- 12.20 The EA further advised that they generally seek a 16m offset between new development and tidal defences to provide space for maintenance & inspection activities, unobstructed emergency access in the event of damage to the defence and to not restrict any future raising of the defences. Due to the proximity of Battersea Bridge, the area to the front of the building comprises steps and an elongated ramp up/down to/from the bridge as the footpath does not pass beneath this bridge. This prevents vehicular access to the front of the property. Furthermore, the walkway/ space available does not widen from being a footpath for approximately 50m east of the proposed development. Officers also note that the proposed landscaping and alterations to the Thames path would result in improved access compared to the incoherent existing situation.
- 12.21 In consideration the lifetime of the flood defence, the EA stated that existing flood defence, including any buried elements, should be surveyed (using intrusive and non-intrusive methods) to determine the asset condition and inform a structural assessment of the defence, including stability analysis. The structural assessment would need to determine if the existing structure, including buried elements, has a residual life commensurate with the lifetime of the development. This is in line with Policy LP 12, part (j) of the WLP. The EA also advised that whilst section 5.2. of the FRA states that a structure survey of the existing integrity of the flood defence prior to construction work commencing can be provided, this information should be provided as part of the planning application submission, prior to any permission being granted. If the results of the survey indicate the defence has a lifespan of less than the proposed development, significant repairs up to and including the full replacement of the wall may be required.
- 12.22 This relates to the EAs concerns that the proposal has not demonstrated that the structural integrity of the flood defence would not be compromised. Should the outcome of the tidal defence survey demonstrate that works to the wall are necessary, the EA would expect ecological improvements to the wall to be made in line with Estuary Edges Design Principles Design Principles - Estuary

Edges - The Thames Estuary Partnership. Assessment of the structural integrity of the Thames tidal defences is also required to inform any raising strategy as required by the TE2100 plan. Surveys undertaken should determine whether the existing structure can support the increased loading from raising the flood defence to the TE2100 2090 level (as discussed below).

- 12.23 The applicant has committed to undertake a flood defence condition survey, insofar as they need to consider the integrity of the structure whilst undertaking works such as piling and additional basement excavation. Officers consider this approach reasonable and, had the proposal been found acceptable, a pre-commencement condition would have been recommended to submitted flood defence condition survey and mitigation measures. Officers note that the EAs preference would be to have this information at application stage.
- 12.24 Whilst this is acknowledged by Officers, it is the case that the recommended condition would be negative in nature. This means that the submission of the technical reports on the impact on the structural integrity of the flood defence would require approval (in consultation with the EA) before works can commence. The negative nature of this condition has a similar effect as obtaining the information at application stage. Therefore, in balancing the requirements of the EA while being cognisant of the applicant's financial commitment in this project and associated delays, Officers are of the view that the negative condition provides the necessary degree of legal strength in order to achieve both parties' objectives.
- 12.25 In consideration to the strategy to detail how the flood defence will be raised in line with the TE2100 plan level (5.9m AOD for 2050 and 6.3m AOD for the 2090 epoch), it should be noted that the formal flood defence structure is not within the ownership of the applicant. As such, they submitted drawings showing that the top of new capping beam for the secant piled wall inside of the red line boundary would at 6.7m AOD (with the proposed landscaping and architectural buildup atop at 7m AOD), and therefore the proposed development would be above the TE2100 plan required raised level.
- 12.26 Notwithstanding the above, the applicant also showed the raising of the flood defence on the submitted drawings and is committed to deliver the raising of the flood defence as part of the proposal, subject to agreement with the owners of the formal flood defence structure. Officers acknowledge that the raising the flood defence in line with the TE2100 plan level is an EA strategic objective and, although the early raising of flood defences at application stage is the primary position of the EA, the flood defence would also need to be raised, by law, before 2050 by the owners of the structure if this development proposal did not exist. On that basis, should the proposal had been found acceptable, Officers would have recommended a clause in the S106 agreement for the applicant to use best endeavours in order to raise the flood defence at this early stage.
- 12.27 The EA also raised concerns regarding the impact on the intertidal foreshore and Thames frontage habitats and missed opportunity for enhancement. Due to

the increased height of the proposed building compared to existing, the EA advised that the Thames frontage should be considered in terms of provision of enhancement and mitigation for increased shading as well as consideration given to an ecological buffer between the built environment and the river. As such, the applicant provided further information regarding overshadowing and mitigation measures.

- 12.28 The EA confirmed they were satisfied with the assessment of overshadowing to the foreshore made, and the principle of enhancements proposed. The enhancements could either take the form of commitments to enhance the Thames riverwall adjacent to the development site (Option 1), or, failing the acceptance of the third party, in the form of a contribution made to a local river restoration effort (Option 2). With regard to Option 1, the EA would accept the proposal of timber fenders made by the applicant as a proportionate enhancement for these circumstances. With regard to Option 2, the EA stated that they would be unable to take such a contribution directly for a local restoration effort. However, they indicated that there are several local organisations working to enhance the tidal Thames that would likely welcome this contribution to ensure that an enhancement is realised. Had the proposal been found acceptable, this would have been further explored and targeted towards the s106 agreement.
- 12.29 Port of London Authority requested further details regarding the use of the Thames via the supply chain as part of the detailed CMP at construction stage and measures that would ensure debris and contaminants do not enter the river. They also indicated that the applicant should consider measures to encourage River Bus use within the proposal, including its inclusion within the Property Handbook and the 1 <https://tfl.gov.uk/modes/river/> Framework Travel Plan Action Plan. This should also include consideration regarding accessibility, existing capacity and likely impacts of the development on capacity and modal share as well as riparian details of life saving equipment (such as life buoys, grab chains, access ladders etc). Had the proposal been found acceptable, this would have been secured via conditions.
- 12.30 Sustainable drainage
- 12.31 Paragraph 182 of the 2024 NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.

The FRA has considered the above points. The submitted Drainage Strategy follows the drainage hierarchy and considers the suitability of Sustainable Drainage Systems (SuDS) and how they are implemented on the Site. The surface water drainage system would use SuDS attenuation techniques where possible such as rainwater re-use, attenuation, and green infrastructure (green/blue roof, raised planters, rain garden, trees pits). Greenfield run-off rates are achieved at a rate of 1.5l/s which demonstrate that all surface water up to the 100 year + 40% climate change can be contained on site. Should the proposal had been found acceptable, a condition would have been recommended to submit a SuDs Management Plan.

- 12.32 Thames Water does not raise any objections to the proposal subject to further details relating to piling foundations and foul water network infrastructure capacity and should the proposal had been found acceptable, these would have been secured via conditions.
- 12.33 The Lead Local Flood Authority is satisfied with the submitted Flood Risk Assessment & SUDS. Should the proposal had been found acceptable, a condition is would have been recommended for the proposal to be carried out in accordance with the Drainage Strategy.
- 12.34 Additionally, the proposal incorporates an acceptable level of soft/permeable landscaping. Should the proposal had been found acceptable, conditions have also been recommended to secure these design features including their design, plant species and maintenance.
- 12.35 Conclusion
- 12.36 Given the above assessment and subject to the recommended conditions and informatives, the proposal is considered to Officers to comply with policy LP12 of the WLP (2023).

### **13 Arboriculture Ecology, Landscaping and Urban Greening**

#### **13.1 Trees and landscaping**

- 13.2 Policy LP56 of the WLP states that provision should made for the incorporation of new trees, shrubs and other vegetation of landscape significance that complement existing, or create new, high-quality green areas, which deliver amenity, environmental, and biodiversity benefits. Policy LP56 also requires landscape design and materials to be of a high quality and be compatible with the surrounding landscape and character; and require the provision of planting, including new trees, shrubs and other significant vegetation where appropriate.
- 13.3 Policy G5 of the London Plan requires new development to contribute towards urban greening. London Plan Policy G7 requires development proposals to ensure that, wherever possible, existing trees of value are retained and that the loss of trees as a result of development is mitigated through the provision of replacement trees of an adequate value. London Plan Policy G6 states that

development proposals should manage the impact on biodiversity and aim to secure net biodiversity gain.

- 13.4 An Arboricultural Impact Assessment and Method Statement (AIA) was submitted and a total of 13 trees were identified directly adjacent to the site boundary. This includes T1 Common Alder (Cat C), T2 Common Ash (Cat B), T3, T4, T5, T6, T7 and T8 Oriental Sweetgum (Cat B), T9 Wild Cherry (Cat B), T10 Common Alder (Cat B), T11 Italian alder (Cat B), T12 Wild Cherry (Cat C) and T13 Willow leaves cotoneaster (Cat C).
- 13.5 The proposal includes the removal of the T1 and T2 which is necessary to redevelop the area adjacent to the river. None are particularly valuable, and neither the amenity or arboreal character of the local area will be affected by their removal. However, to mitigate this, 20 new trees and soft landscaping will be planted as part of the development. All other trees on site would be protected. The Tree officer found the above acceptable and should the proposal had been found acceptable a condition would have been recommended to comply with the Arboricultural Impact Assessment and Method Statement.
- 13.6 The existing site has a very poor public realm offer resulting from inadequate pedestrian and cycle links and extensive inactive frontage. The proposed development seeks to deliver a comprehensive landscape strategy for the site which would include provision of new landscaped amenity areas and areas of public realm.
- 13.7 The proposed public realm along the Thames path and Battersea Bridge Road would benefit from new high quality hard and soft landscaping, tree planting, lighting and street furniture, creating a generous and accessible public space for members of the public, whilst benefitting from enhanced pedestrian and cycle routes.
- 13.8 With regard to the Thames path, a new 3m wide route is proposed around the new public amenity area, the Thames amphitheatre, with stepped accesses designed in compliance with accessibility guidelines, smooth gradients and attention to levels to ensure that pedestrian paths are navigable and comfortable for all users, and facilitate comfortable transitions between spaces.
- 13.9 With regard to Battersea Bridge Road, the public realm would be improved through varied planting with street trees and seating areas, that would enhance the visual amenity of the area and offer wind mitigation.
- 13.10 Officers note most of these areas fall outside of the applicant's red line boundary and therefore such alterations would have been secured via a condition for a Section 278 agreement.

- 13.11 The submitted landscape strategy also shows that the communal amenity area on the 11th floor includes 7 new trees as well as varied shrubs and herbaceous planting which would result in amenity space of high quality for the scheme.
- 13.12 Should the proposal had been found acceptable conditions would have been recommended for further details of landscaping, lighting and submission of a Landscape and Ecology Enhancement and Management Plan.
- 13.13 Biodiversity
- 13.14 Policy G6 of the London Plan seek to ensure that developments do not cause harm to priority species or habitat identified in a relevant Biodiversity Action Plan. Policy LP55 looks to protect and enhance biodiversity through the inclusion of new biodiversity features and habitats, design of buildings and use of SUDS and maximising ecological functional habitats in soft landscaping. Part B2 of LP55 requires developments to deliver at least a net gain in biodiversity through ecological enhancements.
- 13.15 The existing site contains buildings and hardstanding with no other habitats present on site. Small parcels of introduced shrub were present within planters to the north and south of the Site boundary and a mixture of native and non-native scattered street trees were present around the site boundaries
- 13.16 In terms of protected species, it has been reported that the building results in 'negligible' for potential suitability for roosting habitat and flight path and foraging habitats. It was concluded that there are between negligible to low likelihood of habitats on site that had the potential to support nesting birds. Due to a lack of suitable habitat, the site is not considered suitable for other protected species such as reptiles, dormice, great crested newts, badgers, water voles and otters.
- 13.17 Notwithstanding the above, should the proposal had been found acceptable, a condition would have been recommended to submit a CEMP including details of lighting.
- 13.18 Biodiversity Net Gain (BNG)
- 13.19 Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 sets an objective for development to deliver a measurable net gain in biodiversity and sets a target of a minimum of +10% BNG relative to the pre-development biodiversity value of the onsite habitat.
- 13.20 By impacting over 25sqm of on-site habitat, this scheme meets the threshold for this requirement. The proposed development includes a number of landscaping alterations on the site and a Biodiversity Net Gain (BNG) assessment has been submitted with the application, which indicates the

proposal would achieve a score of + 39.24%. Following consultation, the Biodiversity officer found the proposal acceptable. Should the proposal had been found acceptable conditions would have been recommended to secure the biodiversity gains on site in order to protect and enhance the habitats for nationally and locally important species.

13.21 Subject to the recommended conditions, the proposal is considered to accord with policies LP55 and LP56 of the WLP (2023).

### 13.22 Urban Greening

13.23 Policy G5 (Urban greening) of the London Plan sets out that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. A target Urban Greening Factor (UGF) of 0.4 is recommended for developments that are predominately residential.

13.24 Policy LP57 (Urban Greening Factor) states that all development proposals should contribute to the greening of Wandsworth borough by including urban greening as a fundamental element of site and building design and by incorporating measures such as high-quality landscaping, green roofs, and nature-based sustainable drainage. Development proposals will be required to follow the guidance on the Urban Greening Factor in the London Plan for calculating minimum amount of urban greening required as well as the thresholds for different types of developments.

13.25 A range of urban greening measures are proposed as part of the scheme set out within the Landscape strategy. The report shows that a UGF of 0.4 is achieved through the maximisation of the green potential on site. Overall therefore officers are satisfied that the potential for urban greening within the site has been maximised, taking into account the site circumstances. Should the proposal had been found acceptable a condition would have been recommended in order to secure this UGF score.

### 13.26 Conclusion

13.27 Given the above assessment and subject to the recommended conditions, the proposal is considered to Officers to comply with policies LP55, LP56 and LP57 of the WLP (2023).

## **14 Waste Management**

14.1 Policy LP2 states that permission will be granted for development which is adequately served in terms of waste management.

- 14.2 The proposed waste provision is divided into individual storage for the tower block, shoulder block and the commercial uses.
- 14.3 For the tower block, the communal bin store is located at lower ground floor level and is fully accessible from private road. The store has an effective bin storage capacity of 8 x 1100L Eurobins for refuse, 4x 1280L Eurobins for recycling and 3 x 240L bin for food waste in a configuration that allows residents to access all bins.
- 14.4 For the shoulder block, the communal bin store is also located at lower ground floor level and is fully accessible from private road. The store has an effective bin storage capacity of 8 x 1100L Eurobins for refuse, 4 x 1280L Eurobins for recycling and 3 x 240L bin for food waste in a configuration that allows residents to access all bins.
- 14.5 Both blocks would have access to a bulky waste store located within the tower's bin store. The applicant indicated that residents would arrange for the collection of their bulky items and provide evidence to the on-site FM team, who will in turn provide access to the bulky waste store.
- 14.6 A separate commercial bin store is located at lower ground floor level with a capacity of 1 x 1100L Eurobins for refuse, 1x 1100L Eurobins for recycling and 1 x 240L bin for food waste. It would be able to cater for the restaurant, office and community uses weekly waste generation, on a daily collection basis. To allow for operational contingency, the commercial waste store will have a minimum of two days' waste storage, to account for operational issues.
- 14.7 While the proposal is in line with the Refuse and Recyclables in Developments SPD, there are minor concerns from the Waste Management team regarding food waste and bulky items provision, therefore, should the proposal had been found acceptable a condition would have been recommended to provide further details of the waste storage arrangement and access.
- 14.8 Conclusion
- 14.9 Subject to the above condition, Officers consider that adequate waste storage provision is proposed. As such, the proposal is considered to accord with the objectives of policy LP2 and the Refuse and Recyclables in Developments SPD.

## **15 Environmental Impacts**

- 15.1 Contaminated Land
- 15.2 Policy LP14 states that developments should ensure proposals are safe regarding the re-use of contaminated land, in relation to proposals involving hazardous processes and materials and development located close to hazardous installations.
- 15.3 A desktop study has been submitted with the application.

- 15.4 Specialist officer advice from the Council's Environmental Services and the Environment Agency recommends three conditions requiring the first requiring the submission of a site investigation scheme, followed by a remediation strategy and a then a verification plan and the second the submission of a verification report. Should the proposal had been found acceptable conditions would have been recommended to secure this.
- 15.5 The proposal has been considered to have an acceptable impact on the ground. The proposal has also been considered to comply with policy E7 of the London Plan and policy LP14 of the WLP (2023).
- 15.6 Air Quality
- 15.7 Policy LP14 sets out that the Council will support measures to protect and enhance the environmental quality of the Borough and will include measures to improve air quality in line with the Council's Air Quality Action Plan. Policy SI1 of the London Plan sets notes that development should not lead to further deterioration of existing poor air quality or create unacceptable risk of high levels of exposure to poor air quality. Development should be at least Air Quality Neutral.
- 15.8 An Air Quality Assessment has been submitted with the planning application. The assessment acknowledges that the entire borough is declared as one Air Quality Management Area (AQMA). The proposed development complies with the requirement that all new developments in London should be at least air quality neutral.
- 15.9 The proposed development incorporates renewable energy and has a very low car provision. Therefore, it is not expected to give rise to any significant adverse impacts in terms of air quality, subject to appropriate conditions being secured to manage the construction phase.
- 15.10 In order to minimise the impact of the development throughout both construction and completion in regard to air quality, should the proposal had been found acceptable conditions would have been recommended requiring the submission of a dust management plan, the requirement for PM10 monitoring, and ensuring all Non-Road Mobile Machinery (NRMM) is in accordance with the GLA's 'Control of Dust and Emissions during Construction and Demolition' SPG. A financial contribution of £30,000 for air quality monitoring during construction would also have been secured within the s106 agreement.
- 15.11 Conclusion
- 15.12 Subject to the recommended conditions and legal agreement being secured on any permission, the proposal is considered to have an acceptable impact on air quality. The proposal has also been considered to comply with policies SI1 of the London Plan, Mayor of London: Sustainable Design and Construction SPD, policy LP14 of the WLP (2023).

### 15.13 Wind

- 15.14 A Wind Microclimate Assessment has been submitted in support of the application. This was based on wind tunnel tests for the existing site, for the proposed development in the context of existing surrounding buildings and for the proposed development with cumulative surrounding buildings and proposed landscaping included.
- 15.15 The wind assessment looks at the expected existing and proposed wind levels in and around the site in two scenarios (summer scenario and windiest season scenario). It ranks the impact of the wind from best 'suitable for frequent sitting and standing' to worst 'uncomfortable' with 'suitable for walking' as a mid-point.
- 15.16 The existing conditions around the site are wholly suitable for occasional sitting and standing in the summer scenario, with many areas around of the site becoming suitable for occasional sitting, standing and walking in the windiest season scenario.
- 15.17 In both the summer and windiest season scenarios, the proposed conditions around the site are largely suitable for occasional sitting, standing and walking, with some thoroughfares locations around the site becoming uncomfortable in the windiest season scenario. As such, wind mitigation measures are proposed in the form of 3 x free-standing 50% porous screens (1.5m (w) x 3m (h)), at the northern end of the site; 2 x free-standing 50% porous screens (1.5m (w) x 3m (h)), at the southern end of the site; 1x 30% porous baffle (1.2m (w) x 9m (h)) at the south east corner of the development; and 1x 50% porous screen (1.2m (w) x 3m (h)) within the planter between the community space and residential entrances. Given the above, the wind conditions should therefore not detract from the use of the proposed public realm for sitting and relaxing.
- 15.18 In the summer scenario the proposed conditions on the proposed communal garden are largely suitable for occasional sitting and standing, with some pockets that are only suitable for walking. In the windiest season scenario the proposed communal garden is still largely suitable for standing and walking. As such, wind mitigation measure is proposed in the form of a 3m high porous screening at north west of the garden and the installation of a "Mill" play structure. Given the above, the wind conditions should not detract from the use of the proposed communal garden for sitting and relaxing.
- 15.19 In both the summer and windiest season scenarios, the proposed conditions on the proposed balconies are largely suitable for frequent sitting, occasional sitting and standing, with some pockets that are only suitable for standing and one area to the north of level 3 balcony being uncomfortable. As such, wind mitigation measure is proposed in the form of a 50% porous screen around the western edge of the level 3 balcony. Given the above, the wind conditions should not detract from the use of the proposed balconies for sitting and relaxing.

15.20 Should the proposal had been found acceptable, a condition would have been recommended to provide further details of the wind mitigation measures

15.21 Conclusion

15.22 Overall, Officers are satisfied with the above assessment, and the wind impacts are considered to be acceptable.

**16 Archaeology**

16.1 As the site is within an archaeological priority area a Historic Environment Assessment was submitted as part of the application. It concluded that there is a discernible on-going interest with this site.

16.2 Paragraph 216 of the NPPF (2024) notes that a balanced judgement to the scale of any harm or loss to non-designated heritage assets, such as the potential archaeological interest of this site.

16.3 Historic England note that the development could cause harm to archaeological remains. However, as the significance of the asset is likely to be low, the likely harm could be managed by a planning condition.

16.4 As such, should the proposal had been found acceptable, a three-stage condition would have been recommended to provide an acceptable safeguard to ensure that underground heritage assets remain unharmed.

16.5 Specifically, the first stage of this condition would have been a programme and methodology of site investigation and recording, the second stage would have included details of a programme for delivering positive public benefits where appropriate and the third stage a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

16.6 Conclusion

16.7 Subject to the recommended condition, the proposal is considered to Officers to comply with policy HC1 of the London Plan, LP3 of the WLP (2023) and the provisions of the NPPF.

**17 Health/Community**

17.1 The National Planning Policy Framework embeds the importance of healthy communities, including access to open space and opportunities for physical activity to the health and wellbeing of communities but also in managing patterns of growth to improve public health and enhance the provision of healthcare facilities. London Plan Policy GG3 requires those in those involved in planning must consider impact on the mental and physical health and wellbeing of communities, in order to mitigate any potential negative impacts, maximise potential positive impacts, and help reduce health inequalities.

- 17.2 Policy LP15 of the WLP states that any potential negative health and well-being impacts should be addressed, and health benefits maximised through the submission of a Health Impact Assessment (HIA) for all development proposals which include 50 or more residential units.
- 17.3 The submitted HIA concludes that the proposed development would not result in any negative impacts on the health of the existing or future population of the immediate and local areas. The Council's Public Health Lead has reviewed the report and is satisfied with the assessment.
- 17.4 Notwithstanding the above, the Public Health Lead advised that the development would have an impact on local GP practices which are at full capacity currently and therefore healthcare contributions would be required.
- 17.5 The impact on healthcare requires mitigation. The NHS HUDU Planning Contributions Model has been used to calculate the capital cost requirement arising from the demand generated by the proposed development. Based on the description of the proposal, the model generates a section 106 contribution of £30,000 for the expansion of capacity within Bridge Lane Group Practice, the closest Wandsworth GP surgery to the site. Should the proposal had been found acceptable, this would have been secured within the s106 agreement.
- 17.6 The Planning Obligations SPD requires that opportunities for the employment, training and support of local labour are provided throughout the construction phase of a development and for the end use of (non-residential) development. Should the proposal had been found acceptable, an Employment and Skills Plan and a commuted sum £91,506.25 would have been secured within the s106 agreement.
- 17.7 The development is above the threshold of 10,000sq.m therefore it triggers the cultural obligation for the provision of a Cultural Action Plan or equivalent commuted sum as indicated in the Planning Obligation SPD (2020). Should the proposal had been found acceptable, the provision of either a commuted sum of £110,000 or an action plan relating specifically to arts and cultural obligations would have been secured within the s106 agreement.
- 17.8 Conclusion
- 17.9 Subject to the recommended obligations, the proposal has been considered to be acceptable in relation to health and health inequalities, community provision and employment opportunities. The proposal has also been considered to comply with policy GG3 of the London Plan, policy LP15 of the WLP (2023) and the Planning Obligations SPD.
- 18 Fire Safety and Secure by Design**
- 18.1 Fire Safety
- 18.2 Policy D12 of the London Plan (2021) requires development proposals to achieve the highest standards of fire safety, embedding these at the earliest

possible stage. This is echoed within Policy LP27 of the WLP 2023 that states new dwellings are required to achieve the highest standards of fire safety, having regard to the requirements of Policy D12 of the London Plan.

- 18.3 The application submitted under this proposal includes the provision of a Fire Safety Strategy which has been assessed by the Health and Safety Executive (HSE), the GLA and the Council’s independent Fire Assessor as acceptable.
- 18.4 Means of Escape
- 18.5 The residential part of the building would follow a stay put strategy, where only the single flat on fire evacuates. Provisions to provide dignified means of escape for all occupants would be provided in line with Policy D5(B5) of the London Plan. This would include the provision of an evacuation lift. This lift would be in addition to any firefighting lifts that are required. The evacuation lift would be designed, constructed and would include the necessary controls suitable for evacuation of mobility impaired occupants.
- 18.6 The non-residential areas are to operate a simultaneous evacuation strategy, whereby only the affected area of the building will evacuate upon activation of the fire alarm system, sprinkler flow valve or actuation of a manual call point.
- 18.7 Open plan apartments are proposed to be designed with an open plan arrangement. To accommodate this, the following would be met in accordance with BS 9991:
- The maximum dimensions of an open plan flat will not exceed 16m by 12m, or 192m<sup>2</sup> in floor area;
  - All flats will be provided with an automatic fire detection and alarm system to a category LD1 standard in accordance with BS 5839-6;
  - Cooking facilities will be sited remote from the escape route (minimum 1.8m away from a 0.9m wide route); and
  - All flats will be provided with a sprinkler system designed in accordance with BS 9251.
- 18.8 Active Fire Measures
- 18.9 The building would be provided with sprinklers throughout. For the residential areas, a residential sprinkler system would be designed and installed in accordance with BS 9251:2021. The restaurant, office, entrance lobby, residential ancillary areas of the building would be protected with a category OH1 sprinkler system. The car park, plantrooms and other similar higher risk spaces / ancillary areas of the building would be protected with a category OH2 sprinkler system.

18.10 An automatic fire detection and alarm system would be provided within the flats in accordance with BS 5839-6 to a grade D category LD1 standard. A category L5 automatic fire detection and alarm system would be provided to the communal corridors/lobbies in accordance with BS 5839-1. The remaining areas of the building, i.e. the amenity spaces, store rooms, plantrooms and car park., would be provided with at least a category L2(M) automatic fire detection and alarm system in accordance with BS 5839-1. The restaurant, office and community units would be provided with a category L3(M) automatic fire detection and alarm system.

18.11 Furthermore, the submitted Fire Statement also includes appropriate information on smoke control, signage and Emergency Lighting all considered acceptable by the Health and Safety Executive (HSE), GLA officers and the Council's independent Fire Assessor.

#### 18.12 Access for Fire and Rescue

18.13 Fire vehicle access would be provided along the east elevation via Lombard Road and south elevation via Gwynne Road which are two-way streets.

18.14 The firefighting cores would include the following:

- Tower element: 2 hybrid lifts (designed for both firefighting and evacuation);
- Shoulder element: two lifts, with at least one serving as a firefighting and evacuation lift, and the other as an evacuation lift;
- Firefighting stair at least 1.1m wide;
- Ventilated communal corridors connecting to ventilated lobbies;
- 2 hours fire resistance for all loadbearing elements of structure, all floors (including roofs designed as amenity spaces), all shafts (including stairs, lifts and service risers);
- 2 hours fire-resisting construction for the car parks, restaurant, community centre and office areas;
- 60-minute compartment walls between flats;
- 1.0m<sup>2</sup> AOVs at the head of each staircase;
- Provision of a wet fire main within each stair for the tower element with outlets located within the stairway on the full landing at each level;
- Provision of a dry fire main within each stair for the shoulder element with outlets located within the stairway on the full landing at each level.

- 18.15 Hose cover would be within recommended limits to the furthest point of accommodation from fire main outlets and fire vehicle parking positions in both elements.
- 18.16 Inclusive design and Fire Evacuation
- 18.17 London Plan Policy D5 (Inclusive design) requires proposals to be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 18.18 Fire vehicle access would be provided along Battersea Bridge and Hester Roads to the south-west and south-east elevations.
- 18.19 The applicant's documentation states that two evacuation lifts would be provided; one for the tower element and one for the shoulder element. These lifts would be in addition to any firefighting lifts and the evacuation lifts would be designed, constructed and would include the necessary controls suitable for evacuation of mobility impaired occupants.
- 18.20 The HSE, GLA officers and the Council's independent Fire Assessor have reviewed the measures and have no objection to the proposed Fire Statement.
- 18.21 Should the proposal had been found acceptable, a condition would have been recommended requiring the proposal to be built in accordance with the Fire Statement.
- 18.22 The applicant is also however reminded that the Building Regulations 2010 legislation covers the construction and extension of buildings and these regulations are supported by Approved Documents. Approved Document B addresses fire safety precautions which must be adhered to, to ensure the safety.
- 18.23 Conclusion
- 18.24 Subject to the recommended condition, the proposal is considered to Officers to comply with policy D12 of the London Plan and LP27 of the WLP (2023)
- 18.25 Secure by Design
- 18.26 Local Plan Policy LP1.A.11 states that development proposals should minimise opportunities for crime and antisocial behaviour including terrorist activities in a site-specific manner, based on an understanding of the locality and the potential for crime and public safety issues.
- 18.27 The MET Design Out Crime officer reviewed the application and raised some concerns which would require a management plan to cover:

- Preventing anti-social behaviour while considering the permeability of the public realm.
- Counter-terrorism (CT) mitigation measures to be implemented in the public realm to prevent hostile vehicle attacks, as well as other risks such as sudden building collapses and glazing issues related to blasts.
- Management of heightened risks related to opportunities for crime, particularly concerning bike storage, podium and communal gardens, refuse areas, and parking spaces due to the development's size and its mixed-tenure.
- Security presence or concierge available to oversee the various uses on-site.
- Management of post and parcel deliveries.

18.28 The MET Design Out Crime officer also requested a meeting with the Applicants landscaping team to discuss the public realm treatments / design and potential for CCTV, lighting as part of the Violence Against Women and Girls VAWG strategy. Had the proposal been found acceptable, a condition would have been recommended to provide a public realm management plan including a text to cover engagement with the Met Police as requested.

18.29 The Met Design Out Crime officer requested that the Social Rent tenure to achieve the Silver Award of Secured by Design on completion in order to mitigate future crime and victimisation (such as domestic violence).

18.30 Conclusion

18.31 Considering the above, and subject to the use of conditions, this would ensure that the development minimise opportunities for crime, anti-social behaviour and counter terrorism in line with policy LP1.

## **19 S.106 Planning Obligation**

19.1 In accordance with Policy LP62 the following matters have been considered for obligations under an Agreement to be entered into under S106 of the Town and Country Planning Act 1990.

19.2 The following Head of Terms are proposed:

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:

- Best endeavours for raising of the flood defence to TE2100 plan level
- Enhancements to the Thames riverwall 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.

## **20 Conclusion/Planning Balance**

20.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) (Section 38(6) of the PCPA).

20.2 It is settled law that the requirement set out in para.38(6) of the PCPA requires any proposed development to be in accordance with the development plan looked at as a whole, rather than with every policy in the plan, which may well pull in different directions and some of which may be more relevant to a particular application than others. Therefore, s.38(6) raises a presumption that

planning decisions will be taken in accordance with the development plan; but that presumption is rebuttable by other material considerations.

20.3 The NPPF restates the primacy of the development plan in paragraph 15:

The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

20.4 The Officers have carefully considered the application in accordance with the requirements in s38(6) and the NPPF and Officers' assessment of the elements that fall to be considered in the planning balance are set out below.

20.5 Housing Requirement

20.6 The applicant has referenced the housing requirement for Wandsworth as set out in relation to the standard method (4,383 dwellings per annum), however, given the Wandsworth Local Plan was recently adopted in 2023 and the current housing requirement was found sound as part of the Local Plan examination, this will remain in place until the new London Plan is examined and found sound.

20.7 This approach is as per the Housing Delivery Test (HDT) rule book, which calculates the HDT housing requirement, reflecting the housing requirement in the adopted Local Plan. This means the recently adopted Local Plan housing requirement will be used as part of the HDT measurement until the adopted Local Plan is more than 5 years old, as set out within the HDT rule book:

“i. Districts or boroughs where the requirement is set out in a district or borough local plan. Where a spatial development strategy is also in place, the district or borough plan requirement will continue to be used until it is more than 5 years old, or the requirement has been reviewed and found not to require updating”.

Following the adopted Local Plan being more than 5 years old the following housing requirement would be applied:

“iv. Spatial development strategies (SDS), where the district or borough plan requirement is older than 5 years old and needs updating, an apportioned requirement set out in the SDS will be used”.

20.8 On the basis of the definition within the HDT rule book, the London Plan would be considered a Spatial Development Strategy (SDS), therefore, based on the HDT measurement rule book, the standard method would only be applicable in the borough if the Local Plan and London Plan were more than 5 years old at the same time. Given the GLA are currently starting the review of the London Plan,

and the Council's Local Plan was recently adopted, the circumstance where the standard methodology is applied in the borough would be unlikely.

20.9 Therefore the correct basis for assessing the housing requirement and HDT is against the most up-to-date Local Plan.

20.10 Presumption to redevelop brownfield land

20.11 The provision of additional housing on a brownfield site is supported by the NPPF which states:

125. Planning policies and decisions should:

c) 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;

20.12 The above paragraph identifies that proposals should be approved unless substantial harm is caused. However, a number of recent appeals to the Planning Inspectorate where paragraph 125(c) is considered, apply the tilted balance, whereby the housing land supply is a consideration alongside the benefits of any additional housing proposed. This includes taking into account the Council's existing supply and recent delivery within the planning balance alongside the merits of redeveloping an existing brownfield site. Para 125(c) is further discussed below. This includes appeal decision; APP/L1765/W/24/3344776, whereby the appeal was dismissed on several grounds, with the Planning Inspector stating;

"Moreover, there is no cogent evidence before me that housing land supply is constrained within the district. The Council has confirmed that it can identify in excess of a 5-year housing land supply with a 20% buffer, and the 2023 Housing Delivery Test Results<sup>1</sup> confirm that the Council has exceeded its housing requirement over the previous 3 years".

20.13 As per the updated National Planning Practice Guidance and the appeal decision referenced above, Officers have considered the wider context of the proposal in relation to the Council's recent housing delivery and housing pipeline. The Council's recent HDT result was 112%, showing a higher level of delivery than the previous year's result of 102%, even in a challenging economic time. In addition, housing completions in 2023/24 published by the Council total 2,662 dwellings, which is well in excess of the recently adopted Local Plan (adopted July 2023) annual housing requirement of 1,950 dwellings per annum.

20.14 When considering the adopted Local Plan and the associated housing pipeline, the Council is able to support a housing pipeline of nearly 6,000 dwellings over

the plan period, coupled with a 5 year housing land supply of 6.8 years (including a 5% buffer) as published in the Council’s recent Authority Monitoring Report (2023/24) published October 2024.

- 20.15 Based on the above, this illustrates the Council’s level of housing delivery and housing pipeline is well above requirements.
- 20.16 Council can show the housing supply is not constrained within the borough, which is a consideration within the planning balance, as well as there being demonstratable negative impacts to other heritage assets in the area, as demonstrated within the Design section above.
- 20.17 In conclusion, when the proposal (totalling 110 dwellings) is considered in the context of the Council’s recent housing delivery and substantial pipeline, the proposal would result in totalling only 5.6% of the annual need for housing in Wandsworth. Therefore, although the site if permitted, would make an overall contribution to the housing supply, given the wider impacts as a result of the significant height and massing of the development, the harm must be considered in relation to the relatively modest contribution the proposal would make to the overall housing supply, especially when considering in the current context, that the Council’s housing supply is not constrained. In this context, the overall contribution to the housing supply is unlikely to provide enough of a benefit to justify the wider impacts, which is assessed below.
- 20.18 National Planning Policy Framework (NPPF) (2024) and associated Planning Practice Guidance (PPG)
- 20.19 The following policy and guidance provides the context that is relevant in assessing the planning balance of the proposal.
- 20.20 Within chapter 16 (Conserving and enhancing the historic environment) of the NPPF, para 212 states ‘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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’
- 20.21 Para 215 states ‘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** (Officer emphasis) of the proposal including, where appropriate, securing its optimum viable use.’
- 20.22 In terms of public benefits, the ‘Historic environment’ category of the PPG advises (para 020) ‘Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a

nature or scale to be of benefit to the public at large and not just be a private benefit.'

20.23 Within chapter 2 (Achieving sustainable development) of the NPPF, para 8 states 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).' This paragraph then goes on to list the three overarching objectives, as stated above, which, in the interest of clarity, are as follows:

a) **an economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.

b) **a social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

c) **an environmental objective** - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

20.24 The concluding sentence within para 9 of the NPPF continues on the theme of sustainable development and states 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'

20.25 Within chapter 11 (Making effective use of land) of the NPPF, para 125(c) states...'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 (Officer emphasis) would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'

20.26 Within the PPG, the 'Effective use of land' category was recently updated (27 February 2025) to provide advice on how to apply para 125(c) of the NPPF when making decisions on planning applications. The advice states 'When

determining such proposals, decision makers will need to take account of this policy alongside other policies within the Framework taken as a whole. As an example, where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 215 (which requires the public benefits of the proposals to be weighed against the less than substantial harm) would still need to be applied. Where relevant, decision makers will need to provide a clear articulation of how paragraph 125(c) has been demonstrably considered and applied alongside other policies.’

- 20.27 Given the above planning policy context, in arriving at the recommendation Officers have carefully applied the requirements of the NPPF which seek to achieve sustainable development, and have balanced the benefits, along with disbenefits, of the proposal against these overarching objectives. To this end, the material weight that the individual components of the proposal are considered to achieve, are required to be balanced against the harm identified above. The two main areas where the proposal is considered to result in harm are the impacts to heritage assets (WLP Policy LP3), and the urban design impacts of the tall building (WLP Policy LP4). There is some harm caused in daylight and sunlight terms (LP2), yet this harm, as assessed above, is considered to be low level and within tolerable parameters. This assessment is provided below. However, it is first necessary for Officers to assess the proposal’s individual components in the context of how much weight Officers consider each can be afforded.
- 20.28 Public Benefits and Material Weight
- 20.29 The components of the proposal that Officers consider public benefits would flow (and weight given in the ascending range of neutral, moderate, great and significant) are as follows:
- 110 residential self-contained units - this would have provided an **economic** benefit through the numerous supply chains and trades that would have needed to be engaged in order to deliver the construction phase of the proposal. The Employment and Skills s.106 obligation would have secured employment opportunities for Wandsworth’s residents. The new homes would have provided a **social** objective as they would have met an identified housing need (see WLP Policy SDS1). Through the use of previously developed land, to which effective use would have been made, while being contained within an energy efficient building, an **environmental** benefit would have been provided. Material weight given – MODERATE.
  - 54 residential self-contained units as affordable housing (50%) all at social rent levels with M4(3)(2)(b) wheelchair accessible units - this would have provided a **social** benefit by producing a range of homes that would have met the needs of present and future generations. This quantum of

affordable housing also exceeds 2021 London Plan and 2023 Local Plan policy requirements. As these homes would be within the built envelope of the proposal, the same **economic** and **environmental** benefits, as identified above, apply. Material weight given - SIGNIFICANT

- Community facility at peppercorn rent in perpetuity with no service charge – this would have provided a **social** benefit as the future activities within this space would support strong, vibrant and healthy communities. The facility would have fostered the local community’s health, social and cultural well-being. The **economic** and **environmental** benefits are as above, albeit to a lesser degree as the floor area is not as great as the housing. Material weight given – GREAT
- Affordable office workspace at 80% of prevailing market rates for 30 years - this would have provided an **economic** benefit as the floor space would have been flexible and adaptable, ensuring its suitability for a wide range of future tenants, including start-ups and SMEs. This would have helped to build a strong, responsive and competitive economy. Officers’ note that the rental terms for this component are not as beneficial as the terms for the community facility. The **economic** and **environmental** benefits are as above, albeit to a lesser degree as the floor area is not as great as the housing. Material weight given – MODERATE
- Public realm, landscaping and remodelled Thames Path access - this would have provided a **social** benefit as these works, although not to the quantum that was ideally required by Officers, would have been well-designed, while providing a safer, more coherent space with enhanced accessibility to support the community’s health, social and cultural well-being. An **economic** benefit can be identified through the construction phase, albeit to a lesser degree as the main built envelope would be attributed to the majority of this benefit. Material weight given - MODERATE

#### 20.30 Impact to Heritage Assets

20.31 As discussed previously, para 215 of the NPPF requires the public benefits of the proposal to be weighed against the less than substantial harm identified within the Design section of the report above. This is within the context of para 212 of the NPPF where great weight should be given to the asset’s conservation. The degree of harm has been identified by Officers within ‘Table 1: Indirect Setting Impacts’ above (Table 1). Table 1 has identified heritage assets as either stand-alone entities, or within groups that have been formed logically on the basis of their localised harm.

20.32 Table 1 shows 16 groups, or single entities, which has assessed the extent of harm exerted upon them as being either no harm, low harm or middle harm. Harm greater than middle has not been identified by Officers. Three out of the 16 assessments have indicated no harm. Eight have been identified as experiencing low levels of harm. The remaining five assessments have identified assets as experiencing middle levels of harm. The locations experiencing middle levels of harm are as follows:

- Albert Bridge, listed Grade II\*
- Battersea Bridge, listed Grade II
- Battersea Park, Grade II\* Registered Park and Garden and the associated Battersea Park Conservation Area and the listed buildings within the area
- Westbridge Road Conservation Area (LBW) and the Grade II listed buildings within the area
- Thames Conservation Area (RBKC)

20.33 It is important to note that Officers must consider all levels of less than substantial harm identified in Table 1, and that the low levels of harm identified have been considered within this planning balance. It is for the purposes of clarity that the assets which have been identified to be at increased levels of harm have been listed above. This is because para 212 of the NPPF expects greater weight be given (therefore more public benefits should flow) to assets displaying greater degrees of importance (also para 020 PPG Historic environment as above).

20.34 In arriving at a balanced judgement for the purposes of para 215 of the NPPF, the significance of the five heritage assets has been assessed in full within the above Design section of this PAC report. It is clear from the significance assessment, and the degree of harm identified in Table 1, that a suitably high level of public benefits should flow from the proposal in order to balance this harm. To this end, the 54 affordable homes as proposed, all at social rent, has been given significant weight by Officers. This is a notable public benefit and in exceedance of London Plan and Local Plan requirements. This significant degree of public benefit performs highly in balancing the middle and low levels of harm identified. The provision of the community facility has been given great weight by Officers. The terms at which the community facility would be rented out would be valued greatly by its future occupier. This component makes a valued contribution to address the balance of the harm identified. Finally, the public realm and landscaping improvements, along with the affordable office workspace, provide moderate levels of public benefit as assessed by Officers. The number of homes proposed makes effective use of the land and contributes moderately to the overall housing targets of the borough (within the context of the Housing Requirement section above). It is recognised, however, that a contribution could be made to the Council's housing targets while not being contained within such a tall building, hence the weight being afforded as being moderate for this component. These components are, nonetheless,

important to the overall success of the proposal; had it been considered acceptable in all other respects.

- 20.35 It is Officers' opinion that the public benefits as identified, work together suitably to produce a cumulative impact that addresses the low and middle levels of harm identified within Table 1. The nature of the public benefits, which would have produced a mixed-use scheme that would have addressed the three strands of sustainable development as described by the NPPF (apart the urban design impacts below), are considered to sufficiently flow in scope and kind to balance the harm to the identified heritage assets, and in this respect, compliance with the NPPF and Policy LP3 (Historic Environment) of the WLP is considered to have been demonstrated.
- 20.36 Urban Design and Tall Building
- 20.37 It is first important to note that the balancing of harm against public benefits, as required by para 215 of the NPPF above, does not translate identically when assessing the planning balance against the adopted requirements of London Plan Policy D9 (LP D9) and WLP Policies PM9 and LP4 (WLP PM9 and LP4).
- 20.38 It is also necessary to provide additional legislative background and further NPPF context (including the above that has already been introduced), that is considered relevant to the planning balance in assessing the proposed tall building.
- 20.39 Para 135 of the NPPF sets out six criteria that planning decisions should achieve. While all six categories are relevant, of particular importance is 135c which states that development should ensure that they... '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)'.
- 20.40 Para 139 of the NPPF states that 'Development that is not well designed should be refused (Officer emphasis), 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.'
- 20.41 Irrespective of the assessment to heritage impacts, which stands alone in this regard, Officers have assessed the impacts of the proposal against the policy objectives of LP D9 and WLP PM9 and LP4 (Design section above) and have identified significant harm. The impact of such a tall 29 storey tower on the spatial character of the location, which is predominantly six storeys with the closest, somewhat anomalous, building being the 11 storey Albion Riverside has not, in Officers' opinion, been justified. Officers have conducted a detailed assessment against LP D9 and WLP LP4 within Table 2 above, and have identified policy conflict resulting in significant harm against a number of specified objectives.

20.42 In terms of Section 38(6) of the PCPA, Wandsworth’s Local Plan was adopted in July 2023. This plan is very young and can only be regarded as up-to-date. The material considerations that have been put forward for the proposal, demonstrate that a considerable number of policy areas would achieve compliance. These include, but not limited to, the following:

- Acceptable loss of existing office floorspace
- Acceptable replacement land uses
- Acceptable impact on heritage assets (once balancing harm against public benefits is performed)
- Acceptable amenity impact in terms of daylight/sunlight, outlook, privacy and wind conditions
- Acceptable flood risk impact for material reasons subject to conditions and s.106 mitigation
- Acceptable health impact strategy with mitigation for NHS through financial contribution
- Acceptable provision of housing units with an exceedance of affordable housing and provision of wheelchair accessible units
- Acceptable standard of housing accommodation
- Acceptable arts and culture strategy mitigated with financial contribution
- Acceptable response to the Climate Crisis through sustainable technologies and carbon saving (mitigated by carbon offset payment)
- Acceptable circular economy strategy
- Acceptable air quality impact with mitigation for monitoring through financial contribution
- Acceptable play space strategy with mitigation through financial contribution
- Acceptable biodiversity impact and urban greening impact

20.43 It is the case, however, that the proposal does not lie within a zone designated for tall building, with an allocation as mid-rise set at a maximum of six storeys. At a proposed height of 29 storeys, the assessment within the Design section and Table 2 above indicates to Officers that the scope for putting aside the objectives of LP D9 and WLP PM9 and LP4 is at a significantly high bar. The harm identified is at such odds with these policy objectives that are contained within a young Local Plan adopted in 2023. It is within this context that Officers cannot regard the material considerations listed above as so significant, that they enable Officers any other approach other than engaging the primary planning law position of Section 38(6) of the PCPA, in making this decision in accordance with the 2023 Local Plan.

20.44 In terms of NPPF para 125(c), Officers acknowledge that this planning balance has become closer in terms of identifying significant harm so as to resist any given planning application. The scope of para 125(c) has been discussed within

a recent appeal decision by the Planning Inspectorate for a 34 storey tower within the LB Newham (APP/M9584/W/24/3350592). In this case, the Inspector concluded that...“this [para 125(c)] does not mean development at any price or that any height of tower would be acceptable, nor does it annul the design emphasis in the NPPF”.

- 20.45 Officers concur with this Inspector’s approach given the degree of non-compliance with LP D9 and WLP PM9 and LP4. Officers are cognisant of the PPG requirement within the ‘Effective use of land’ category that was recently updated (27 February 2025) which advises that ‘decision makers will need to provide a clear articulation of how paragraph 125(c) has been demonstrably considered and applied alongside other policies’. Officers have provided a clear and justified assessment, based on the considerable degree of weight the WLP possesses, as to why there is no justification to engage the weight that para 125(c) places on the Council to approve this proposal that has been demonstrated to cause significant harm.
- 20.46 In addition to the above, it is clear to Officers that the proposal is in conflict with NPPF para 135(c) in that the proposal, due to its excessive and dominant height, is not sympathetic to the local character of this area, nor the surrounding built environment which is predominantly six storeys in height. The requirement of the NPPF para 139 in that development that is not well designed should be refused, especially where it fails to reflect local design policies, is to be engaged firmly by Officers in this instance. Nor has the proposal taken the necessary degree of account that should be given to local circumstances in reflecting the character of the area which is contrary to para 9 of the NPPF. It is acknowledged by Officers that the NPPF has become more tilted to achieve the Government’s objectives in delivering, amongst other things, the supply of housing. It is the case, however, as the Inspector for the appeal above astutely found, “this does not mean development at any price”.
- 20.47 It is for these reasons that the proposal is considered contrary to the development plan, when considered as a whole, and particularly policy D9 of the London Plan and policies PM9 and LP4 of the Council’s Local Plan. Significant harm has been identified that has not been sufficiently outweighed by material considerations.

## **RECOMMENDATION:**

### **Refuse Planning Permission Subject to GLA Stage 2 Referral**

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

buildings) of the London Plan 2021 and Policies PM9 (Riverside) and LP4 (Tall and Mid-rise Buildings) of the Wandsworth Local Plan 2023.

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

#### Housing

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

#### Sustainability

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

#### Highway and transport:

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

#### Others areas:

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

- Monitoring fee in accordance with calculation set out in the Planning Obligations SPD.