



**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**

**PROOF OF EVIDENCE ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

**JOANNA CHAMBERS BA BTP MRTPI**

**Appeal reference number: 6002127**

**LPA Reference: 2024/1322**

**CD9.03**

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## **1. Qualifications and Experience**

I am Joanna Louise Chambers. I am a chartered town planner. I hold a BA Honours degree in Geography from University College London and a Bachelor of Town Planning degree (BTP) from the University of Manchester. I have been a Chartered Member of the Royal Town Planning Institute since December 1983.

I have 45 years of experience across the public and private sectors in the UK and internationally with a particular focus on strategic planning, major development projects, masterplanning, development feasibility studies and regeneration strategies. I have a wide knowledge of planning practice and practical experience of dealing with major planning applications and urban design frameworks and design codes.

I started my career in the public sector, holding positions in the planning teams at Surrey County Council and the London Boroughs of Merton and Hammersmith and Fulham. I subsequently held senior positions with Atkins, Arup, Aecom and Broadway Malyan before establishing my own practice Changing Cities in 2012.

I currently act as a consultant and provide advice and support to the public and private sectors on strategic planning, major development projects and planning applications with a particular focus on partnership working and placemaking. This has involved PPAs, pre-application meetings, presenting at planning committee meetings, public consultation and the negotiation of S106 agreements. I have worked extensively for the London Borough of Wandsworth, advising on major planning applications in the Vauxhall Nine Elms and Battersea Opportunity Area including the New Covent Garden Market and Battersea Power Station developments and a major estate regeneration project. I acted as advisor to the London Assembly Planning Committee on its responses to the London Plan including attendance at the Examination in Public.

I am a Trustee of the Covent Garden Area Trust and a Past Vice President of the Architecture Association.

I have been instructed by the London Borough of Wandsworth to give planning evidence on its behalf at this Inquiry. I have reviewed the application documents and am familiar with the site and surrounding area.

## 2. Structure of this Proof

- 2.1. In Section 3 (Introduction) I briefly introduce the Site, the application and the reasons for refusal. These matters are more fully addressed in the main Statement of Common Ground.
- 2.2. In Section 4 I assess the Appeal proposal against the relevant policies of the Development Plan.
- 2.3. In Section 5, I consider other material considerations and assess the planning benefits of the Appeal proposal and the weight to be attached to these.
- 2.4. In Section 6, I give my professional view on main issue d) the planning balance.
- 2.5. This proof of evidence demonstrates that the proposed development is in conflict with the Development Plan when considered as a whole and that there are no material considerations that indicate a decision should be taken otherwise than in accordance with the Development Plan. It will address the key issues identified by the Inspector in terms of compliance with the Development Plan and in presenting the planning balance, weigh the identified harm of the scheme against the public benefits and other material considerations.
- 2.6. It will demonstrate that the LPA was justified in its decision to refuse planning permission and in reaching this decision, properly assessed the proposed development in accordance with the Development Plan and other material considerations.
- 2.7. Where references are made to the Core Documents in this proof the reference will be in bold text with the Core Document number then page numbers, for example (**CD4.1/14-15**).
- 2.8. Three appendices are attached to this proof of evidence. Appendix A contains a summary of the assessment of the proposed development against London Plan Policy D9. Appendix B contains an assessment of the proposed development against Wandsworth Local Plan Policy LP4. Appendix C contains a re-assessment of the 5 Year Housing Land Supply as at 19<sup>th</sup> February 2026

following pre-Inquiry discussions between the London Borough of Wandsworth and the Appellant.

### **Declaration**

The evidence which I have prepared and provide in this Proof of Evidence is true and has been prepared and is given in accordance with the guidance of my professional institution, the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions. In accordance with the guidance issued by PINS, I also confirm that artificial intelligence (AI) has not been used in the preparation of this Proof of Evidence.

### 3. Introduction

3.1. This appeal is in relation to the decision of the London Borough of Wandsworth (referred to in this proof as the ‘**Local Planning Authority**’ or “**LPA**”) to refuse planning permission for the following proposed development at 1 Battersea Bridge Road, London, SW11 3BZ (the “**Site**”):

*‘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’.*

3.2. The application was submitted to the LPA and validated on 21 May 2024 under reference 2024/1322. The scheme was amended during the determination period in October 2024 principally to reduce the height of the tallest part of the proposed development from 33 to 29 storeys.

3.3. 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 (**CD3.01-3.03**):

*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.*

- 3.4. 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 **(CD11.17)**. The Decision Notice was subsequently issued on 3 June 2024 **(CD3.04)**.
- 3.5. The description of the Site and surrounding area, planning history and detailed description of the proposed development are set out in sections 2-4 of the Statement of Common Ground. The policy context and other relevant guidance are set out in sections 7-8 the Statement of Common Ground **(CD7.01)**.

#### 4. Assessment of Compliance against the Development Plan

- 4.1. 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. 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. It is not in dispute that the purpose of the planning system is to contribute to the achievement of sustainable development including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. However, the NPPF (para 9) recognises that planning policies should play an active role in guiding development towards sustainable solutions ‘but in so doing should take local circumstances into account to reflect the character, needs and opportunities of each area’ **(CD4.02/5)**.
- 4.3. The Wandsworth Local Plan (WLP) was adopted in 2023 and is less than five years old **(CD5.02)**. This is not therefore a case where the presumption in favour of sustainable development under paragraph 11(d) of the NPPF and therefore ‘tilted balance’ applies by reason of the elapse of time since adoption of the current Local Plan. The Development Plan must be the starting point for decision making and as paragraph 12 of the NPPF goes on to state:
- ‘Local planning authorities may take decisions that depart from an up-to-date development plan, *but only if material considerations in a particular case indicate that the plan should not be followed*’ (my emphasis).
- 4.4. The WLP is underpinned by a growth strategy which addresses the long term needs of the borough whilst seeking to minimise cumulative harms to local spatial character. This has been examined and found to be sound. The LPA’s latest authority monitoring report (AMR) for 2024-2025 **(CD5.17)** demonstrates that there is sufficient capacity provided for through the WLP to meet the requirement for new homes. The LPA can demonstrate a housing land supply and delivery in excess of policy requirements and I will return to this matter in considering the planning balance in sections 5 and 6 of this Proof of Evidence.

- 4.5. The LPA is currently conducting a Partial Review of the WLP which includes a review and update of some specific planning policies to ensure the LPA is delivering more genuinely affordable housing, with an emphasis on new social rented housing. This supports the target for 50% of new homes built in the borough to be affordable. The WLP 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. The partial review does not propose any changes to Policies PM9 or LP4 **(CD5.03)**.
- 4.6. The London Plan (LP) was published in 2021 and is reviewed every 5 years **(CD5.01)**. The Mayor is now starting to prepare the next London Plan. The Draft London Plan consultation is expected to take place in Summer 2026, with the examination process (2026-2027) and adoption (2027).
- 4.7. The Government published its draft revised NPPF on 16 December 2025 alongside a consultation on the proposed draft which runs until 10 March 2025 **(CD4.02)**. Given that the draft NPPF is currently being consulted on and it is not known what future changes might occur prior to publication, the draft NPPF has limited weight as a material consideration.

**Main Issue a) The impact of the proposal on the character and appearance of the area**

- 4.8. I have read the Proof of Evidence of Mr Eley, the LPA's Senior Conservation and Urban Design Officer. Mr Eley has identified the harm to the character of the area and townscape in his evidence and I will focus on policy compliance. However, in summary I would wish to highlight that 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, Albion Riverside stands at 11 storeys. In setting the context for this assessment, it is also relevant to note that the Urban Design Study (December 2021) **(CD5.16/237)** which forms part of the evidence base to the WLP 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'.*

- 4.9 Mr Eley's evidence sets out in detail the far-reaching impacts on spatial character and appearance identified in the Officer Report to the Planning Applications Committee **(CD3.01)**. In summary, he concludes that due to its prominent height and scale, the proposed development would have a harmful impact on the townscape in long-range, mid-range and immediate views and would create a substantial visual interruption in an area of otherwise very consistent building heights. This visual dominance would cause substantial harm to the established spatial character of the river corridor and have an overwhelming, disproportionate and dominant impact on the local area on both sides of the river. The excessive height and scale, within an area with an established local spatial character that is predominantly low-rise, would deliver incongruous transformative change that, considered together, would cause substantial harm to spatial character. Mr Eley concludes that the proposed development would therefore fail to accord with Development Plan Policies D9 and LP4 and relevant design policies contained in the NPPF and I consider this in further detail below.

### **The London Plan**

- 4.10 The London Plan (LP) provides a policy framework for delivering Good Growth through good design **(CD5.01)**. It highlights that understanding the existing character and context of individual areas is essential in determining how different places may develop in the future **(CD5.01/105)**.

- 4.11 However, before moving on to considering LP Policy D9 which is referenced in the reason for refusal, I would like to provide some further relevant policy context which I believe is material to this Inquiry.
- 4.12 **LP Policy D1 Part A (CD5.01/104)** requires boroughs to undertake area assessments to define the characteristics, qualities and value of different places to understand different areas' capacity for growth including urban form and structure (for example townscape and building heights). The LPA has complied with the requirements of Policy D1 through preparation of the Urban Design Study which underpins the growth strategy in the WLP.
- 4.13 **LP Policy D3 (CD5.01/110)** requires a design-led approach to optimising site capacity based on an evaluation of the site's attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site. LP Policy D3 Part A makes it clear that 'Optimising site capacity means ensuring that development is the most appropriate form and landuse for the site'. It is also relevant to highlight here that LP Policy D3 Part A states that 'The design led approach requires *consideration of design options* to determine the most appropriate form of development that responds to a site's context and capacity for growth'. The Appellant has maintained in its Statement of Case that there has been comprehensive testing of options for the Site during the pre-application process. However, I am advised by officers that contrary to LP Policy D3 limited consideration was given to design options and other options than a tall building of 29, 33 (plus ground) or 38 storeys in height were considered. Therefore, no design solution other than a very tall building in excess of 29 storeys in height has been considered for this site.
- 4.14 **LP Policy D4 Delivering Good Design (CD5.01/117)** highlights the importance of design scrutiny and in particular the use of the design review process to assess and inform design options early in the planning process. The proposed development was presented to the Wandsworth Design Review Panel (WDRP) on two occasions and the advice of the WDRP is set out in the letters dated 11 January 2024 (**CD12.1**) and 4 March 2024 (**CD12.2**). Following the second review which considered the option of a tall building of 34 storeys, the WRDP advised:

*'We would expect a building of this scale to achieve a level of mitigation which is proportionate to its impact on the context and areas around. Unfortunately, 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....As before the panel remains unconvinced that marking the bridge is an argument for a tall building in this location’.*

- 4.15 In respect of height, the WDRP letter states ‘Whilst reducing the height of the tower is positive, the justification for the 33 storeys proposed, contrary to the zoning, is still not convincing’. In conclusion the WDRP advise:

*‘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’.*

- 4.16 The height of the building was reduced from 34 to 29 storeys following the last design review but the WDRP were not afforded any further opportunity to comment on the revised proposals.

- 4.17 LP Policy D8 states that development proposals should encourage opportunities to create new public realm and ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well connected, related to the local and historic context and easy to understand, service and maintain. The proposed development does not provide any new areas of public realm but includes proposals to improve the existing river walk and streetscape. The GLA Stage 2 Referral Report (**CD11/14**) states at para 39:

*‘Whilst supportive of improving the riverside public realm and landscaping of the site in general, GLA Officers raised concerns about the illustrative public proposals beyond the application boundary, and consequential insufficient public realm being delivered within the boundary to contribute to place making for the wider community commensurate with the scale of the development. This remains unchanged since Stage 1, however, GLA officers note that the Council was satisfied that this could have been secured through a Section 278 agreement and has not raised any specific concerns in this regard’.*

*Policy D9 Tall Buildings*

- 4.18 LP Policy D9 acknowledges that whilst high density does not need to imply high rise, tall buildings can form part of a plan led approach to facilitating regeneration opportunities and managing future growth. Para 3.9.1 of the London Plan **(CD5.01/141)** states:

*'Tall buildings that are of exemplary architectural quality, in the right place, can make a positive contribution to London's cityscape, and many tall buildings have become a valued part of London's identity. However, they can also have detrimental visual, functional and environmental impacts if in inappropriate locations and/or of poor quality design'.*

- 4.19 Policy D9 sets out the processes to enable boroughs to identify locations where tall buildings play a positive role in shaping the character of an area. It can be demonstrated that the LPA has complied with these processes in preparing the WLP and in its decision to refuse planning permission for the proposed development.
- 4.20 Policy D9 Tall Buildings is split into three parts, Part A definition, Part B location and Part C impacts **(CD5.01/138)**. Policy 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 and mid-rise buildings as 5-6 storeys. Policy D9 Part B requires that the locations for tall buildings be identified in Local Plans and states clearly that *'Tall buildings should only be developed in locations that are identified as suitable in Development Plans'*
- 4.21 The LPA has therefore met the requirements of Policy D9 Parts A and B in identifying the location of tall buildings in the WLP. The Site is not located within a defined Tall Building Zone and is, therefore, clearly contrary to Policy D9 Part B 3). This is confirmed in the GLA Stage 2 Referral Report **(CD11.09/15)** which states at paras 41- 42:

*'As set out at consultation stage, the proposed development would be considered a tall building in line with the definitions set out in the Wandsworth Local Plan and the London Plan. However, as it sits outside*

*of a tall building zone, it would not meet the locational requirements of London Plan Policy D9 (Part B)'.*

4.22 The proposed development was assessed against the criteria set out in Policy D9 Part C in paras 2.157-2.158 of the Officers' Report **(CD3.01)** and this assessment is further developed in Mr Eley's evidence. In summary, it has been found to be contrary to Part C 1) Visual Impacts in the following respects:

- i) Part C 1) i-iv) Views- These views were assessed in the Heritage, Townscape and Visual Impact Analysis undertaken by officers in the determination of the planning application and are further analysed and supplemented by a wider consideration of the visual impacts in terms of townscape character and designated heritage assets in the evidence presented by Mr Eley. 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.
- ii) Part C 1) b)- Spatial Hierarchy of local and wider context- in summary, the proposed development undermines the spatial hierarchy by impacting on the open views along the River Thames and not aligning with the prevailing 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.
- iii) Part C 1) c)- Architectural Quality-in summary, the slenderness of the building when viewed from the north emphasises its disproportionate height when compared to adjacent buildings and the bulk, scale and massing of the proposed development contrast markedly with the surrounding urban form. The height would need to be reduced considerably to prevent the harm as identified. However, alternatives involving less height and reduced scale have not been considered by the Appellant.

- iv) Part C d)- harm to significance of heritage assets- whilst acknowledging that the weight afforded to the public benefits has been assessed in the planning balance, 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. Alternatives involving less height and scale were not explored by the Appellant to reduce the harm caused to heritage assets.
- v) Part C f)- buildings should protect and enhance the River Thames- in summary, the proposed development 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. The analysis presented in the Wandsworth Urban Design Study (December 2021) (**CD5.16/237**) and further addressed in Mr Eley's evidence confirms that the height of the Montevetro Tower to the west of the Site should not create a precedent for further development of this scale along this stretch of the riverside.

4.23 Policy D9 Part C e) relating to impact on the setting of a World Heritage Site is not applicable in this case and the requirements of Policy D9 Part C g) relating to visual glare and Part C h) relating to light pollution are complied with. The functional impacts of the proposed development comply with the requirements of Policy D9 C 20 relating to functional impacts. It is agreed that Policy D9 Part D which requires free to enter publicly-accessible areas to be incorporated into tall buildings where appropriate does not apply in this case.

4.24 The GLA Stage 2 Referral Report (**CD11.09/15**) concluded inter alia at paragraphs 41-42 that the application would not meet the locational requirements of LP Policy D9 Part B and would represent a new urban typology in its immediate setting. The full assessment of the proposed development against LP Policy D9 is set out in Appendix A to this proof. The proposed development fails to meet the impact and design criteria set out in Policy D9 and the LPA was correct to refuse planning permission on the grounds of non-compliance with LP Policy D9.

*Response to the Appellants' Assessment of Policy Compliance*

4.25 The Appellant's Statement of Case (**CD8.01**) refers to the assessment of Policy Compliance in the Revised Planning Statement prepared by DP9 on behalf of the Appellant and submitted in support of the planning application in October 2024 (**CD1.16**). The Planning Statement (**CD1.16/5**) acknowledges at para 2.8 that the proposed development does not comply with Policy D9 Part B, yet the Applicant still maintains at para 6.7 of its Statement of Case that it accords with Policy D9 (**CD8.01/19**). In this respect, the Appellant, is expected to rely on the Master Brewer Case High Court Judgement (issued December 2021) (**CD13.07**) which established that technical non-compliance with Part B does not preclude a proposal being supported in the planning balance. The LPA has taken this into account in assessing the planning balance as I will demonstrate in sections 5 and 6 of my evidence.

#### **Wandsworth Local Plan (WLP)**

4.26 The WLP (**CD5.02**) sets out the borough's spatial strategy and identifies locations where development will take place and how places within the borough will evolve through the application of placemaking principles to guide change. It has been informed by three public consultations and was subject to an Examination in Public in November 2022. Ensuring that new development supports the creation of a coherent and high quality built environment is a key component of the WLP. With respect to tall buildings, para 2.76 (**CD5.02/27**) states:

*' More recently, the borough has seen the development of tall buildings in its key spatial areas including in the Vauxhall/Nine Elms/Battersea (VNEB) Opportunity Area, town centres and focal points of activity. These buildings have been subject to the application of rigorous design criteria and location specific guidance. It is important that this continues as part of a more transparent approach to ensure tall buildings are developed in the right locations, at an appropriate scale and massing, and that they provide investment that is vital to support existing businesses and encourage new ones. When designed, located and delivered correctly, tall buildings can play a vital role in meeting the borough's housing needs and can enhance the character of the borough'.*

4.27 Area Strategies have been prepared to provide a place based policy framework which supports the implementation of the borough wide policies and outline a series of growth, renewal and regeneration priorities tailored to each of the areas. The Site is located within the Battersea Riverside area (B2) of the

Wandsworth Riverside and subject to the Wandsworth Riverside Area Strategy set out in Policy PM9 (**CD5.02/239**).

- 4.28 **WLP Policy LP1 (CD5.02/286)** sets out the requirement for the design-led approach to new development in accordance with the LP. WLP Policy LP1 A2 requires development proposals to ensure that the scale, massing and appearance of the development provide a high-quality, sustainable design and layout that enhance and relate positively to the prevailing local character and the emerging character (where the context is changing). Whilst Policy LP1 is not specifically referenced in the Reasons for Refusal, I am of the view that given the scale and nature the principles of the design-led approach set out in Policy LP1 have not been adhered to. **WLP Policy LP3** sets out the strategic policy in respect of the historic environment (**CD5.02/290**) and states that development proposals will be supported where they sustain, preserve and wherever possible enhance the significance, appearance, function and setting of any heritage asset. WLP Policy LP3 E states that development proposals involving substantial harm to designated heritage assets will be refused unless it can be demonstrated that this is necessary to achieve substantial planning benefits that outweigh that harm or loss.
- 4.29 **WLP Policy LP4 (CD5.02/294)** complies with Policy D9 B 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 (December 2021) (**CD5.16**), 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.
- 4.30 The proposed development has been found by the LPA to be contrary to Policy PM9 and LP4. Both Policies refer to Appendix 2 to the WLP (**CD5.02/451-476**) which identifies Tall Building Zones and Mid-rise Zones within the Borough. 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 (**CD5.02/471**). The proposed 29 storey height of the development also significantly exceeds the maximum parameter height of 12 storeys within the adjacent tall building zone (CD5.02/456).

- 4.31 However, in assessing the proposed development against these policies and the evidence base which underpins the adopted WLP, it is important to understand the development of the WLP and the evolution of Policy WLP4 and role of the Wandsworth Urban Design Study (December 2021) **(CD5.16)** particularly given the disproportionate weight attached by the Appellant to the earlier Draft Urban Design Study (December 2020) **(CD5.17)**.

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

- 4.32 The Wandsworth Urban Design Study (December 2021) **(CD/5.16)** 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. 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. Of particular significance in this regard is para 112 of the Inspectors' Report **(CD6.1)** which states:

*'In assessing the areas where tall buildings would be appropriate, the WLP relies upon the Urban Design Study (2021) as a benchmark for, amongst other things, setting out where tall and mid-rise buildings will be appropriate. The Urban Design Study is a proportionate and robust response to identifying tall building zones and as an overarching policy document, it would be unreasonable to expect it to provide in-depth and specific details for each site across the Borough that is not within such zones'.*

- 4.33 The Appellant has referred to and appears from its Statement of Case to intend to rely heavily on a draft version of the Urban Design Study: Characterisation, development capacity and design guidelines which was prepared by Arup for the LPA in 2020 to inform the Regulation 18 version of the WLP **(CD5.15)**. The Draft Urban Design Study (December 2020) included the Site within a much broader zone to the east and west of Battersea Bridge Road defined as 'Opportunities for tall building clusters and/or landmarks' (Figure 245 Tall Buildings Opportunity Map) **(CD5.15/179)**. This map was replicated within the Regulation 18 version of the WLP **(CD6.03/221)** as Map 14.1 and within Appendix 2 (Tall Buildings Maps).

- 4.34 The Draft Urban Design Study (December 2020) **(CD5.15)** defined tall buildings as 'buildings which are either 8 storeys or taller; or are 50% higher than the prevailing height of the character area defined on the opportunity map whichever is less'.
- 4.35 For Battersea Riverside (Character Area B2) within which the Site is located, this was defined as an existing prevailing building height of 2-3 storeys and a tall building definition of 5 storeys **(CD5.15/185)**. This definition and associated prevailing heights were reflected within the Regulation 18 version of the WLP in Table 23.1 in Appendix 2 Tall Buildings **(CD6.03/399-400)**
- 4.36 The Draft Urban Design Study (December 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 local planning authorities to define what is considered tall building for specific localities. Following a Letter from the Secretary of State (10 December 2020) **(CD6.01)** and associated Directions set out in Annex B to that letter **(CD6.02)** in response to the Greater London Authority's intention to publish the final version of the London Plan, the GLA subsequently made amendments as directed by the SoS and published the final London Plan on 19 March 2021. The SoS Letter and associated Directions included amendments to LP Policy D9 (Tall Buildings). The letter states at para 3:

*'Second, I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don't reflect the local character. I believe boroughs should be empowered to choose where tall buildings are built within their communities. Your draft policy goes some way to dealing with this concern. In my view we should go further and I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital.'* (my emphasis)

- 4.37 The Direction from the Secretary of State, subsequently made in the London Plan in the form of amended WLP Policy D9.A, defines the minimum height for a tall building including for any local definition as not less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. The WLP Regulation 18 version had been drafted prior to this amendment, meaning that some of the identified local definitions of a tall building as set out in the Regulation 18 version were less than the minimum definition specified in the London Plan.
- 4.38 Subsequently, the WLP Regulation 18 response from the GLA (**CD6.04/55-56**) raised issues of non-conformity with the then approach of including buildings that are less than 6 storeys as tall buildings. The response also stated that the WLP should ensure that appropriate tall building heights are identified on maps within the document.
- 4.39 Historic England's WLP Regulation 18 response (**CD6.12**) also raised matters of soundness and that Policy LP4 was unjustified in its then current form, requesting that maximum height parameters need to be set out as well as raising concerns regarding the exact location of tall buildings and the evidence to support these alongside the need to refine the evidence of the Urban Design Study.
- 4.40 As part of the WLP Examination in Public, the LPA's response to these representations is contained in the Regulation 18 Statement of Consultation (January 2022) (**CD6.04**) and details of Duty to Co-operate discussions to inform the Regulation 19 version of the WLP are included in the Duty to Cooperate statement (January 2022) (**CD6.13**). This discussion reiterated the points regarding the changes needed to the UDS 2020 and the WLP Regulation 18 as stated above.
- 4.41 Taking the above into account in preparation of the Regulation 19 version of the WLP and the need to secure general conformity with the London Plan ahead of the WLP examination, the Urban Design Study (December 2020) (**CD5.15**) was subsequently revised post Regulation 18 consultation and the final version was formally issued in December 2021 (**CD5.16**) alongside the revised WLP Regulation 19 for consultation in January 2022 (**CD6.06**).

- 4.42 In summary, the Urban Design Study 2021 and subsequent Regulation 19 version of the WLP incorporated changes including: tall and mid-rise buildings definitions, establishing that tall buildings would only be an acceptable form of development in tall building zones and that mid-rise buildings would only be supported in tall and mid-rise building zones. The LPA's responses to the Regulation 19 stage including responses raised by the GLA and Historic England are contained in the Regulation 19 schedule of representations and were supportive of the changes made, raising no conformity issues with the London Plan and WLP LP4 **(CD6.06)**.
- 4.43 The WLP Regulation 19 version **(CD6.05)** was then subsequently submitted to the Planning Inspectorate in April 2022 alongside the Urban Design Study 2021. As part of the WLP EIP a Statement of Common Ground was entered into with the GLA (November 2022) which supported Policy LP4 in accordance with LP Policy D9 **(CD6.14)**. The Plan was found sound with main modifications consulted on in February 2023 **(CD6.10)**. WLP Policy LP4 was modified under MM146 **(CD6.10/47)** which amended the wording of LP4 parts C and G and as stated in the Inspectors Report, to allow a degree of flexibility to provide opportunities for tall buildings to be developed outside of tall and mid-rise zones but noting that such opportunities are likely to be extraordinary acknowledging the important conservation and design considerations of Wandsworth Borough.
- 4.44 The December 2021 version of the Urban Design Study **(CD5.16)** forms the evidence base for WLP and the Draft UDS dated December 2020 **(CD5.15)** is not considered material to this Inquiry.
- 4.45 It is acknowledged that representations were made in respect of Policies PM9 and LP4 by Lockguard Ltd the then freeholders of the Site at the Regulation 18 stage consultation on the Local Plan requesting that the Site is considered as a site allocation and seeking amendments to make clear that there are instances where taller elements of tall building proposals should be located adjacent to the river frontage where there is rationale as well as recognising instances where tall building may not need to be set back from the river frontage **(CD6.15)**. The Appellant made representations at the Regulation 19 stage **(CD6.16)** and at the Examination in Public **(CD6.07 and CD6.08)** which may be summarised as follows:
- The Site has been wrongly included within a "mid-rise" building zone.

- Including the Site within a mid-rise zone is a significant and unexpected departure from the Regulation. 18 draft local plan. There is no evidence to support the change in the Regulation 19 draft local plan.
- To restrict the development potential of the Site in this way makes future proposals unviable. It therefore stymie's the development of this important site located in a riverfront location on a bridgehead. Sterilising development of the Site in this manner would represent a lost opportunity for LBW to deliver a landmark building, acting as a gateway site for the Borough.
- It is our view that the Regulation 19 draft local plan is not 'sound' as it is neither effective nor justified.

4.46 Key matters of discussion at the Local Plan Inquiry focussed on the merits of WLP Policy LP4 and the justification for including the Site within a mid-rise zone. This is addressed in paras 113-118 of the Inspectors' Report **(CD6.11)**.

4.47 The Inspectors considered the representations made and ultimately the only concession was MM146 (LP4) **(CD6.10/47)** which introduced some flexibility into the policy seeking to *restrict* tall buildings outside tall building zones as opposed to *not permitting* and thereby allowing for consideration of a scheme against LP4 at the application stage. The Inspectors found the emerging plan to be sound and in particular, did not direct any further modification of the plan as urged by the landowner of the appeal site through its Reg 19 representations. The justification for the modification is set out in para 115 of the Inspectors' Report which states:

*'The modification will allow a degree of flexibility and thus, providing opportunities for tall buildings where one can demonstrate other material considerations in support of a tall building beyond an identified tall building zone. However, it must be borne in mind that such opportunities are likely to be extraordinary rather than ordinary, and we are not persuaded that the Borough should be made a free for all in relation to tall buildings across Wandsworth. Such an approach would not be in accordance with the London Plan or be appropriate given the proximity of Westminster World Heritage Site and other Designated Heritage Assets that are spread across the Borough, as well as*

*sensitivity in terms of amenity/living conditions and other important conservation and design considerations. The quality of many parts of the Borough would be vulnerable to buildings that are out of place with their surroundings as a result of their height'. The Inspectors' go on to say at para 117:*

*'Moreover, there is nothing persuasive before us to demonstrate that it is necessary to allow buildings to exceed the appropriate height range within the tall building zones as stated at Criterion D of Policy LP4'.*

- 4.48 It is therefore clear that the implications of Policy LP4 for a tall building on the Site were fully consulted on and considered prior to the adoption of the WLP and were found to be sound.

*Policy PM9 Wandsworth's Riverside (Strategic Policy)*

- 4.49 Policy PM9 is the strategic place making policy for Wandsworth's riverside. The proposed development is clearly contrary to Policy PM9 Part A.4 (**CD5.02/240**) which states that proposals for tall or mid-rise buildings will only be supported in zones identified in Appendix 2 of the WLP (**CD5.02/451**). The Site is not located within an identified Tall Building Zone.
- 4.50 The Site is located within the Ransomes Dock Focal Point of Activity and it is accepted that WLP Policy PM9 B.3 promotes residential-led development in the Focal Points of Activity, alongside a mixture of uses to increase activity and vibrancy along the riverside. However, I would argue that this is capable of being achieved through a more appropriate form of development which respects local character and is not in conflict with the Development Plan. It is also accepted that Policy PM9 B.1 states that development within Wandsworth Riverside will help meet the borough's housing target although the identified capacity of 904 homes by 2023/2033 is not reliant in any way of the development of this Site.
- 4.51 It is considered that the proposed development would have a negative impact on the character of the riverside contrary to the vision and objectives which underpin Policy PM9. It is contrary to PM 9 A.4 which states that development proposals for tall and mid-rise buildings in Wandsworth's Riverside will only be supported in identified tall and mid-rise building zones. Mr Eley examines these matters in further detail in his evidence.

*Policy LP4 (Tall and Mid-rise Buildings)*

- 4.52 In assessing the proposed development against Policy LP4, it is relevant to refer again to the Inspectors' Report into the WLP (**CD6.11**) which states at para 113:  
*'Policy LP4 is informed by the Council's Urban Design Study which seeks to identify areas that are appropriate for tall buildings, highlighting local context and the importance of heritage constraints such as Conservation Areas. The WLP clearly specifies what a tall and mid-rise building is, and Appendix 2 sets out the zones where they will be appropriate. The Council will seek to restrict tall and mid-rises buildings outside the identified zones. As such the strategy is therefore appropriate, justified by evidence and in general conformity with the approach advocated in the London Plan'.*
- 4.53 In accordance with London Plan Policy D9, WLP Policy LP4 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 (**CD5.02/294**) 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' (my emphasis).*
- 4.54 As previously stated, the Site is not located within a Tall Building Zone but in a Mid-rise buildings zone (MB-B2-02) where 6 storeys as a maximum is considered to be appropriate. The proposed development is therefore contrary to Policy LP4 part B. It is noted that the Site sits immediately adjacent to Tall Building Zone TB-B2-04 to the east where a height of 7-12 storeys is identified as being appropriate. The proposed development is therefore significantly in excess of the appropriate height for the adjacent Tall Building Zone as defined in the WLP.
- 4.55 The application has been assessed against the criteria set out in Parts B to H of Policy LP4 and is considered contrary to this policy in that harm can be identified. The full assessment of the proposed development against Policy LP4 A to H is set out in Appendix B.
- 4.56 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. Mr Eley will address in detail the visual impacts of the proposed

development, in summary, it is found to be in clear and substantial conflict with the following parts of Policy LP4 B:

- i) LP4 B.1- *Key views to and from landmarks and heritage assets*: The impacts on Nationally Designated Heritage Assets have been assessed and less than substantial harm has been identified at a low to middle level on multiple significantly important listed buildings of Grade I & II\* and Registered Historic Parks and Gardens of Grade I & II\*
- ii) LP4 B.2- *Visual interruptions*: 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 would appear in views above roof lines
- iii) LP4 B.3- *Views*: 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 including along the River Thames and from Royal Hospital (Grade I) and Battersea Park, a Registered Historic Park and Garden (grade II\*) . Mr Eley considers in detail the impact of the proposed development on views in his evidence.
- iv) LP4 B.4- *Design*: these matters were discussed at length at pre-application and through the Wandsworth Design Review Panel (**CD12.01 and CD12.02**). The Panel were unconvinced that the Bridge needed to be marked by a tower. In long range views the building pops up above buildings and tree canopies to the extent that it causes harm to the settings of a number of Nationally significant Designated Heritage assets. The DRP were unconvinced that the crown of the building was making a strong visual statement.
- vi) LP4 B.7- *Massing*: 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.
- vii) LP4 B.8- *Public Spaces*: The proposed development has been set back to create additional public realm to the riverside walk, but it is not generously sized particularly having regard to the scale and height of the building proposed. The walkways will be wider and safer than existing. I acknowledge that the quality of the public realm was not referenced in

the Reasons for Refusal and is not advanced as a basis for dismissal of the appeal in and of itself. The Officer Report at paras 2.146-2.147 **(CD3.01/59-60)** does highlight that the quantum is less than would ideally be required and was only deemed acceptable because of the improvements to the riverwalk an public realm outside the application site that would be secured through a s278 agreement. Paragraph 2.146 of the Officer Report states: 'What is proposed cannot be regarded as generously sized yet would make an appreciative degree of contribution to an improved river walk'. It is also relevant to note that GLA Officers raised concerns about the insufficient public realm being delivered within the boundary to contribute to place making for the wider community commensurate with the scale of the development (CD11.09 /14-15).

- viii) LP4 B.10 *Articulation*: 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.
- ix) LP4 B.11- *Set back from Thames Path*: The proposed building has been set back slightly to improve the relationship with the riverside walk and on balance, this provides a more generous public space than at present. However, I am of the view that there would have been benefits in setting the building further back to increase the area of public space on the riverside. The potential to utilise land to the rear of the site was raised by Officers but the Appellant was unable to reach a solution with the owners of that land.

4.57 The scale and massing of any tall building should be proportionate to the local environment and should be designed so as not to have a harmful impact having regard to its context. The proposed development would have an over dominant impact on the River Thames along with harmful effects on the townscape north and south of the river over a wide area upstream and downstream of the Site. The proposal cannot be considered proportionate to the local environment. 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. The proposed development is a dramatic departure from what has been planned for this area in the WLP and would result in significant harm to the character of the area. From the north, the tower would be prominent in views and when viewed from the sides, it would be over-dominant in the townscape and riverscape contrary to the design and impact criteria set out in WLP Policy LP4 B and LP Policy D9 Part C.

- 4.58 The proposed development is also in conflict with Policy LP4 H which states that proposals for mid-rise buildings should not exceed the appropriate height identified within the relevant mid-rise building zone. 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 and harm is identified.
- 4.59 WLP Policy LP4 C is clear in seeking to implement the Urban Design Study (December 2021) **(CD5.16)** by *restricting* tall buildings to the identified Tall Building Zones. The appeal proposal fails to do so and is therefore in conflict with that policy. In any event, the impacts of the proposed development have been assessed against the detailed criteria set out in WLP Policy LP4 (and LP Policy D9 (Part C) and this demonstrates that as well as being located outside a designated Tall Building Zone, there would be a substantial adverse effect. The LPA were therefore correct to refuse planning permission on the basis of the assessment of non-compliance with WLP Policy LP4 and the harm caused.

*Response to the Appellant's Assessment of Policy Compliance*

- 4.60 The Appellant's Statement of Case refers to the assessment of Policy Compliance in the Revised Planning Statement prepared by DP9 on behalf of the Appellant and submitted in support of the planning application in October 2024 **(CD1.16)**. It is argued in that document that the proposed development accords with the requirements of WLP Policy LP4 on the basis of 'the exceptionality of the site and the opportunity presented by the proposal in townscape terms' (CD1.16/12).
- 4.61 The Appellant maintains that the Site should be treated as an exception under Policy LP4 and that the policy allows opportunities for tall buildings to be permitted where one can demonstrate other material considerations in support of a tall building beyond an identified tall building zone. However, Policy LP4 C still clearly states that 'the Council will seek to restrict proposals for tall buildings outside the identified tall building zones'. I would also emphasise that a tall building is defined in the WLP as over 7 storeys and the appropriate height of the adjacent Tall Building Zone is defined as 7-12 storeys in the WLP. The proposed development is therefore 2.4 times taller than the maximum appropriate height identified in the adjacent Tall Building Zone. The argument that the Site is suitable for a landmark building does not mean that a landmark

building has to be 29 storeys in an area with a spatial character largely defined as 2-6 storeys. Furthermore, the Wandsworth Urban Design Study (December 2021) **(CD15.6/182)** states that development should step down to the approaches to the listed Battersea Bridge and Albert Bridge and this runs counter to the applicants' rationale for marking the bridge with a tall building. The building does not have to be as tall and disproportionate in height to surrounding buildings to be a landmark, a point which was highlighted by the GLA in its Stage 1 Referral Letter **(CD11.08)**. In referring to the Tall Building Zone TB-B2-03 to the west of the Site, the Urban Design Study (December 2021) **(CD5.16/237)** states '*Should this zone be redeveloped in the future, it is considered to have capacity for a positive landmark building upto 12 storeys provided it is located to allow appropriate stepping down towards Battersea Bridge and Battersea Bridge Road, Battersea Square Conservation Area and Westbridge Road Conservation Area immediately to the south. Development around a building of this height should generally be lower than 10 storeys and should be carefully planned to avoid a canyoning effect along the River Thames*'. The proposed development is so far in excess of the height parameters in the WLP and the level of harm so great that it cannot be considered acceptable and the LPA was correct to refuse planning consent. I will return to these matters in assessing the planning balance in Section 6 of my evidence.

- 4.62 The Appellant has also argued that the Site is in a highly sustainable location. This is not reflected in the Public Transport Accessibility rating of 3 which has been applied to the Site by Transport for London. PTALS are a detailed and accurate measure of the accessibility of a point to the public transport network where a PTAL of 1 indicates extremely poor access to the location by public transport and a PTAL of 6b indicates excellent access by public transport. In this regard, it is also significant to note that the Site was not allocated for development in the WLP despite representations made by the Appellants. The Site Allocations Methodology Paper (January 2022) **(CD5.18/18)** sets out how sites were allocated in the WLP Reg 19 Version. Section 4 provides details of sites proposed for allocation through the Regulation 18 Consultation including the Site. Paras 26-28 set out why the Site was not allocated in the WLP:

*'The site extends to approximately 0.23ha and has a PTAL of 3 which does not place it in a highly sustainable location. Due to the recency with which the existing building was developed it is considered to be unsustainable to allocate the site for redevelopment. As well, it is considered that the Local Plan policies*

*provide sufficient guidance if any proposals were to come forward. The Glassmill, 1 Battersea Bridge Road does not require a site allocation’.*

**Main Issue b) The effect of the proposal on the significance of heritage assets**

- 4.63 NPPF paragraph 212 (**CD4.01/60**) states that 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. Furthermore, NPPF paragraph 213 outlines that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
- 4.64 The proposed development impacts on multiple designated heritage assets including the highest national designations of grade I and II\*. These have been assessed against WLP Policy LP3 which states that 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 effect of the proposal on the significance of heritage assets will be addressed in full in Mr Eley’s evidence but in conclusion, 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 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 addressed by the LPA within the planning balance of the proposal.
- 4.65 The Appellant has stated in its Statement of Case at para 6.8 (**CD8.01/20**) that the proposed development will result in *heritage benefits* by enhancing the setting of several designated heritage assets. I will return to this in consideration of the Planning balance but as Mr Eley has demonstrated in his evidence, the LPA does not agree that the proposed development would result in heritage benefits for the purpose of the planning balance.

## **Conclusions**

- 4.66 Having undertaken an assessment of the proposed development against relevant policies in the Development Plan, I am of the view that it is in clear conflict with LP Policy D9 and WLP Policies PM9 and LP4. The criteria relating to design and impacts which are set out in both policies have been correctly applied in assessing the impacts of the proposed development. It is therefore necessary to consider whether there are other material considerations which indicate that the application should be determined other than in accordance with the Development Plan.
- 4.67 The proposed development will result in harm to heritage assets and this would need to be weighed against public benefits as per the requirements of NPPF paragraph 215.
- 4.68 It is necessary to address these matters in the planning balance and I do so in the following sections of my evidence.

## **5. Assessment of Other Material Considerations and Planning Benefits**

5.1. The application was determined by the LPA in accordance with the requirements of s38 (6) of the Planning and Compulsory Purchase Act 2004 and the NPPF. As set out in Section 2, the proposal is considered to be in clear and substantial breach of the Development Plan when taken as a whole and in accordance with s38(6), it is necessary to consider whether there are other material considerations that would indicate that a decision should be taken otherwise than in accordance with the Development Plan.

5.2. Elements that may fall to be considered in the planning balance may be summarised as:

- i) Housing requirements
- ii) Presumption to redevelop brownfield land
- iii) Contribution to London-wide housing targets
- iv) Design Quality
- v) Public benefits

5.3. I will address each of these in turn.

### **Housing Supply and Delivery**

5.4. There is a policy duty on a local authority to demonstrate a 5 year housing land supply. The Housing Supply and Delivery PPG (July 2024) (para 005) (CD4.15) states:

‘Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year housing land supply figure where:

- the plan was adopted in the last 5 years, or
- the strategic housing policies have been reviewed within the last 5 years and found not to need updating.
- In other circumstances the 5 year housing land supply will be measured against the area’s local housing need calculated using the standard method’.

5.5. The WLP was adopted in 2023 and the current housing requirement was found sound as part of the Local Plan examination. It therefore follows that the housing

requirement figures identified in the adopted WLP should be used for calculating the 5 year housing land supply figure and this will remain the case until the new London Plan is examined and found sound. Following adoption of the new London Plan, the most recently adopted policies (ie; the new London Plan) will then need to be used for the purposes of calculating the 5 year housing land supply, in accordance with Section 38 (5) of the Planning and Compulsory Purchase Act 2004.

- 5.6. This approach is consistent with the Housing Delivery Test (HDT) measurement 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 continue to be used as part of the HDT measurement until the adopted Local Plan is more than 5 years old.
- 5.7. Based on the definition within the HDT rule book, the London Plan would be considered a Spatial Development Strategy (SDS). It follows therefore that 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, this is unlikely to be the case.
- 5.8. As part of pre-inquiry discussions, the appellant requested further detail regarding the 5 year housing land supply and questioned the relevance of the most recent Housing Delivery Test (HDT) result given it was published in December 2024. The conclusion of these discussions are set out further in para 5.12 below and in Appendix C.
- 5.9. The Appellant has confirmed that it is no longer intending to advance as part of its case that the LPA cannot demonstrate a 5YHLS or that the evidence currently shows that the LPA has failed to meet the HDT test. The Appellant has reserved its position should further HDT results be published before the close of the Inquiry and this is understood by the LPA. It therefore follows, and is common ground, that the tilted balance under NPPF para 11 (d) is not engaged.

### *5 Year Housing Land Supply*

5.10. The purpose of the 5 year housing land supply is to ensure ‘there is a realistic prospect of achieving the planned level of housing supply’ and to provide an indication of whether there are sufficient sites which meet the definition of ‘deliverable’ within the NPPF Annex 2 to meet the housing requirement set out in adopted strategic policies for the next 5 years. According to the LPA’s latest Authority Monitoring Report (AMR) 2024/25 **(CD5.17)**, the number of deliverable sites in the London Borough of Wandsworth is sufficient to provide over 5 years’ worth of housing against a borough’s housing requirement set out in the London Plan (2021), inclusive of a 5% buffer.

5.11. The London Plan (2021) sets a 10-year housing target of 19,500 for Wandsworth. Based on the number of conventional and non-conventional homes that have been completed (on a net basis) between 1 April 2021 to 31 March 2025, Wandsworth has a remaining London Plan requirement of 10,642 homes that need to be delivered between 2025/26 and 2030/31, averaging at 1,774 per year. This means in the next 5 years, the London Borough of Wandsworth is required to deliver 8,868 homes (calculated as 5 x 1,774). To ensure that there is a realistic prospect of achieving the planned level of housing supply, an appropriate buffer of 5% has been added to the figure (as per the PPG), increasing the five year housing requirement to 9,312 (calculated as 8,868 x 1.05) Based on the number of deliverable sites of both conventional and non-conventional supply reported in the AMR 2024/25 **(CD5.17)** as of 31 March 2025, Wandsworth had an estimated housing supply of 10,806 over the next five years. Based on the figures in the recently published AMR 2024/25, excluding the 5% buffer, means Wandsworth’s five-year land supply amounts to 122% of the borough’s housing requirement (calculated as 10,806 / 8,868 x 100) or **6.1** years of supply (calculated as 10,806 / 1,774). Including the 5% buffer, Wandsworth’s five-year land supply amounts to 116% of the borough’s housing requirement (calculated as 10,806 / 9,312 x 100) or **5.8** years of supply (calculated as 10,806 / (1,774\*1.05)).

5.12. However, during the course of the pre-inquiry discussions, the Appellant sought further information regarding the current status of a number of sites within the published AMR 2024/25 **(CD5.17)**. As stated in the PPG (Paragraph: 004 Reference ID:68-004-20241212) **(CD4.15)** when dealing with planning applications and appeals the latest available evidence should be considered. The Council have reviewed any recent available information regarding the sites questioned by the Appellant and have any relevant up-to-date information on sites included within the AMR 2024/25 to confirm the current status of the 5 year housing land supply. As a result of these discussions, the appellant and Council

have confirmed a 5.5 year housing land supply (with a 5% buffer). Further detail is provided regarding the changes to the 5 year housing land supply within Appendix 3. The DP9 response on behalf of the Appellant (19 February 2026) (CD8.06) confirms this position.

*Housing Delivery*

5.13. The AMR (**CD5.17**) includes figures on housing delivery against the London Plan target. This is summarised in Table 1 below. The net additional dwellings for 2024/25 was 1,805 compared to the London Plan annual target of 1,950 dwellings. It should be noted however that delivery has been in excess of the London Plan annual housing requirement for each of the previous 3 years and taken together, 45% of the 10 year target has been met in the first 4 years of the plan period. The number of dwellings delivered in 2024/25 also exceeds the average number of dwellings which would need to be delivered over the remaining years (calculated as 1,774 dwellings- see para 5.11) to meet the London Plan target.

5.14. The AMR also demonstrates that the housing pipeline is strong with a significant number of permissions totalling 2,395 dwellings granted in 2024/25.

**Table 1: Performance against 2021 London Plan Target**

Net Additional Dwellings	2021 London Plan Target	Annual Target	Year				Total	% 10 Year Target
			2021/22	2022/23	2023/24	2024/25		
Conventional Supply and Non-Self-Contained Supply	19,500	1,950	1,974	2,264	2,815	1,805	8,851	45%

Source: Wandsworth AMR 2024-25

### *Housing Delivery Test*

- 5.15. The Housing Delivery Test (HDT) results are produced annually by Government and publication of the latest data has not yet taken place. The most recent figures which relate to the 2023 HDT were published in December 2024 and show a HDT result of 112% for Wandsworth. The LPA's overall completions in 2023/24, at 2,870 dwellings, were the second highest of any London Borough. The next set of figures will be published by the Government later this year with two years of results for 2024 and 2025 to be published simultaneously.
- 5.16. The LPA has submitted its HDT data to government based on the figures in the AMRs for these periods and is confident that the delivery rates will pass the HDT and no action will be required to increase housing delivery in the Borough. The submitted figures indicate a Housing Delivery Test measurement of 123% for 2024 and 124% for 2025. These figures differ from the figures set out in the AMR by reason of different assumptions that apply when delivering HDT results to Government.
- 5.17. It remains uncertain when the latest HDT figures will be published. Clearly, if published during the currency of the Inquiry, the new HDT figures will be material but until such data is available, the figures set out in the latest AMR are material to the determination of this appeal.

### *Current Position*

- 5.18. Based on the most up to date information available, the LPA's level of housing delivery and housing pipeline is well above requirements and this is an important consideration within the planning balance. The 5 year housing land supply demonstrates that the LPA has sufficient sites available to meet its housing requirement set out in adopted strategic policies for the next 5 years as required by the NPPF.

### **Presumption to redevelop brownfield land**

- 5.19. I acknowledge that the provision of additional housing on a brownfield site is supported, at least in principle, by the NPPF which states (**CD4.01/36**):

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' (my emphasis)*

5.20. I would agree that the first part of para 125 (c) applies in this case. The Site constitutes brownfield land and it follows that proposals should be approved unless substantial harm would be caused. I do not, however, agree that the second part of para 125 (c) would add further weight to the presumption in favour of development as the Site is not derelict and does not require remediation. That having been said, it has been demonstrated that substantial harm would be caused to townscape character by reason of height and scale and this must be taken into account in considering the merits of the proposed development.

5.21. Whilst it is acknowledged that the NPPF has become more tilted to achieve the Government's objectives in delivering, amongst other things, the supply of housing, this does not mean that development should be approved in cases where substantial harm would be caused. A number of recent appeals determined by the Planning Inspectorate where paragraph 125(c) is considered apply the tilted balance, whereby housing land supply is a consideration alongside the benefits of any additional housing proposed. This includes taking into account the LPA's existing supply and recent delivery within the planning balance alongside the merits of redeveloping an existing brownfield site. One example is appeal decision Ref: APP/L1765/W/24/3344776 (**CD13.02**) whereby the appeal was dismissed on several grounds, with the Planning Inspector stating (at para 9):

*"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 2003 Housing Delivery Test Results 1 confirm that the Council has exceeded its housing requirement over the past 3 years".*

5.22. In accordance with Planning Practice Guidance, the LPA has considered the wider context of the proposal in relation to the LPA's recent housing delivery and housing pipeline. As stated above, the LPA's level of housing delivery and housing pipeline is well above requirements. The latest HDT result published in

December 2024 was 112% showing a higher level of delivery than the previous year's result of 102%. The LPA can demonstrate therefore that housing supply is not constrained within the borough, and this is a material consideration within the planning balance. Furthermore, when the proposal (totalling 110 dwellings) is considered in the context of the LPA's recent housing delivery and substantial pipeline, the proposal would represent only 5.6% of the annual requirement for housing in Wandsworth of 1,950 dwellings per annum. Therefore, although if permitted the Site would make an overall contribution to housing supply, 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 where the LPA's housing supply is not constrained. In this context, the overall contribution to housing supply would not provide enough of a benefit to justify the wider impacts. However, even if housing supply and delivery were to be constrained (which is not the case here), substantial harm would still in my view be caused due to the adverse effects that I have addressed in detail elsewhere in this proof.

### **Contribution to meeting London Wide Housing Targets**

5.23. It is acknowledged that whilst the borough is performing well against the London Plan housing target, there is a significant London wide shortfall against the minimum housing target set by the London Plan. The GLA Stage 2 Referral Report (para 22) **(CD11.09)** states *'it is considered that the proposed development has the potential to making a positive contribution towards achieving local and strategic housing and affordable housing targets set out in the London Plan'* and acknowledged that *'the LPAs' resolution to refuse would therefore mean that new residential units, both private and affordable, which could contribute to meeting London's housing need, would not be consented at this time.'*

5.24. I am of the view that it is not the role of individual boroughs to pre-empt the London Plan in determining the strategic location of growth- that is a matter for the new London Plan. The LPA is not only meeting but is exceeding the strategic target set in the London Plan and limited weight should be placed on the contribution the Site could make towards meeting London-wide housing targets. However, in considering the weight to be attached to this, it is also important to acknowledge that the Deputy Mayor had the opportunity at the Stage 2 Referral to take over the application for his determination if he had considered there were sound reasons for doing so. The letter dated 21 May 2025 **(CD11.17)** confirms

that having considered the details of the proposed development including the potential contribution towards housing targets in the London Plan, the Deputy Mayor chose **not** to do so and was content to allow the LPA to determine the case itself in the knowledge that it had resolved to refuse planning permission.

### **Design Quality**

- 5.25. The NPPF at paragraph 139 b) **(CD4.01/41)** states that significant weight should be given to ‘outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’.
- 5.26. The Appellant argues in its Statement of Case **(CD8.01/20)** that the proposed development is of ‘exceptional architectural quality’ and that substantial weight should be attached to this (CD. I have assessed the weight to be attached to this taking into account Mr Eley’s evidence and relevant Development Plan policies.
- 5.27. Architectural quality is not just about the physical design of a building- it is also about how it responds to local character and context and integrates with its surroundings. This is central to the design-led approach embedded in the LP and WLP. Whilst there have been some improvements to the materiality and form of the building, there has been no mitigation to address the adverse effects of scale and height. There has only been a modest reduction of 5 storeys in height and I am of the view that a much more significant reduction in height would be required in this location to reduce the visual dominance of the development in its immediate and local context and to avoid causing harm to designated heritage assets. Furthermore, there is nothing apparently innovative or of an unusual high-level of sustainability. When considered as a whole, including by reference to height and scale, the design is unacceptable- above all it fails to meet the most critical caveat of para 139 b) of the NPPF in that it does not fit in with the overall form of its surroundings. Put simply, it is the wrong building in the wrong location.
- 5.28. I do not therefore agree that the proposed development is of exceptional design quality and do not place any weight on this.

## **Public Benefits**

- 5.29. The Appellant has argued that substantial heritage, economic, social and environmental benefits will be provided by the proposed development in a highly sustainable location. The Statement of Case submitted on behalf of the Appellant **(CD8.01/19)** identifies the Public Benefits in para 6.8 but does not apply any weighting. Paragraph 6.8 simply states without providing any details of the case to be presented that ‘there are substantial heritage, economic, social and environmental benefits which the proposed development would provide in what is a highly sustainable location’.
- 5.30. I have summarised in Table 2 the public benefits identified by the Appellant in its Statement of Case and the weight I have attached to these in the ascending range of no weight, limited weight, moderate weight, significant weight and substantial weight. This scale has been agreed between the parties in the Statement of Common Ground **(CD7.01)** to assist with consistency of approach. However, it should be noted that a different scale was used at para 20.29 of the Officer Report **(CD3.01/126-127)** for the purpose of assessing the weight to be given to identified planning benefits comprising the ascending range of neutral, moderate, great and significant.
- 5.31. The list of benefits set out in the Appellant’s Statement of Case goes beyond the components of the proposed development from which Officers considered public benefit would flow in the Officer Report but does not change the overall conclusion of the planning balance. I remain of the view that the planning benefits have been overstated for the reasons set out below.
- 5.32. I would also wish, however, to raise some specific points in relation to the weight to be attached to the provision of affordable housing. Whilst in principle this s may be afforded substantial weight not least given that the level of provision proposed and the offer of 100% social rent so significantly exceeds policy requirements, this is on the assumption that it can and will in fact be delivered at the level and tenure proposed.
- 5.33. Based on my experience of development schemes in London, developers on similar sites are struggling widely to achieve even policy compliance in terms of the quantum and tenure of affordable housing. Furthermore, the proposal is well in excess of the 35% Affordable Housing threshold to apply the Fast Track Route (as per London Plan policy H5), and the LPA’s current adopted tenure split under

WLP Policy LP23 C which requires an affordable housing tenure split of at least 50% low-cost rent products, with a balance other intermediate products. . The pressures on delivery are evidenced by the measures being taken by Government and the Mayor to promote the delivery of market and affordable housing in London (see Support for Housebuilding, Background Information for London Plan Guidance (LPG) (Consultation Draft, November 2025) (CD5.31). As noted in that document (para 4.2.2), *‘there have been significant changes to market conditions, and some recent applications have been granted with very low levels of affordable housing, including at appeal, which may not effectively meet housing need. Delivery of these schemes may also be delayed and subject to slow build out rates, due to the high proportion of market housing’*. In response, the GLA propose to introduce the time-limited planning route which will allow residential schemes on private land that can provide at least 20% affordable housing (by habitable room) to proceed without an upfront viability assessment and to access grant funding for affordable homes

5.34. As such, whilst I have afforded the provision of affordable housing significant weight given the Appellant’s commitment to deliver this level and tenure of affordable housing in the s106, I would need to be assured of practical deliverability before attaching the highest category of substantial weight to the proposed affordable housing delivery.

**Table 2: Public Benefits and Weight attached to thee by the LPA**

**(Scale applied: No Weight, Limited Weight, Moderate Weight, Significant Weight, Substantial Weight)**

Public Benefit (as identified in Appellant’s Statement of Case <b>(CD8.01/20)</b> )	Material Weight attached to public benefit by LPA	LPA Comments
<p>Optimising development potential of an underutilised building and brownfield site in key gateway location through delivery of a sustainable, high quality development of <i>exceptional architectural quality</i></p>	<p>LIMITED (applies to development of brownfield site only)</p>	<p>Whilst great weight is afforded to the development of a brownfield site in accordance with NPPF para 125(c), it is not agreed that the proposal has sought to optimise (as opposed to maximise) the development potential of the Site or would deliver a sustainable, high quality development of exceptional architectural quality due to the substantial harm caused as a result of its height and scale. I do not agree that it has been demonstrated that the proposed development is of exceptional design quality or that the provisions of NPPF para 139 b) would apply. The proposal does not fit in with the overall form and layout of its surroundings and Mr Eley addresses the issue of design quality in further detail in his evidence.</p>

<p>Significant contribution to borough's housing target through provision of 110 much needed homes in range of unit sizes</p>	<p>MODERATE</p>	<p>The moderate weight attached to the contribution to housing supply in the Borough reflects the existing 5 Year Housing Land Supply and housing pipeline in the Borough and the modest contribution the proposal would make to housing supply. I would argue, however, that a contribution could be made to the LPA's housing targets in a different and more appropriate form of development, 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.</p>
<p>Delivery of significant quantum of affordable homes – 54No (50% habitable rooms) all social rent</p>	<p>SIGNIFICANT</p>	<p>Significant weight is attached to the quantum of affordable homes and the proposed provision of 100% at social rent which greatly exceeds policy requirements. It is assumed the Appellant can demonstrate that this quantum and tenure of affordable housing is deliverable as no viability evidence was required in support of the planning application as the level of affordable housing proposed was over the required threshold. This is reflected in the weighting applied.</p>

<p>Delivery of a well designed and sustainable building that will enhance local townscape and character and quality of immediate townscape and setting of several designated heritage assets in combination with public realm improvements</p>	<p>NONE</p>	<p>It is not accepted that the proposed development would enhance local townscape and character and the setting of designated heritage assets. The proposal will result in significant harm to the local character and townscape and identified heritage harms. It is not agreed that the proposed development would result in heritage benefits as advanced by the Appellant and this is afforded no weight. These matters are examined in further detail in Mr Eley's evidence.</p>
<p>Provision of high quality flexible affordable workspace at 80% market rent for 30 years-suitable for start ups and SMEs contribution positively to the surrounding creative quarter</p>	<p>MODERATE</p>	<p>The proposal would provide an economic benefit as the employment floorspace would be flexible and adaptable ensuring its suitability for a wide range of future tenants including start-ups and SMEs. However, the rental terms are not as beneficial as the terms for the community facility and this is reflected in the weight applied.</p>

<p>Provision in perpetuity of community space- to be provided to a charity or community group on peppercorn lease</p>	<p>SIGNIFICANT</p>	<p>The proposal would provide a social benefit through the provision of a community space of 274 sqm (Class F2 (b)) over three floors. The space will be made available to future occupiers at a peppercorn rent level in perpetuity with no additional building service fees. It understood that three expressions of interest have been received from charities serving Wandsworth and that the Appellant is continuing to engage with local charities with the aim of identifying and accommodating a suitable tenant to occupy the space.</p>
<p>Provision of ground floor restaurant</p>	<p>LIMITED</p>	<p>The ground floor restaurant will be operated on commercial terms and whilst it would provide activity on the river frontage, limited weight is attached to this as it is a normal component of any mixed use development scheme, particularly in locations like this with a high footfall. The Area Strategy for Wandsworth's Riverside promotes a mix of small-scale commercial uses in Focal Points of Activity including Ransomes Dock to bring vibrancy to these areas and meet the needs of local residents. Policy LP59 Part G states that within Focal Points of Activity, uses including restaurants will be supported in order to create vibrant and active places. The provision of a restaurant would increase activity in this location</p>

		and is in compliance with the objectives of Policies PM9 and LP59.
Significant upgrades to Thames path delivering multi-functional public realm and enhanced pedestrian and cycle routes	MODERATE	Upgrades to the Thames Path are proposed and would have social benefits through the provision of a safer, more coherent space with enhanced accessibility to support the community's health, social and cultural well being. However, any development on this Site would be required to deliver improvements to the Thames Path. Policy PM9 states that development proposals should contribute to creating a continuous, connected and legible Thames Path and to increase public access to the waterfront. Only limited riverside improvements are proposed within the Site boundary and most of the works are on land which comprises public highway and Thames Path. A significant amount of the available space is taken up by movement between levels with limited space for gathering or relaxation by the river. Whilst access to the river would be improved, the overall quantum of public realm is considered insufficient to meet place making objectives hence the moderate weight applied

<p>Improved streetscape and pedestrian experience along Battersea Bridge Road</p>	<p>MODERATE</p>	<p>The proposal includes public realm improvements on the footway on the eastern side of Battersea bridge Road including planters and resurfacing of the footway. A financial contribution will be made to help finance a new signalised pedestrian and cycle crossing point west of the Site. TfL would require a financial contribution to undertake similar improvement works from any development on this Site. The height and scale of development would however harm the character of the streetscape of Battersea Bridge Road and the experience of it.</p>
<p>Provision of space for public art work within public realm to be co-designed in collaboration with RCA students</p>	<p>LIMITED</p>	<p>In accordance with the adopted Planning Obligations SPD, where developments exceed 10,000 sqm applicants are required to produce and realise an Arts and Culture Action Plan or make a contribution to promote arts and cultural opportunities in the area. The development triggers this obligation and this is reflected in the s106 Heads of Terms. WLP Policy PM9 states that opportunities will be sought to enrich the experience of the river through public art. There are no details of what form this would take and how the public art work would be funded beyond the provision of space for its display.</p>

<p>Delivery of an <i>exemplar in sustainability</i> incorporating a range of net zero measures in construction and operation</p>	<p>NONE</p>	<p>The proposed development meets but does not exceed policy requirements. The proposal would achieve a combined 63% reduction in emissions but would need to offset the remaining 37% in order to achieve zero carbon. The Circular Economy principles meet the requirements of London Plan policy S17. WLP Policy LP10 requires new non-residential buildings over 100 sqm to meet the BREEAM 'Outstanding' standard unless it can be shown to be not technically feasible. A BREEAM Excellent rating is achieved by the development and this policy requirement is not met.</p>
<p>Promotion of sustainable travel options through provision of extensive cycle facilities</p>	<p>LIMITED</p>	<p>The provision of cycle facilities is in accordance with the standard set out in the London Plan.</p>
<p>Delivery of substantial economic benefits during construction and operation including job creation, local expenditure, tax revenues and business rates</p>	<p>MODERATE</p>	<p>An economic benefit can be demonstrated through the construction and operation phases. Employment and Enterprise contribution and Local Employment and Enterprise Agreement are in accordance with Planning Obligations SPD</p>
<p>Significant CIL and s106 contributions</p>	<p>NONE</p>	<p>The LPA's CIL charging schedule provides the main means of addressing the infrastructure requirements arising out of developments and will be spent on local strategic infrastructure in accordance with the LPA's Infrastructure Delivery Plan. It applies to all developments and is not specific to the proposed</p>

		<p>development. Section 106 planning obligations are necessary to make a development acceptable in planning terms. In accordance with WLP Policy L62, Development will be expected to contribute to any additional infrastructure and community needs generated by the development. The proposed planning contributions are in accordance with the Planning Obligations SPD (CD5.06).</p>
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## 6. Assessment of the Planning Balance

- 6.1. The LPA and the Appellant are in agreement that the proposed development would give rise to heritage harm and great weight and importance must be given to this in accordance with the NPPF. The parties are in agreement that the level of harm would be 'less than substantial' in that it would not destroy the ability to appreciate the asset's significance. This dictates the level of justification required. In terms of public benefits, the 'Historic Environment' category of the PPG (para 020) advises 'Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF' (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'.
- 6.2. Significantly, the concluding sentence within paragraph 9 of the NPPF **(CD4.01)** 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*' (my emphasis).
- 6.3. 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.
- 6.4. Within the PPG, the 'Effective use of land' category was recently updated (27 February 2025) **(CD4.08)** 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.’

- 6.5. However, it is also important to acknowledge that with the exception of heritage harm, there is no statutory requirement to balance the harm caused by the proposed development against the public benefits. The decision on the planning application must be taken in accordance with the Development Plan unless there are material considerations which indicate otherwise. As far as the significant visual and townscape harm which has been identified by the LPA, this must be considered in the planning balance taking into account NPPF para 125 (c) and para 139 which states: ‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design’.
- 6.6. In reaching its decision, the LPA carefully applied the requirements of the NPPF which seek to achieve sustainable development and have assessed the benefits along with the disbenefits of the proposal against these overarching social, economic and environmental objectives. To this end, the material weight that the individual components of the proposal are considered to achieve have been assessed in the planning balance.
- 6.7. The two main areas where the proposal is considered to result in harm relate to the impact on heritage assets (WLP Policy LP3) and the urban design and townscape impacts of the tall building (WLP Policy LP4).
- 6.8. The material weight that the individual components of the proposed development are considered to achieve and the justification for this is set out in Table 2.
- 6.9. The material weight attached to the planning benefits has been taken into account in the assessing the heritage and townscape impacts and the overall planning balance set out below.

### **Heritage Balance**

- 6.10. 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. Mr Eley has addressed the harm caused to heritage assets in his evidence.

6.11. Sixteen 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 sixteen assessments have indicated no harm. Eight have been identified as experiencing low levels of harm. The locations experiencing middle levels of less than substantial 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)

6.12. All levels of less than substantial harm identified in Table 2, must be considered within the planning balance but 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).

6.13. In arriving at a balanced judgement for the purposes of para 215 of the NPPF, the significance of the five heritage assets experiencing middle levels of less than significant harm has been assessed in full. It is clear from the significance assessment, and the degree of harm identified that a suitably high level of public benefits should flow from the proposal in order to balance this harm. The public benefits and the weight attached to them for the purpose of this assessment is summarised below:

- i) The 54 affordable homes as proposed, all at social rent, has been given *significant* weight as this would be a notable public benefit and in exceedance of London Plan and Local Plan requirements. This significant public benefit performs highly in balancing the middle and low levels of harm identified.
- ii) The provision of the community facility has been given *significant* weight. The terms at which the community facility would be rented out would benefit future occupiers and also contribute to addressing the balance of the harm identified.

- iii) The public realm and landscaping improvements, along with the affordable office workspace, would provide *moderate* levels of public benefits.
- iv) The number of homes proposed makes effective use of brownfield land and contributes moderately to the overall housing targets of the borough (within the context of current housing supply and delivery).

6.14. It is the LPA's view that the public benefits as identified and the weight attached to them, work together to produce a cumulative impact that addresses the low and middle levels of harm to heritage assets. Notwithstanding the caveat I have expressed in respect of affordable housing provision, the nature of the public benefits are considered to sufficiently flow in scope and kind to balance the less than substantial 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.

### **Overall Planning Balance**

6.15. 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 Development Plan and in particular, the requirements of LP Policy D9 (LP D9) and WLP Policies PM9 and LP4.

6.16. In terms of Section 38(6) of the Planning and Compulsory Purchase Act 2004 , the WLP was adopted in July 2023. This plan is therefore very young and, only be regarded as up to date. It is accepted that the proposed Development would achieve compliance with a considerable number of policy areas. These include the following:

- Acceptable loss of existing office floorspace (LP Policy E1 and WLP Policies PM9, LP33, LP35 and LP 59)
- Acceptable replacement land uses (LP E3 and WLP Policies PM9, LP17, LP38 and LP59)
- Acceptable amenity impact in terms of daylight/sunlight, outlook, privacy and wind conditions (LP Policy D6 and WLP Policies LP2 and LP27)
- Acceptable flood risk impact for material reasons subject to conditions and s.106 mitigation (WLP Policy LP12)
- Acceptable health impact strategy with mitigation for NHS through financial contribution (Policy GG3 and WLP Policy LP15)

- Acceptable provision of housing units with an exceedance of affordable housing and provision of wheelchair accessible units (LP Policies H4 and H5 WLP Policy LP24)
- Acceptable standard of housing accommodation (WLP Policy LP27)
- Acceptable arts and culture strategy mitigated with financial contribution (WLP Policy LP15)
- Acceptable response to the Climate Crisis through sustainable technologies and carbon saving (mitigated by carbon offset payment) (London Plan Policy SI2 and WLP Policy LP10)
- Acceptable circular economy strategy (LP Policy SI7 and WLP Policy LP10)
- Acceptable air quality impact with mitigation for monitoring through financial contribution (London Plan Policy SI1 and WLP Policy LP14)
- Acceptable play space strategy with mitigation through financial contribution (LP Policy S4 and WLP Policy LP19)
- Acceptable biodiversity impact and urban greening impact (LP Policy G6 and WLP Policies LP55 and LP56)

6.17. However, irrespective of the assessment of the less than substantial harm to heritage assets, which stands alone in this regard, the impacts of the proposal have been assessed against the policy objectives of LP Policy D9 and WLP Policies PM9 and LP4 and have identified substantial harm. The impact of a 29 storey tower on the spatial character of the location has not been justified and the assessment of the proposed development against Policy D9 and Policy LP4 has identified clear policy conflicts resulting in significant harm against a number of specified objectives.

6.18. It is the case, that the Site is not 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 to the character and appearance of the area which has been identified is at such odds with the objectives and terms of Policies PM9 and LP4 that 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 LPA 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. In consequence, the primary planning law position of Section

38(6) of the Planning and Compulsory Purchase Act should be engaged in making this decision in accordance with the 2023 Local Plan.

6.19. Having determined that the proposed development is in conflict with the Development Plan when taken as a whole, I come now to other material considerations as outlined in Section 5 and whether these would indicate a decision should be taken other than in accordance with the Development Plan.

#### Other Material Considerations

##### *NPPF*

6.20. Turning first to the NPPF, Para 135 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)*. Furthermore, 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.'*

6.21. The proposal does not comply with NPPF para 135. 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. Furthermore, the requirement of the NPPF para 139 is that development that is not well designed should be refused, especially where it fails to reflect local design policies. The development is not well designed in that it has failed to mitigate the harm caused by its excessive height and scale .

6.22. In terms of NPPF para 125(c), it is acknowledged that substantial weight should be attached to the value of using brownfield land and that the planning balance has become closer in terms of identifying significant harm so as to resist any

given planning application. Para 125 (c) does, however make clear that planning permission should not be granted if substantial harm would be caused. 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 (Ref: APP/M9584/W/24/3350592) (CD13.01). 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”.*

6.23. I would concur with this Inspector’s approach. I say this in the knowledge that the PPG requirement within the ‘Effective use of land’ category was recently updated (27 February 2025) and 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*’. In reaching its decision, the LPA undertook 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 LPA to approve this proposal when it has been demonstrated to cause significant harm.

6.24. The weight placed on the use of brownfield land and the balance required by para 125(c) of the NPPF does not justify the substantial harm caused or outweigh the consequences that follow from Development Plan conflict.

6.25. The proposed development has also failed to give the necessary degree of account to local circumstances and to reflect the character of the area which is contrary to para 9 of the NPPF. Whilst it is acknowledged that the NPPF has become more tilted to achieve the Government’s objectives in delivering, amongst other things, the supply of housing, *this should not mean development at any price*.

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#### *Housing Supply and Delivery*

6.26. In accordance with the updated National Planning Practice Guidance and relevant appeal decisions, the LPA has considered the wider context of the proposal in relation to the LPA’s recent housing delivery and housing pipeline. As detailed in Section 5, the LPA’s level of housing delivery and housing pipeline is above requirements and the LPA can show that housing supply and delivery

are not constrained within the Borough. The tilted balance is not therefore engaged.

### *Benefits*

6.27. Whilst it is considered that the public benefits could work together to produce a cumulative impact that addresses the low to medium levels of harm caused to heritage assets, this is not the case when assessing the planning balance against the Development Plan. Taken together, the planning benefits are not considered to be of a scale that would justify the significant harm which would be caused to the townscape and spatial character of the area. In reaching this conclusion, I have had regard to the weight afforded to the proposed quantum and tenure of affordable housing. As set out in para 5.35, I have afforded the provision of affordable housing significant weight given the Appellant's commitment to deliver this level and tenure of affordable housing in the s106 but for the reasons given, would need to be assured of practical deliverability before attaching the higher category of substantial weight to this. However, even if the proposed level and tenure of affordable housing had been afforded substantial weight in the planning balance, this would not have changed the conclusions given the substantial harm that would be caused by the proposed development. Whilst housing delivery and increasing the level of affordable housing provision are important policy objectives, this does not mean development should be approved where substantial harm would so evidently be caused.

6.28. It is for these reasons, the proposal was considered by the LPA to be contrary to the Development Plan, when considered as a whole, and particularly LP Policy D9 and WLP Policies PM9 and LP4. No substantiated case has been forwarded to by the Appellant as to why an exception to policy should apply in this case. Substantial harm has been identified and I do not consider that the NPPF nor any other material considerations justify determining the application otherwise than in accordance with the Development Plan.

## **7. Summary and Conclusions**

- 7.1. 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.
- 7.2. 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. The conflict with these policies and the Development Plan as a whole should be afforded significant weight and as demonstrated in this Proof of Evidence, the substantial harm that has been identified has not been sufficiently outweighed by material considerations. The building would be a visually intrusive and incongruous addition to the townscape with wide-reaching harmful impacts on the River Thames and the immediate and wider townscape on the north and south sides of the river.
- 7.3. The WLP was adopted just over two years ago and its policies are up to date for the purpose of decision making. The proposal runs contrary to the vision and growth strategy which underpins the WLP and the design led approach to accommodating height and growth in both the London Plan and the WLP.
- 7.4. No substantiated case has been forwarded to by the Appellant as to why an exception to policy should apply in this case. Substantial harm has been identified and I do not consider that the NPPF or any other material considerations justify determining the application otherwise than in accordance with the Development Plan.
- 7.5. The LPA properly assessed the proposed development in accordance with the Development plan and other material considerations before resolving to refuse planning permission.
- 7.6. In conclusion, the proposed development does not comply with the Development Plan and there are no material considerations which would justify a decision being

taken otherwise than in accordance with the Development Plan. For these reasons, the Inspector is respectfully asked to dismiss the appeal.

**APPENDIX A: ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST LONDON PLAN POLICY D9 TALL BUILDINGS**

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 the 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 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>Out of scale and visual dominance to local streetscapes to Westbridge 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</p>

	tall building and not forming part of a wider context of tall buildings due to its harmful visual dominance.
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	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 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.

<p>f) buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river</p>	<p>The 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.</p>
<p>g) buildings should not cause adverse reflected glare</p>	<p>Although the glazed terracotta cladding could have a sheen it is not anticipated that it would cause adverse reflected glare.</p>
<p>h) buildings should be designed to minimise light pollution from internal and external lighting.</p>	<p>The lights from residential apartments would be visible at night and the halo at the top of the building would be 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 transport for people living or working in the building.</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 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) environmental impact</p> <p>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 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) cumulative impacts</p> <p>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</p>

	<p>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 (GIA Wind Microclimate Assessment Report April 2024 and October 2024).</p>
<p>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.</p>	<p>Not applicable in respect of the proposed development.</p>

**APPENDIX B ASSESSMENT OF POPOSED DEVELOPMENT AGAINST WLP POLICY LP4**

Local Plan Policy	
Policy LP4	Assessment
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.
<p>Visual Impacts</p> <p>1. That the proposal respects and responds to key views and their associated corridors towards and from strategic landmarks and heritage assets across both the borough and neighbouring boroughs.</p>	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 middle level on multiple significantly important listed buildings of Grade I & II* and Registered Historic Parks and Gardens of Grade I & II*.
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	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.
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	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*)
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	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. 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 number of Nationally significant Designated Heritage assets. The DRP were unconvinced that the crown of the building was making a strong visual statement.
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.	3D modelling was used to prepare the application submission including AVR's and VUCITY non-verified views. The VUCITY model was requested but not shared by applicants.

<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</p>

	more generous public realm could improve how users of the riverside walk use the spaces.
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	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.
11. Where relevant any proposed tall building(s) should be set back from the Thames Path to ensure that it continues to provide a welcoming public route or where it would provide an opportunity to enhance its attractiveness and usability.	The proposed building 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 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><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>	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.
13. The design and glazing of any proposed tall building should take into account its use at night, minimise light spill that would	It is not anticipated that the design of the building will result in light pollution and solar glare to any publicly accessible areas.

<p>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>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 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>The applicants have submitted sunlight, daylight and overshadowing analysis by GIA. No adverse issues have been highlighted.</p>

## APPENDIX C: RE-ASSESSMENT OF 5 YEAR HOUSING LAND SUPPLY AS AT 19 FEBRUARY 2026

- 1.1 As part of the initial application no issues were raised by the appellant in regard to the 5 Year Housing Land Supply (5YHLS) or the Housing Delivery Test (HDT) result, only the presumption in favour of sustainable development was referenced in the submitted Planning Statement (revision 2) October 2024 **(CD1.16)** however, this was purely in respect of the effective use of land and a brownfield land first approach in the NPPF.
- 1.2 As part of the initial submission for appeal, no mention was made by the appellant in regard to the 5YHLS, this was also the case at the Case Management Conference (CMC) dated 26.01.2026.
- 1.3 The matter of the 5YHLS was first raised by the appellant via email on the 30<sup>th</sup> January 2026 which was confirmed to the Council as part of an email from PINs dated 2<sup>nd</sup> February 2026.
- 1.4 As part the email from PINs, the Inspector requested the appellant provided an addendum to its Statement of Case by 1700 on Wednesday 4 February 2026, setting out the appellant's position regarding 5 year housing land supply and the Housing Delivery Test **(CD8.05)**.
- 1.5 As part of the addendum the appellant raised a number of points regarding the delayed publishing of the Housing Delivery Test, however, no specific sites were raised in relation to evidencing the Councils 5YHLS at this point in time.
- 1.6 The appellant then provided an email to the Council on Wednesday 4 February (at 16:49 just prior to the deadline set out from PINS), requesting further information on the following 6 sites included within the Councils Authority Monitoring Report 2024/25 **(CD5.17)**, these included:
  - *Site of York Road, Winstanley Road (Part of Estate, York Gardens and Winstanley Estate). Blocks 1, 2-4, 6 and 7-14*
  - *Battersea Power Station phases 3c, 4, 5, 6 and 7*
  - *New Covent Garden Market, Nine Elms Lane Block N10, N7*
  - *57-59 Lombard Road*
  - *Alton Estate*

- 329-339 & 45-53 Putney Bridge Road & Putney High Street, Putney Bridge Road (The Blades)/ Levellers Court

1.7 The Council has since sought to provide further information on the sites raised by the appellant, this is set out in detail as part of Section 4 of this Proof of Evidence.

## **2. 5 Year Housing Land Supply and Evidence of Delivery**

2.1 The Council's most up-to-date position in regard to 5YHLS is set out within the most recently published Authority Monitoring Report (AMR) 24/25 (CD5.17) and sets out a 5YHLS of 5.8 years could be demonstrated. The AMR 24/25 (CD5.17) was published 14 January 2026, and this document was shared directly with the appellant on the 14 January 2026 via email, which responded to the initial request from DP9 which was received on 8 January 2026 via email.

2.2 Within the NPPF, sites included in the 5YHLS are expected to meet the definition of 'deliverable' that is set out in Annex 2. In this context for a site to be considered "Deliverable" it should meet the following criteria:

*"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. In particular:*

*a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

*b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years".*

- 2.3 Based on this definition is it clear the NPPF doesn't require absolute certainty regarding deliverability of a site within the 5YHLS, but that progress is being made towards delivery.

### **Evidence of Delivery**

- 2.4 As part of discussions the appellant questioned 6 sites within the Councils 5YHLS. The Council has provided the appellant with additional information on each of the sites, as well as an extensive review of information for each site included within the 5YHLS, this is summarised below:

#### **Winstanley York Road - 2019/0024**

- 2.5 Preparation and delivery of the Masterplan is progressing. The original application (2019/0024) represents a hybrid application, including both a full planning application (Blocks 1, 5 and 6) and an outline application including Blocks 2, 4 and 7-12, providing a total of 2,550 dwellings (gross).

**Blocks 1, 5 and 6** - Detailed elements within the masterplan and the site is under construction (specially Block 5 a-c). Blocks 1, 5 and 6 are considered within NPPF Annex 2, category a (i.e - all sites with detailed planning permission should be considered deliverable until permission expires). Additional evidence including an NMA was submitted for Block 6 (2025/4617) including an updated fire strategy. This illustrates clear progress and there is no clear evidence that the delivery of these blocks would fall outside of the 5 years. (Block 1 – 239 dwellings, Block 5 a-c – 126 dwellings and Block 6 – 127 dwellings net dwellings included within 5YHLS)

**Block 7 and 10** - As part of the NMA 2025/4617 an updated decant strategy has been submitted which sets out the expectation that Block 7 will be completed and occupied in 2030. This shows clear progress relating to delivery on Block 7. A further Reserved matters application (ref: 2026/0241) has been submitted in relation to Block 10, including a fire strategy that shows significant progress on the Block 10. (Block 7 - 129 dwellings, Block 10 – 193 dwellings included within 5YHLS).

### **Site wide**

- 2.6 There have also been a number of Discharge of Condition applications submitted including 2025/2881, 2025/2882, 2025/3354 and 2025/3353 showing progress.
- 2.7 Within the published AMR (24/25) (**CD5.17**) a net total of 1,375 dwellings is included for Winstanley York Road, based on information available as at 31 March 2025. More recent information shows progress relating to Blocks 1, 5, 6, 7 and 10. Based on the most recent information, this results in a total reduction

of 561 dwellings on this site when considering the most up to date information. (814 dwellings included within 5YHLS)

### **The Battersea Power station - 2026/0273**

- 2.8 The Battersea Power station is an extensive redevelopment, with a total of 1,862 units completed since March 2017.

**Phase 3c** Recently submitted Construction Management Plan (CMP) (2026/0273 – under consideration submitted), completion of Phase 3C is expected for September 2029. The figure in the Council's AMR is based on an earlier application, however, the most up to date application is, resulting in a reduction of 20 dwellings. (294 dwellings included within 5YHLS)

**Phase 4** Phase 4 is mentioned within the CMP application (2026/0273), with the expectation this phase will only likely start prior to the completion of Phase 3c in 2029. The Council have therefore reduced the figure to 294 homes delivered in Phase 4, with 294 dwellings remaining. (294 dwellings included within 5YHLS).

**Phase 5** Recent application submitted (reference 2026/01692), consisting of 203 affordable homes, delivered to the Homes for Wandsworth Programme, this has increased the supply from this phase by 98 (203 dwellings included within 5YHLS).

**Phase 6 – 7** Based on the lack of clear progress on phase 6 and 7, the Council have removed this from the 5YHLS and will reassess as part of the next monitoring period. (0 dwellings included within 5YHLS).

### **New Covent Garden Market, Nine Elms Lane Block N10, N7 - 2024/1937 (N7 and 10)**

- 2.9 Developer providing a phasing schedule in September 2025 in response to our developer survey. They have since reconfirmed the phasing schedule included within the current AMR 24/25 (CD/x/xx) via email, dated 12 February 2026 and no changes required to the 5YHLS. (417 dwellings included within 5YHLS).

### **57-59 Lombard Road - 2023/0892**

- 2.10 The application at Lombard Road is a full planning application, with approval and a signed S106 agreement. The Construction Management Plan (2024/4035) states that fit-out, testing and commissioning are expected to be completed by July 2027. The developer has also submitted additional viability information to the Council in late 2025 as well as a grant application to the GLA alongside an interested Registered Provider, showing further progress on site since 31 March 2025. The Council have therefore increased the number of units included in the 5YHLS by 98 dwellings. (294 dwellings included within 5YHLS).

#### **Alton Estate - 2025/4614**

- 2.11 The site has extant planning permission. A full application 2025/4614 was recently submitted for Block A, including 45 net dwellings. The Councils webpage; (Ballot) states building of residential units is expected to commence in early/spring 2027, it is most likely that only Block A will be completed in the 5YHLS, reducing the number of dwellings included in the 5YHLS by 215 dwellings (45 dwellings included within the 5YHLS).

#### **329-339 & 45-53 Putney Bridge Road & Putney High Street, Putney Bridge Road (The Blades)/ Levellers Court - 2020/1615**

- 2.12 The site was sold November 2025, the Council reached out to the new owner, who confirmed at present the site is unlikely to come forwards within the 5 years. Removing 121 dwellings from the 5YHLS. (0 dwellings included within the 5YHLS)

#### **41-59 Battersea Park Road (Booker and BMW Sites) - 2022/1835 (appeal reference APP/H5960/W/24/3358065)**

- 2.13 The appeal at Battersea Park Road, was allowed June 2025 after the 31 March 2025. Therefore, the permitted application was not included in the AMR 24/25 (CDx/x). As the updated scheme has now been allowed, this has superseded the previously approved scheme included in the AMR 24/25 (CDx/x), which was for a lower number of dwellings, increasing the supply by 155 dwellings. (360 dwellings included within the 5YHLS)

#### **Other applications**

- 2.14 Since 31 March 2025, a number of S106's on smaller applications have been signed, or additional information is available to support their delivery within the 5YHLS, these include:

2020/4512, S106 signed on 22/07/2025

2023/4243, S106 signed on 17/07/2025

2024/0307, S106 signed on 19/11/2025

2024/0381, S106 signed on 17/04/2025

2024/0382, S106 signed on 17/04/2025

2023/1413 223 Balham High Road (CMP states completion in 2027)

2022/5299 4 net units (unlawful units not counted previously)

### **3. Calculation of 5 Year Housing Land Supply – February 2026**

- 3.1 Based on the above updates as a result of further information being available the Council have recalculated the 5 year housing land supply:

Starting supply figure in the published AMR 24/25 (CDxx): 10,806 units

10,806 – 561 (Winstanley York Road) = 10,245

10,245 – 20 (BPS Phase 3c) = 10,225

10,229 – 294 (BPS Phase 4) = 9,931

9,935 + 98 (BPS Phase 5) = 10,029

10,033 – 367 (BPS Phases 6 and 7) = 9,662

9,666 + 98 (57-59 Lombard Road) = 9,760

9,764 – 215 (Alton Estate) = 9,545

9,549 – 121 (Levellers Court) = 9,424

9,428 + 155 (41-59 Battersea Park Road) = 9,579

9,583 + 174 (Other applications) = 9,753

This results in the following updated calculation as included in detail in paragraph 5.11 of the main proof of evidence:

Wandsworth has a remaining London Plan requirement of 10,642 homes that need to be delivered between 2025/26 and 2030/31, averaging at 1,774 per year.

With 5% buffer this equates to a five year housing requirement to 9,312 (calculated as 8,868 x 1.05). Based on the updated figure above of 9,753 dwellings in the 5YHLS Wandsworth has a remaining London Plan requirement of 10,642 homes that need to be delivered between 2025/26 and 2030/31, averaging at 1,774 per year.

Without the 5% buffer this equates to a five year housing requirement of 8,868; and with the buffer, it increases to 9,312. Based on the updated figure above of 9,753 dwellings in the 5YHLS as a result of the amendments set out above, Wandsworth's five year land supply amounts to 105% or 110% (including and excluding the buffer respectively) of the borough's housing requirement, which expressed in years equates to 5.25 or 5.5 years of supply (calculated as the updated supply divided the requirement). Wandsworth's 5YHLS amounts to 5.25 years (with buffer) of the borough's housing requirement (calculated as 9,753 / 9,312 x 100) or 5.5 years of supply (without buffer) (calculated as 9,753 / (1,774\*1.05)).