REBUTTAL PROOF OF EVIDENCE

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

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

LPA REF: 2024/1322

PINS REF: 6002127

March 2026

On behalf of

The London Borough of Wandsworth

1.1 This rebuttal document focuses on the main elements of new and/or expanded material and the statements or assertions which I consider to be inaccurate within in the Appellant's evidence. I have not in this rebuttal proof responded to every point within the Appellant's evidence with which I disagree but focused on the main points that I consider would benefit from a written response by way of rebuttal. Plainly, in terms of many matters concerning impacts, I disagree with the assessment and judgment in particular of Dr. Miele. My position is set out in my main proof. I will not repeat in this rebuttal that evidence.

1.2 Those rebuttal matters are as follows in **Table 1**.

Table 1: Rebuttal matters.

Rebuttal Matter	LPA Observation
1. Position on Paragraph 139 of the NPPF (namely, part b).	Mr Marginson, at CD8.04 5.103, states that significant weight should be given to the proposed design in accordance with para 139 part b.) which refers 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' (CD4.01). This is, in essence, the first claim to significant weight being applied to 'outstanding' design under this part of the NPPF. It did not form part of the submitted Planning Statement (CD1.16), or the planning benefits presented in the Appellant's Statement of Case (CD8.01). We had anticipated it due to various claims of 'exemplary' design, if not 'outstanding' as per the policy wording, and it is addressed in my Proof (CD9.02, and Appendix 3, CD9.06). However, we note here Mr Marginson's claim is

	that the proposed development is 'well designed', or a 'high quality architectural building' (5.138), rather than 'outstanding or innovative', which is the test for *significant weight* under NPPF para 139 (b). The term 'outstanding' (if not 'innovative') only has a place in the evidence of Dr Miele, which is new, and is not referenced in the submitted BHTVIA (CD 1.02) and had no place either in its Statement of Case (CD8.01), or in the matters not agreed in the Statement of Common Ground (CD7.01). In our view, 'outstanding' goes above and beyond the general policy requirement for high-quality design . In their response on design matters, no independent key stakeholder, such as the GLA or the WDRP, nor any other party to this inquiry, has made this case. In fact, that the scheme does not result in high-quality design is a main issue and, we contend, under the same para 139, results in a presumption to refuse permission.
2. Weight which should be provided to LP4.	Mr Marginson, at CD8.04 5.30-31, seems to suggest there is an inconsistency between the draft NPPF (CD4.02) and LP4 of the Local Plan 2023 (CD5.02). The Appellant, despite this forming no part of its SoC (CD8.01), now seems to suggest that less weight might now be afforded to Policy LP4 in the light of the draft NPPF. It is, however, common ground that the draft NPPF should be attributed 'minimal weight' (CD7.01, 7.6) and Mr Marginson himself agrees in his proof (CD8.04;4.1) that

	the adopted Development Plan is up to date and should be given full weight. In any case, and in accordance with the draft NPPF L3, we would contend that the Council have considered character and the approach has optimised density in accordance with the character of the area - accounting for housing targets of the London Plan (which we would argue 'makes the most of an area's potential'). In our view planning for heights still means accounting for character. The Council remains of the view that the Draft NPPF should be given minimal weight and that the Local Plan is up to date and should be given full weight in accordance with national policy.
3. Discrediting of the Wandsworth Urban Design Study (UDS) analysis & seeking to re-open the soundness of the UDS as core Local Plan evidence base.	Mr Marginson in his proof of evidence (CD8.04;5.61), seeks to downplay the UDS robustness. Similarly, Mr Barbalov (CD8.02, 3.1), suggests that to address shortfalls in the UDS the Appellant has undertaken a more detailed, site-specific assessment – one which takes a radically opposing direction to the UDS evidence base. I would highlight that other agents promoting the Appeal Site on behalf of the landowner submitted representations to the Local Plan's EiP (CD6.07;CD6.08). In fact, the landowner promoted similar design principles at both Reg 18 and Reg 19 stages and appeared at the EiP. The 'Townscape Narrative' submitted at consultation Reg 19 stage (CD6.08;Appendix 2) made the same arguments which are being made at this Appeal: that other Thames bridges are 'marked' across London (2.19) and that the

	site deserves a tall landmark (2.21). At Reg 19 Stage, the Appeal Site's representatives reiterated again that 'the Site presents a demonstrable opportunity at the bridgehead of Battersea Bridge to deliver a visually coherent and legible scheme that acts a distinct marker of entry into LBW' (CD6.08;3.12) in promoting the case for a site allocation and tall building zone designation. The Council and Local Plan Inspectors had full knowledge of the Appellant's main design case when it confirmed the site to be in a mid-rise zone, stepping down from tall building zones either side. This was not considered incompatible with the UDS generic aim to create new landmarks and a specific site allocation was not considered appropriate or necessary. That the UDS analysis and associated guidance might have failed to understand the true impacts, or missed the potential of this location, is, we contend, wrong. Our spatial character and heritage evidence demonstrates the soundness of the UDS analysis and guidance in this instance – and the UDS was found to be robust and appropriate evidence base at the EIP. We contend this appeal is not the forum to re-open the EiP and the evidence base which underpins the adopted Local Plan.
4. New misreading of the EiP Inspector's report in relation to Policy LP4.	Mr Marginson (CD8.04; 5.70) states: 'This is exactly the type of site that (I believe the Inspectors) in their report on Local Plan Policy LP4 were contemplating could accommodate a tall building outside of a Tall Building Zone' (our emphasis).

	This cannot be true as the Appeal Site, in fact, was designated a mid-rise zone for reasons the UDS made clear and, overall, were found sound. In addition, this is an unjustified and unsound reading into the Local Plan report (para 116, CD6.11). Firstly, the Inspector and Council were aware of the promotion of the Appeal Site, as discussed, and the Local Plan was not modified to include the Appeal Site as either a site allocation or in a tall building zone. Secondly, there is no 'extraordinary' clause in LP4. This is another unjustified attempt to question the soundness of the Local Plan and its evidence base. In fact, the Inspectors, in main modifications added an element of flexibility to 'resist' tall buildings outside the tall building zones, but noted: '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' (para 116).

	The Council contend there is no substantive justification or case for the Appeal Site being treated as 'extraordinary' and the Appellant's case for a landmark on the Appeal Site marking the Bridge was fully assessed through the Local Plan and EiP process.
5. Claim of tall building support from UDS for the Appeal Site, specifically.	Mr Barbalov (CD8.02; 4.0) addresses his vision for the Appeal Site, and in my view makes an inaccurate assertion that his vision for height has roots in the adopted UDS – I contest it does not. At 4.0.3, he states 'our design has been informed from these documents and responded positively to the key opportunities and guidance provided'. It is said, this includes: 'the opportunity of height adjacent to Battersea Bridge with low sensitivity to tall building to create a landmark' (our emphasis). I address these in turn. On the first matter, of height, to be clear, the UDS placed the Appeal Site in a mid-rise zone for no more than 6 storeys (or 18m from ground to top) which informed LP4 – not for a tall building. The EiP Inspectors found (CD6.11; para 117), in full knowledge that a landmark tall building was being promoted on the Appeal Site, that in relation to LP4: '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'. The Appeal Site was excluded from the tall building zones adjacent and opposite in response, partly, to the explicit statement in the UDS that development should step down and respect the Battersea and Albert bridgeheads, and wider historic environment, as part of the 'transition areas' referred to in the UDS (CD5.16, page 13). The background

	to the UDS and designation can be found in Ms Chambers' Proof of Evidence (CD9.03) and the logical effect of this in my evidence (CD9.02). On the second matter of sensitivity, the Appellant is, erroneously, reading a general 'low' level of sensitivity for the whole of the much larger Character Area B2 and applying it directly to the Appeal Site. It should be noted that the low-level sensitivity to accommodate change was accounted for, and directly informed, the tall and mid-rise zones which have been adopted (CD5.16, page 3). However, this attribution of a low sensitivity should be seen in the context of the explainer at C.5 of the UDS (CD5.16; page 330) that the assessment is 'necessarily high level and it should be noted that sensitivity will vary on a site by site basis'…. ' a 'low' sensitivity should not be interpreted as any development can occur, but simply that the features and characteristics *may* mean that the area can accommodate change more easily'. To this extent, the UDS Sensitivity plan (CD5.16; page 8) clearly shows the Appeal Site as being located near areas of higher sensitivity, which can occur across spatial areas. As per my evidence (CD9.02), LP4 (CD5.02; para 14.30) and the UDS (CD5.16; page 14) the policy and guidance is that, even in the nearby tall building zones, development might not be able to accommodate the *maximum* height range (12 storeys), whilst recognising riverside development, in particular, to be sensitive. This stems from an evolution of the approach through the plan-making process.

	We note the concern of Historic England to the Reg 18 Local Plan (CD6.12; page 4; bullet 7) about the extent of area opposite the river considered appropriate for 'opportunities for tall building clusters and/or landmarks' (LP4, Map 14.1, CD6.03; page 221) stating: 'much of the riverside has been developed by tall buildings and intensifying this could overwhelm the riverside and create a canyon like effect', and going on to state: 'It does not appear as through the setting of either the Thames or (Battersea) Park have been taken into consideration when determining suitable locations for tall buildings. There is likely to be scope for development that meets the definition of a tall building…. But the plan should provide maximum parameters to prevent uncontrolled skylines, and the formation of a canyon like wall of development' (page 5, bullet 1). The open quality of the river was of clear interest to Historic England (see also page 5; bullet 6). The adopted LP4 approach was amended in part because of Historic England's concerns at Reg 18 stage (and in relation to the earlier iteration of the UDP) that the Plan ought to avoid 'uncontrolled landmark buildings coming forward' (CD6.12; Pg 4; bullet 2) – continuing that 'a situation may arise where every application for a tall building is submitted on the basis that it is a landmark. Landmarks are a strategic issue and not every building can be a landmark'. On the final matter of a specific 'landmark' designation for the Appeal Site, this was never the case – the earlier Plan simply putting the site in a wider tall building zone which could have accommodated landmarks. However, we agreed with HE's premise in their Reg 18 response that:

	‘landmark buildings are simply those distinct from their surroundings, they do not equate to tall …. And that at the time …. ‘This does not come across in the plan’ (CD6.12; Pg 4; bullet 3). The Plan was amended with this in mind, and accepts, in any case, HE’s Tall Buildings Note which states – ‘It is important to note that not all tall buildings can be landmarks, and not all landmarks need to be tall buildings’ (CD4.14; 4.5; bullet 3) – which is common ground best practice (CD 7.02; para 7c). The matter of landmarks and height is addressed head-on in my evidence CD9.02 (Section 5) & CD9.06). Core changes were made to the final Reg 19 UDS and LP4 which reflected this evolution to protect the River Thames and its character and heritage, and which resulted in the final Reg 19 UDS and LP4 being supported by Historic England (see meeting note, CD 5.45, page 49) and the GLA (CD6.14; page 16). HE are noted as considering the tall building definitions as ‘really sensible… providing more clarity about where buildings can go and cumulative effects’. This Plan-led approach to height is consistent with HE’s Tall Buildings Advice Note (CD4.14); agreed as best practice by all parties in the Heritage SoCG (CD7.02; para 7c). In summary, the Appellant’s claim that the UDS provides justification for a tall building on the Appeal Site is incorrect.
6. Evolution of the landmark ‘marker’ claim in	The Appellant seems to have evolved in its evidence a key strand of its case. There is an attempt to borrow the words used by the Local Plan 2023 EiP Inspectors who observed

advance of a 'extraordinary' claim.	that tall buildings which might depart the tall building areas in LP4 would be 'extraordinary'. This use did appear in the submitted application material, in the Planning Statement (CD 1.16; para 2.18) – but not at all in the BHTVIA (CD 1.02) or D&AS (CD 1.07), or the Appellant's Statement of Case (CD8.01). It is now more clearly stated in a case which has evolved, albeit is now only explicit in the evidence of Dr Miele (CD8.03; 4.77): 'I think the site falls into that 'extraordinary' category', which he interprets as simply 'not ordinary' (4.75) – suggesting a low bar, which we contend. Nevertheless, the claim would appear to have expanded to include a new, repeated claim that Battersea Bridge forms, in the words of Mr Marginson, 'the main national route' (CD8.04; 5.68/70) – see also 5.133 of Dr Meile (CD8.03) and Mr Barbalov (CD8.02; 8.7.8) – 'the only National Route across the river into Wandsworth'. Mr Barbalov even tells us that this is a new elevated significance (CD8.02; 2.3.6). It would appear from Dr Miele's evidence (CD8.03; 4.76) that the site is deemed 'extraordinary' because i.) it abuts the 'only bridge into the borough which is a national route' and ii.) it is 'wedged' between two tall building zones. I address both in turn. In relation to i.) I do not understand what is being referred to. I have reached out to senior Transport & Highways colleagues to try and ascertain what this designation might be – to no avail. Battersea Bridge is a TfL 'Red Route', of London-wide operational highways significance,

	and is most certainly not the only one arriving into and running through the Borough. It is an A-Road, and as such, whilst a national listing system, it is just a negligible part of approx. 30,000 miles of A-roads in the UK, and not the only A road through or entering the Borough (in fact, Chelsea and Wandsworth Bridge down and upstream carry A roads). It is not part of the national 'Strategic Road Network'. I don't understand the case to exceptionalism which the Appellant is presenting in this regard. In relation to ii.) that it is 'wedged' between two tall building zones, this can't in my view, in fact and degree, lead to concluding that the Appeal Site is 'extraordinary'. In fact, it is designated a mid-rise zone between two tall building zones for a reason, as discussed, and not simply 'wedged'. Also in fact, there are numerous sites between tall building zones as confirmed by even a cursory observance of the Proposals Map - would the same rationale apply equally to all of these – why wouldn't they simply be in the tall building zones?. The fact that the Appeal Site is between tall building zones can't be a matter of positive difference capable of exceptionalism, as a matter of principle. I consider there is no substantive basis to this expanded 'extraordinary' claim. I do not agree that the Appeal Site can credibly be claimed to be 'extraordinary', part of a rationale to depart from LP4, which we contest. In fact, LP4 doesn't contain an 'extraordinary' clause, which must by definition be a very high bar, and the desirability of marking operational highways is not an explicit aim of any policy, guidance or evidence base. It goes without saying too, that neither does being 'wedged' between two tall building zones. I

	deal with the landmark claim head-on in evidence (CD9.02 & CD9.06) and consider the proposed development does not need to be tall to be a landmark.
7. Unsubstantiated and incorrect statements that the Appeal Scheme would 'complete' the Ransome's Dock Focal Point of Activity (RDFPA).	There are new claims advanced in the Appellant's evidence, for example Dr Miele (CD8.03; 6.87.1) claims that the Appeal Scheme would 'complete' the RDFPA. This has no basis in the UDS or policy and the site is not a site allocation. I note the Appellant would seem to suggest this is somehow part of the Local Plan – 'contribute to place making, in particular completing the RDFPA, as defined in the local plan'. In addition: 'It presents a significant opportunity for enhancement to complete the RDFPA. The site is the last significant site in that area to be redeveloped, and its location is quite important, as it is prominently situated next to the bridge'. This is incorrect, and, in fact, the Vivienne Westwood HQ has just received planning permission (ref: 2025/0799), and the London Square Ransome's Dock scheme is waiting to come forward. This area continues to evolve in line with the UDS and Local Plan. There is no policy, guidance or evidence base which suggests the Appeal Site would 'complete' or is in of elevated important to the RDFPA, which contains important landmark institutions, not least, the Royal College of Art campus. This is a unsubstantiated claim.

8. Incorrect observation with regard the RDFPA.	Dr Miele states (CD8.03; para 4.61): 'This (the Appeal Site) is the only portion of the RDFPA which is excluded from the taller height zone'. This is incorrect - the opposing bridgehead is also in a mid-rise zone to step down to Albert Bridge / Battersea Park (MB-BW-0, see Mr Eley's Proof, CD CD9.02, Image 13, page 27).
9. 'Ribbon cluster' claim.	This is an evolution of the Appellant's case in relation to the Appeal Scheme forming part of a wider skyline curation. On the whole, this is addressed in my Proof at section 5 (CD9.02; 5.1-5.11) and Appendix 3 (CD9.06). However, with specific reference to a 'ribbon cluster' - there is no such formally recognised concept, either in policy or guidance. There is nothing even in the Appellant's evidence to suggest this is part of some deliberate skyline curation of tall buildings. In fact, in contrast to our evidence, which is anchored in policy, guidance and evidence base, it has no formal tether. We address, through the lens of adopted policy and guidance, the implications of the cumulative impacts of some of these towers in our assessment. I understand the GLA considered cumulative impacts in their heritage harm analysis at Stage 1 (CD11.08; para 51), whilst Historic England, although unclear on the cumulative specifics, are of the view that the other tall buildings don't contribute or mitigate the harm to heritage assets – in fact acknowledging some have clear harmed the historic environment (CD11.10).

10. Inconsistent heritage benefits claims.	The Appellant's position on Battersea Bridge has changed since the Heritage SoCG (CD7.02) was submitted – now it is said to be enhanced, rather than preserved. I address this matter in evidence at CD9.02 (4.10-4.25) and the heritage harms to Battersea Bridge at my Appendix 1 (CD9.04). In summary, we contend there are no heritage benefits for balance under the NPPF (paras 212/215) and that a middle level of less than substantial harm would be caused to Battersea Bridge.
11. New claim, less than substantial harm to Albert Bridge.	We note, since application stage, and since submission of the specific statement of common ground on heritage (CD7.02), the Appellant's position (even in relation to the revised scheme) has changed and it now regards Albert Bridge (Grade II*) to be harmed. There is now unanimity amongst the parties, and key stakeholders, that harm would be caused to the landmark bridge (albeit at different levels). This is addressed in my evidence and Appendix 1 (CD9.02 & CD9.04).
12. Misleading Height and Scale claims.	The Appellant's assumption that bulk and mass aren't at play is erroneous: Dr Miele stating (CD8.03; i) - 'RfRS alleges harm to the established spatial character of the area (identified as predominantly low-rise), which arises from the Appeal proposals' height and scale (not bulk and mass)'. The Council's position is that clearly mass and bulk are part of the overall scale of the proposal. Dr. Miele goes on to suggest our case relates more to height. This is not correct. The Appellant later acknowledges – 'the scale

	(height, bulk and mass) of the proposals as seen in the context of the river is, on my analysis (see above), the main point at issue with the Council' (6.34). To be clear, our concern stems from both height and scale, which must be inclusive of bulk and mass in relation to overall form.
13. Tall Building; Principle – Past Context.	Dr Miele states 'I note that the Council's pre-application letter (dated 9 November 2018), sent in relation to an earlier development proposal for the Appeal Site, states that: *'A tall building in this location next to Battersea Bridge - a gateway to the borough would act as a landmark and reference point. This location is therefore considered appropriate for a tall building.'* (CD8.03; 2.15). We draw attention to essential context given that this pre-application predates the adoption of the London Plan in 2021 and the Wandsworth Local Plan in 2023. Tall buildings on this site were then defined at 9 storeys and, at Appendix 1 (Map A9) of the previous Local Plan, the site and whole of Ransome's Dock Focal Point of Activity was listed as 'sensitive' and the wider Thames Policy Area as 'inappropriate' in relation to tall buildings. It should also be noted that, this is prior to preparation of the UDS which underpins the adopted, new Local Plan, which has much more robust character evidence base than the previous Plan.
14. Suggestions that the views scope	For example, at 10.109 / 2.12 / 10.168 of Dr Miele's Proof (CD8.03), there are a number of suggestions that the scope of visuals provided with the submitted application

had been agreed with Officers.	was agreed with the LPA. I understand these were not agreed. I understand the Council requested a 'VU City' model so that it might fully assess the kinetic and three-dimensional visual impacts. This is usual practice, not just in Wandsworth, but across many London boroughs. It is in accordance with London Plan Policy D4 Part B/D (CD5.01), which requires Officers assess digital models (where possible) and these be used in decision-taking (Part B), so Officers can thoroughly scrutinise schemes (Part D). In addition to this, para 14.25 of the Local Plan (CD5.02), states that new development will be assessed using 3D visual analysis and this should be provided with applications under LP4 Part B5. Such a model was not shared with Officers to assist assessment, despite repeated requests.
15. Heritage Asset Scoping.	Dr Meile suggests that the 'Presently, the scale of the site means it has a material setting interaction with only one of the designated assets, the grade II listed Battersea Bridge' (CD8.03; 9.4). This could just be a typo – and would be contrary to the Appellant's wider stated position as to the affect on the setting of heritage assets in the Heritage Statement of Common Ground (CD7.01) – but we just want to re-affirm that there is a much wider impact on the setting of heritage assets than just Battersea Bridge.

16. Heritage Asset Scoping.	Dr Miele claims (CD8.03; 10.133) that views from the Cheyne Conservation Area and the embankment: 'do not include any of the listed buildings at issue river' (it is assumed, by this, what is meant is listed buildings at issue around the river). This is not correct. It also fails to recognise, as our evidence does, that views from the Cheyne Conservation Area and embankment are at the interface between the Cheyne (which Dr Miele addresses), the Royal Hospital, the Thames and to an extent, the Battersea Park Conservation Areas. In fact, in the views he discusses there are a number of listed buildings (and registered landscapes) at issue, not least, Battersea Bridge (Grade II), Albert Bridge (Grade II*), Roper's Garden and Awakening (Grade II), Chelsea Old Church (Grade I), Crosby Hall (Grade II*), those listed buildings on Cheney Walk and the Chelsea Embankment (including Swan House (II*) (erroneously referred to as being in the Cheyne Conservation Area), or the other listed buildings on Cheyne Walk west of Battersea Bridge – that is before the Battersea Park (registered landscape and Conservation Area), which is recognised, as elsewhere, as of a complementary relationship (CD8.03; 10.134). There is much intervisibility, and complementary relationships (including those acknowledged by the Appellant), seen in the views from the southern part of the Cheyne Conservation Area and the embankment, including a number of designated heritage assets at issue.

17. Misleading Three Sisters Conservation Area assertion.	Dr Miele (CD8.03; 10.171) stated: 'The Council have not since provided any indication of where exactly in this CA there would be harm. In discussion with my fellow expert, Mr Eley for the Council, we have prepared a VuCity test pack, using the ZTV and dropping the virtual camera into D positions. See my Appendix 5.0' (that is the Proof of Dr Miele). This could have been assessed in full detail if the VU City model had been shared with Officers, as requested on occasions from pre-application stage – a request I repeated again in the context of this discussion. This request was ignored. To be clear, we were not able to agree the evidence at Appendix 5 of Dr Miele's proof with the Appellant, which is regrettable. There are concerns with their study which were set out to the Appellant in an email of 10.02.2026, and to which I had no response. Those concerns were that the chosen locations were unnatural (for example, in the middle of the carriageway road) and taken at points where the Zone of Theoretical Visibility (ZTV), supplemented by professional judgement, would suggest the Appeal Scheme would not be visible, or which appeared to locate the Appeal Scheme out of view, when it seems natural it would have been in view from other locations nearby. Despite trying to rectify this with the Appellant, we consider the impact can be deduced from the ZTV and with an experienced judgment, based in part on what was provided. Our analysis is set out in my Proof of Evidence at Appendix 1 (CD9.02 / CD9.04).

18. London Plan GG1-6 Policy claims.	Mr Marginson (from 5.61; CD8.04) erroneously refers to GG1-6 as Development Plan policies – they are not, they are objectives (see London Plan, para 1.0.11, CD5.01). In any case, the adopted Local Plan, including LP4, were found to be in accordance with the London Plan (and the objectives at GG1-6). In addition, the Appellant makes a selective reading of the objectives, which also include, amongst others, at GG2 Part E, that development should understand what is valued as a catalyst for growth, to strengthen London's distinct and varied character.
19. Attempt to discredit the opinions of the Wandsworth Design Review Panel (DRP).	It has been agreed in the Statement of Common Ground that the DRP process met the requirements of D4 (CD7.01; 10.34-36) and is capable of carrying weight. We would contend it should carry substantial weight in accordance with its DRP Terms of Reference. However, Mr Marginson (CD8.04; 5.80), whilst taking a selective reading of the DRP advice, states at 5.83: 'It should also be remembered that the DRP are solely focused on achieving what is considered to be the 'best possible design outcome', concluding: 'the comments of the DRP therefore need to be seen in that context' (my emphasis) This is a new point and is unfair . The Wandsworth DRP is highly respected for the quality and fairness of its advice and, in my experience as the DRP coordinator, it is objective, fair and geared toward steering development in a positive direction, but it is not unrealistic. All Panellists agree to the Terms and Reference of the DRP and to adhere by the principles of the London Quality Review

	Charter (CD 5.47) and Design Council's Design Review: Principles and Practice (CD 5.46). There is no basis in the claim, or suggestion in the steering charter/DRP guidance, that the DRP simply seeks 'the best possible design outcome' at all costs. The Panel overseeing the DRP process on the Appeal Scheme are very experienced expert design professionals in the fields of architecture, landscape, planning and heritage. It's advice (CD12.01 & CD12.02) is, in my view, robust and proportionate and in accordance with the DRP Principles and Practice document, which states: 'The advice should make clear whether the panel supports the proposal or finds fundamental flaws in the design that provides a robust case for refusal in line with paragraph 64 of the NPPF (now paragraph 139). The report should contain appropriate praise as well as criticism and point out the strengths of a proposal alongside any flaws' (CD12.02; page 27). My response to the design quality case, including the advice of the DRP, is at Appendix 3 of my evidence (CD9.06). Overall, in my experience, the Panel is measured, rigorous but fair. It does not and has not universally agreed with Officer views, in particular, for example, when it comes to matters of height and detailed design. The Panel's remit is broad and holistic, from height, scale and massing to detailed architectural design, public realm, landscape and sustainability. It is an independent and objective expert-led DRP and its views should not be dismissed in this manner.
20. Duty under Section 72 of the Planning	Mr Marginson states that s.72 of the 1990 Act is engaged (CD8.04; 5.143). To confirm, this statutory duty is not

(Listed Buildings and Conservation Areas) Act 1990.	triggered by the Appeal Scheme since the proposal is not for development in a conservation area. That said, insofar as it relates to the setting of conservation areas, the similar policy requirement at paragraph 212 of the NPPF is triggered.

END