

**41-49 AND 49-59  
BATTERSEA PARK  
ROAD, LONDON, SW8  
5AL**

**PROOF OF EVIDENCE IN RELATION TO  
TOWN PLANNING MATTERS  
(APP/H5960/W/24/3358065)**

**MARCH 2025**



<b>1.0</b>	<b>QUALIFICATIONS AND EXPERIENCE</b> .....	<b>3</b>
<b>2.0</b>	<b>INTRODUCTION</b> .....	<b>4</b>
<b>3.0</b>	<b>SCHEME EVOLUTION</b> .....	<b>7</b>
<b>4.0</b>	<b>DEVELOPMENT PLAN</b> .....	<b>9</b>
<b>5.0</b>	<b>OTHER MATERIAL CONSIDERATIONS</b> .....	<b>13</b>
<b>6.0</b>	<b>PLANNING ASSESSMENT OF MAIN ISSUES</b> .....	<b>24</b>
<b>7.0</b>	<b>OTHER OBSERVATIONS ON THE COUNCIL’S STATEMENT OF CASE</b> .....	<b>51</b>
<b>8.0</b>	<b>PLANNING CONDITIONS, PLANNING OBLIGATIONS AND CIL</b> .....	<b>55</b>
<b>9.0</b>	<b>RESPONSE TO THIRD PARTY COMMENTS</b> .....	<b>57</b>
<b>10.0</b>	<b>COMPLIANCE WITH DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS</b> ....	<b>58</b>
<b>11.0</b>	<b>DECLARATION</b> .....	<b>61</b>

## **APPENDICES**

**1: CONTEXT PLAN OF THE SITE AND SURROUNDING DEVELOPMENTS**

**2: LETTER FROM WATKIN JONES TO INSPECTOR: POSITION STATEMENT ON NOMINATIONS (24 MARCH 2025)**

**3: SUMMARY TABLE OF PUBLIC OBJECTIONS**

# 1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Sam Stackhouse. I have a Bachelor of Arts degree in History and Ancient History from Cardiff University and I have a Master of Science degree in Urban and Regional Planning from the University of Birmingham. I am a Chartered Member of the Royal Town Planning Institute having been elected in 2014.
- 1.2 I am a Partner in the Planning Department at Montagu Evans LLP and have over 12 years' experience in practising town planning.
- 1.3 My area of focus is predominantly advising on high-density residential and mixed-use development, primarily in London and the South East. Example projects include:
- Winstanley and York Road Estate, Battersea (London Borough ("LB") of Wandsworth)): I secured planning permission (part full and part outline) on behalf of a joint-venture between Taylor Wimpey and the LB of Wandsworth for the phased regeneration of the Winstanley and York Road Estate for up to 2,550 residential dwellings (including affordable), a 12,400 sqm leisure and community centre, a 1,027 sqm health centre, circa 2,500 sqm of flexible commercial uses, and 5.53 hectares of publicly accessible open space. The buildings ranged in height with the tallest building being 32 storeys. The Site is located in the Clapham Junction Opportunity Area.
  - The Green, Southall (LB of Ealing): I secured full planning permission on behalf of a joint-venture between Peabody and the LB of Ealing for the phased redevelopment of a surface car park alongside light industrial and retail uses, for 564 residential dwellings (including affordable), circa 2,500 sqm of flexible commercial floorspace, a nursery and a community centre. The permission comprises three blocks ranging in height between 16 and 19 storeys. The Site is located in the Southall Opportunity Area. Following the grant of planning permission, a CPO was confirmed in which I appeared as an expert witness on town planning matters.
  - Land to the rear of 390-408 Wembley High Road, Wembley (LB of Brent): I secured full planning permission on behalf of Regal London for the development of two purpose-built student accommodation buildings ranging in height between 20 and 22 storeys and consisting of 639 student bedrooms. The Site is located in the Wembley Opportunity Area.
- 1.4 I have been advising on the redevelopment of the site that is subject to this appeal since December 2020 and led the submission of the planning application in May 2022. I have continued to be involved during the determination of the application leading up to this appeal. I therefore have a good understanding of the site and the relevant planning policy framework pursuant to the redevelopment of the site.
- 1.5 I am aware of my duties under the RTPI Code of Conduct, and I confirm that the evidence which I have prepared is true, is in accordance with the guidance of my professional institution, and that the opinions expressed are my true and professional opinion.

## 2.0 INTRODUCTION

2.1 I am instructed by Watkin Jones Group (“The Appellant”) to provide town planning evidence in relation to a planning appeal (APP/H5960/W/24/3358065) (“the Appeal”) pursuant to the site known as 41-49 Battersea Park Road (Booker Cash & Carry) and 49-59 Battersea Park Road (the former BMW Car Service Garage) SW8 5AL (“the Site” / “the Appeal Site”).

2.2 An application (“Application”) for Full (Phased) Planning Permission was registered by the LB of Wandsworth (“the Council” / “LBW”) on 26 May 2022 under Application Reference 2022/1835.

2.3 The formal description of the Development (“the Development” / “the Application” / “the Appeal Scheme”) is as follows:

*“Application for Phased Full Planning Permission for: Demolition of the existing building and construction of three new buildings, together comprising Residential (Use Class C3) and Student Accommodation (Sui Generis) along with Commercial, Business and Service (Use Class E) and/or Local Community and Learning (Class F) floorspace. Associated works include hard and soft landscaping, car parking and new vehicular access / servicing, and other ancillary works.”*

3.1 In land use terms, the Development comprises:

- The construction of three Plots:
  - Plot 1: a 12-storey building (ground inclusive) comprising 91 sqm of commercial floorspace (Class E) and 187 sqm of flexible affordable commercial and community floorspace (Class E and Class F) at ground floor and 55 affordable dwellings (Class C3) above.
  - Plot 2: a part 7 / part 16 storey building (ground inclusive) comprising 91 sqm of commercial floorspace (Class E) and 97 sqm of flexible commercial and community floorspace (Class E and Class F) at ground floor and 237 PBSA bedrooms (Sui Generis) above.
  - Plot 3: a part 7 / part 19 / part 22 storeys building (ground inclusive) comprising 525 PBSA bedrooms (Sui Generis) above.
- 4,442 sqm of public realm, including 356 sqm of children’s play space.

2.4 The Appeal is made against the non-determination of the Application by the LBW and was submitted on 23 December 2024.

2.5 Following confirmation of the Appeal, planning officers at the LBW (“Officers”) presented the Appeal Scheme to the LBW Planning Committee on 14 January 2025 to conclude how the LBW would have determined the Application should the Appeal have not been made.

2.6 Paragraph 25.21 of the Officer Report (“the Officer Report”) (CDJ.01) set out that:

*“...the proposal is in general conformity with the NPPF and the Development Plan when taken as a whole. No other material considerations have been identified which indicate a different decision should be made. In accordance with Section 38(6) of the Town and Country Planning Act and had an appeal against non-determination been lodged, the application would have been recommended for approval.”*

2.7 Notwithstanding the recommendation in the Officer Report to approve the Application, the Planning Committee voted that they would have, instead, refused the Application. A transcript of the Planning Committee Meeting is available in CDF.05.

2.8 In the Minutes of the Committee Meeting (CDF.03), it is stated that Members of the Planning Committee would have refused the Application for the following reasons:

- *“The quantum height, and of the increased height of the proposal was excessive compared to the extant scheme.*
- *As a consequence of the increase in height and close proximity there would be an impact on the adjoining properties, in particular the Peabody site. There would be a loss of amenity and outlook for the adjoining blocks,*

*with an impact of overlooking the existing gardens as well in the amenity space on the Peabody site. There would be an overbearing impact on the neighbouring sites, particularly the homes in the Peabody site.*

- *Due to the change of use from being wholly residential to being overwhelmingly for student use with some residential. There was a balance between need and demand and this was the wrong balance for land use, and for this site, given the demand and need for housing, and affordable housing in particular, was greater here.”*

2.9 In addition to the reasons for refusal in the Minutes, the Council set out its putative reason for refusal in a letter to The Planning Inspectorate dated 29 January 2025 (CDF.04) as follows:

*“As a result of its height and close proximity to the neighbouring buildings and the amenity space located at New Mansion Square, the proposed development would result in an overbearing impact upon the residential occupiers of the neighbouring buildings, detrimentally affecting their outlook and increasing overlooking opportunities that would reduce the residential amenity experienced by these neighbouring occupants. Furthermore, the predominant student use as proposed is not considered to be the most appropriate use on the site given the greater demand and need for housing (including affordable housing) in the area. For these reasons, the proposal is considered to be contrary to adopted Council policy LP2 and the Wandsworth Housing Needs Assessments dated December 2020 and December 2024.”*

2.10 In the Council's Statement of Case (the “Council's SoC”) (CDG.02) (Paragraph 1.4), it also refers to three other policies which it omitted from the above letter in which it contends that the Appeal Scheme conflicts with. These are as follows:

- Policy D6 (Housing quality and standards) of the London Plan;
- Policy H15 (Purpose-built student accommodation) of the London Plan; and
- Policy LP28 (Purpose-built student accommodation of the Local Plan.

2.11 Finally, in its SoC (Paragraph 5.28), the Council raises another matter that was not raised in the Committee Minutes or its letter to the Inspector. This matter relates to the two podium deck amenity spaces forming part of the New Covent Garden Market Entrance Site maximum parameters scheme (it benefits from outline planning permission only and does not yet have reserved matters approval) which would fall short of the BRE target of 2 hours of direct sunlight over 50% of the amenity space during the day.

#### **MATTERS IDENTIFIED BY THE INSPECTOR**

2.12 Following the Case Management Conference (“CMC”) on 4 March 2025, the Inspector set out the main issues to be considered at the Inquiry. These are as follows:

- The effect on the living conditions of occupiers of properties at New Mansion Square;
- Whether the proposal is acceptable in land use terms, paying regard to housing need; and
- Consideration of the planning balance.

#### **STATEMENT OF COMMON GROUND**

2.13 Two Statement of Common Grounds (SoCGs) – an overarching SoCG and a topic-specific SoCG on living conditions – have been agreed between the Appellant and LBW. The areas of uncommon ground between the two parties is set out in these documents and broadly mirror the main issues set out by the Inspector in the CMC.

2.14 In respect of the living conditions of occupiers at properties at New Mansion Square, the topic specific SoCG clarifies that the matters in dispute are the effect of the Appeal Scheme on the outlook and privacy at dwellings at Simper Mansions that face the Appeal Scheme, as well as the effect of the Appeal Scheme on the enjoyment of open spaces serving the New Mansion Square development.

#### **SCOPE OF MY EVIDENCE AND RELATIONSHIP WITH THE APPELLANT'S OTHER EVIDENCE**

2.15 My evidence addresses town planning matters in relation to each of the main issues identified above as well as the Council's SoC (collectively referred to as “the Main Issues”).

2.16 My evidence should be read in conjunction with the Appellant's Statement of Case ("SoC") (CDG.01), the SoCG (CDH.01), the topic-specific SoCG on living conditions (CDH.02) as well as other Reports submitted with the Application where specifically referenced. I also draw on the conclusions of other experts who have been instructed to provide evidence, specifically:

- Mr Alan McCartney (Howells Architects) – Design;
- Mr Paul Fletcher (Point 2 Surveyors) – Overshadowing; and
- Mr David Feeney (Cushman and Wakefield) – Student Demand.

### **SCALE OF WEIGHTING**

2.17 With regards to the weighting of development plan policies and material considerations in my evidence, I have followed the approach agreed in the CMC as follows:

- None;
- Limited;
- Moderate;
- Significant; and
- Substantial.

### **STRUCTURE OF MY EVIDENCE**

2.18 The context of my evidence, particularly the description of the Site, surroundings and planning history are matters of common ground. As such, they are dealt with in the SoCG and I therefore do not repeat them in my evidence, other than where I feel it is appropriate to do so.

2.19 I begin evidence with a summary of the evolution of the Appeal Scheme. In particular, I note that the Appeal Scheme was developed in close liaison with the Council and other stakeholders over a period of approximately 16 months prior to submission of the Application and engagement continued throughout the determination process up until the Appeal was submitted in December 2024.

2.20 I then identify the most relevant policies within the Development Plan (Section 4) and other relevant material considerations (Section 5).

2.21 In Section 6, I set out my Planning Assessment of the Appeal Scheme against the Development Plan and other relevant material considerations as previously identified, having regard specifically to the putative reasons for refusal, the Council's SoC, the areas of uncommon ground and the main issues raised by the Inspector at the CMC.

2.22 In Section 7, I set out other observations on the Council's SoC.

2.23 In Section 8, I comment on the planning conditions, planning obligations and Community Infrastructure Levy ("CIL") relevant to the Appeal Scheme and in Section 9 I comment on third party responses to the Appeal Scheme.

2.24 In Section 10, I conclude that the Appeal Scheme is compliant with the Development Plan when read as a whole and that there are no material considerations that indicate that planning permission should not be granted.

2.25 Section 11 is my Declaration that I have acted in accordance with the RTPI Code of Professional Conduct.

## 3.0 SCHEME EVOLUTION

- 3.1 As set out in the SoCG (CDH.01), initial pre-application discussions took place between December 2020 and April 2022. This included five formal pre-application meetings with Officers at the Council which covered a full range of matters. Further to this, two pre-application meetings were held with the Greater London Authority (“GLA”) in March 2021 and February 2022 and the emerging proposals were presented to the Wandsworth Design Review Panel in April 2022.
- 3.2 Following the submission of the Application in April 2022 (registered by LBW in May 2022), various responses were received from Officers and other stakeholders which resulted in amendments to the Application being made.
- 3.3 Prior to submission of these amendments, eight design workshops were held with LBW from August 2022 to March 2023, alongside two further presentations to the Design Review Panel in June 2022 and February 2023. A meeting was also held with the GLA in March 2023.
- 3.4 Amendments to the Application were formally submitted in April 2024. The principal amendments were as follows:
- Reduction in height of Plot 1 from 14 to 12 storeys; reduction in footprint; and reconfiguration of building to reduce privacy and overlooking impacts and improve daylight to neighbouring buildings;
  - Introduction of second stair core into Buildings 1 & 2;
  - Reduction in student bedrooms from 779 to 762;
  - Reduction in residential dwellings from 81 to 55, including an increased Low-Cost rent offer with a Social Rent: Intermediate split of 49:51 compared to the originally submitted 48:52 split;
  - Increase in community floorspace;
  - Increased student internal amenity space;
  - Changes to landscaping, play space and public realm;
  - Increase in biodiversity net gain from 35.26% to 147.56%;
  - Increase in Urban Greening Factor from 0.38 to 4, making the scheme now policy compliant;
  - Retention of all trees along Battersea Park Road and new planting along Sleaford Street and New Covent Garden Market Access Road;
  - Redesign of façade to adapt to environmental conditions including improvements in fabric efficiency to increase carbon savings and reduce overheating;
  - Increase in 274 sqm of PV to further increase carbon savings;
  - Amendments to Sleaford Street including a change from bay parking to parallel parking.
- 3.5 A further set of amendments were submitted in August 2024 to satisfy comments from the Council’s Occupational Therapist.
- 3.6 The Appellant submitted an appeal against non-determination in December 2024 having received no assurance that the Application would be determined at Planning Committee in the near future. This was following a PPA agreement in July 2024 that set out that the Application would be heard at the August Planning Committee, and then a further agreement in September 2024 that the Application would be heard at the November 2024 Planning Committee. Neither materialised.
- 3.7 Despite the submission of the Appeal, it is evident from the above that the Appellant has engaged heavily with Officers at the LBW and that both parties have worked collaboratively over a prolonged period of time to develop an application with the intention that both parties could ultimately support. The Appellant has also worked collaboratively with the GLA, and the design credentials of the Appeal Scheme have been validated by the Wandsworth Design Review Panel (DRP) who have advised on subject matters including development principles, sustainability, landscape and public realm.
- 3.8 This is reflected in Paragraph 25.2 of the Officer Report (CDF.01) which states that:
- “The proposal has been subject to extensive pre-application advice and before the application was finalised the scheme was fully reviewed by officers, Wandsworth Design Review Panel and the GLA. Since the original submission, the proposed development has been revised in response to comments received during the consultation process.”*

3.9 The Appellant has also undertaken extensive engagement with the public which is set out in the SoCG. This is also reflected in Paragraph 23.9 of the Officer Report which states that:

*“It is considered that the details of the engagement carried out by the Applicant team as outlined above is considered acceptable and addresses the objections raised by local people concerned about the lack of consultation and involvement regarding the proposed development.”*



## 4.0 DEVELOPMENT PLAN

4.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that in making any determination under the Planning Acts, regard is to be had to the development plan and that the determination must be made in accordance with that plan unless material considerations indicate otherwise.

4.2 The statutory Development Plan relevant to the Site comprises the following documents:

- The London Plan (March 2021) (CDB.02); and
- Wandsworth Local Plan 2023-2038 and Policies Map (July 2023) (CDC.01).

4.3 Having regards to the Main Issues, I summarise below what I consider to be the most relevant development plan policies to the determination of the Appeal Scheme.

### LONDON PLAN (CDB.02)

4.4 Policy GG2 (Making the best use of land): this policy states that the planning system must:

- Enable the development of brownfield land, particularly in Opportunity Areas
- Proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting high density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling
- Apply a design-led approach to determine the optimum development capacity of sites.

4.5 Policy GG4 (Delivering the homes Londoners need): this policy states that the planning system must create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

4.6 Policy D3 (Optimising site capacity through the design-led approach): Part A of this policy sets out that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Part B of this policy states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure, and amenities by public transport, walking and cycling.

4.7 Policy D4 (Delivering good design): this policy states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process.

4.8 Policy D6 (Housing quality and standards): Part D of this policy states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. It also set standards for private outside space.

4.9 Policy D8 (Public Realm): Part A of this policy states that development should explore opportunities to create new public realm and Part B states that the public realm should be well-designed, safe, accessible, inclusive, attractive, well-connected, related to local and historic context and easy to understand, service and maintain.

4.10 Policy D9 (Tall Buildings): Part B of this policy states that boroughs should determine if there are locations where tall buildings may be an appropriate form of development. Part C states that tall buildings should all be assessed in the context of their visual impact, functional impact and environmental impact.

4.11 Policy H1 (Increasing housing supply): this policy sets ten-year targets for net housing completions that each local planning authority should plan for. For LB Wandsworth, this is a ten-year target of 19,500 dwellings between 2019/20 and 2028/29.

Supporting text in Paragraph 4.1.9 states that net non-self-contained accommodation for students should count towards meeting housing targets on the basis of a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home.

- 4.12 Policy H4 (Delivering affordable housing): this policy requires major development which triggers affordable housing requirements to provide affordable housing through the threshold approach.
- 4.13 Policy H15 (Purpose-built student accommodation): this policy states that boroughs should seek to ensure that local and strategic need for purpose-build student accommodation is addressed provided that the development contributes to a mixed and balanced inclusive neighbourhood, the use of the accommodation is secured as students, the majority of the bedrooms are secured through a nomination agreement, the maximum level of accommodation is secured as affordable student accommodation, and the accommodation provides adequate functional living space and layout. The policy also states that student accommodation is encouraged to be developed in locations well-connected to local services by walking, cycling and public transport.
- 4.14 Paragraph 4.15.2 of the supporting text to Policy H15: states that the overall strategic requirement for Purpose Built Student Accommodation ("PBSA") in London has been established through the work of the Mayor's Academic Forum, and a requirement for 3,500 PBSA bed spaces to be provided annually over the Plan period has been identified.
- 4.15 Policy G6 (Biodiversity and access to nature): Part D of this policy states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity net gain.

#### **WANDSWORTH LOCAL PLAN 2023-2028 (CDC.01)**

- 4.16 Policy SDS1 (Spatial Development Strategy 2023-2038 (Strategic Policy)): this policy states that within the period 2023-2038, the Local Plan will provide for a minimum of 20,311 new homes.
- 4.17 Policy LP1 (The Design-led Approach (Strategic Policy)): Part A Criteria A of this policy states that development proposals should use a design-led approach to optimise the potential of sites so that the layout and arrangement of buildings ensure a high-level of physical integration with their surroundings and consideration of broader placemaking.
- 4.18 Part A Criteria 2 states that the scale, massing and appearance of the development must provide a high-quality, sustainable design and layout that enhance and relative positively to the prevailing local character and the emerging character (where the context is changing).
- 4.19 Part A Criteria 5 states that the urban grain and site layout must take account of and improve existing patterns of development and movement, permeability, and street widths, in order to contribute positively to well-being and enhance active travel.
- 4.20 Part A Criteria 7 states that development must include well-located public spaces that support a variety of activities, and provide a high-quality public realm.
- 4.21 Part B of the Policy states that the Council will encourage the use of its pre-application service, encourage meaningful developer-led public engagement and undertake a review of the design of appropriate major schemes using the Council's design review panel.
- 4.22 Policy LP2 (General Development Principles (Strategic Policy)): Part A of this policy states that Development proposals must provide for a mix of uses, including for new homes of a mixed-tenure and type, employment opportunities and which deliver strong cultural, recreational, and social services and facilities to support daily life as part of walkable neighbourhoods.
- 4.23 Part B of this policy states that development proposals must not adversely impact the amenity of existing and future occupiers or that of neighbouring properties, or prevent the proper operation of the uses proposed or of neighbouring uses. Proposals will be supported where the development:
1. Avoids unacceptable impacts on levels of daylight and sunlight for the host building or adjoining properties (including their gardens or outdoor spaces);

2. Avoids unacceptable levels of overlooking (or perceived overlooking) and undue sense of enclosure onto the private amenity space of neighbouring properties;
  3. is not visually intrusive or has an overbearing impact as a result of its height, scale, massing or siting, including through creating a sense of enclosure;
  4. Would not compromise the visual amenity of adjoining sites; and
  5. Would not lead to detrimental effects on the health, safety and the amenity of existing and new occupiers, and the amenity of occupiers/users of nearby properties through unacceptable noise, vibration, traffic congestion, air pollution, light pollution, odours, land contamination, disturbances during construction and demolition, in accordance with Policy LP14.
- 4.24 Policy LP4 (Tall and Mid-rise Buildings (Strategic Policy)): Part B of this policy states that proposals for tall buildings will only be appropriate in tall building zones identified on tall building maps and must not result in any adverse visual, functional, environmental and cumulative impacts. Part D of the policy states that proposal for tall buildings should not exceed the appropriate height range identified for each of the tall building zones as set out at Appendix 2 to this Plan.
- 4.25 Policy LP20 (New Open Space): states that major developments will be required to provide new public open space and make improvements to the public realm.
- 4.26 Policy LP23 (Affordable Housing) (Strategic Policy): Part B of this policy states that Development that creates 10 or more dwellings (gross) on individual sites must provide affordable housing on-site in accordance with the threshold approach set out in London Plan Policy H5. Part C states that the Council will require an affordable housing tenure split of at least 50% low-cost rent products, with a balance of other intermediate products.
- 4.27 Policy LP27 (Housing Standards): Part A states that all new residential development should meet all requirements for housing standards and private internal space as set out Policy D6 of the London Plan, and provide private outside space to a minimum of 10 sqm for 1 and 2 bedroom dwellings, and 15 sqm for dwellings with 3 or more bedrooms).
- 4.28 Policy LP28 (Purpose-Built Student Accommodation): Part A of this policy states that PBSA will be supported where the development:
1. Meets all requirement for student accommodation, including affordable provision through the threshold approach, as set out in London Plan Policy H15;
  2. Is accompanied by a site management and maintenance plan which demonstrates that the accommodation will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers, and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood;
  3. Has access to good levels of public transport, and to shops, services and leisure facilities appropriate to the student population;
  4. Would not result in an over-concentration of single-person accommodation at the neighbourhood level which may be detrimental to the balance and mix of uses in the area or place undue pressure on local infrastructure;
  5. Provides a high-quality living environment, including the provision of adequate functional living spaces and layouts, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and natural ventilation); and
  6. Provides at least 10% of student rooms which are readily adaptable for occupation by wheelchair users.
- 4.29 Policy LP55 (Biodiversity): Part B2 states that developments will be required to deliver a net gain in biodiversity through the incorporation of ecological enhancements.
- 4.30 Policy LP62 (Planning Obligations (Strategic Policy)): states that CIL will fund strategic infrastructure necessary to deliver the objectives of the Local Plan and planning obligations will be sought on a site-by-site basis to ensure that development proposals make on-site provision or fund local improvements to mitigate the specific impact of development.
- 4.31 Site Allocation NE2 (41-49 Nine Elms Lane, and 49-59 Battersea Park Road, SW8) (CDC.07): the site allocation supports mixed use development, including residential and commercial uses. The site is located in tall building zone TB-B3-01 in

which the maximum height range for the zone is 8-25 storeys and the maximum height range for the site should be in accordance with the tall building maps in Appendix 2.

## 5.0 OTHER MATERIAL CONSIDERATIONS

5.1 In addition to the relevant development plan policies, I also consider there to be other material considerations of relevance to the determination of this Appeal. These are summarised below.

5.2 I also refer to officer reports from other planning permissions including the Extant Permission on the Site, New Mansion Square, Palmerston Court, and New Covent Garden Market – Entrance Site. **Appendix 1** identifies the location of these sites for clarity.

### NATIONAL PLANNING POLICY AND GUIDANCE

#### NPPF (CDB.01)

5.3 The National Planning Policy Framework (“NPPF”) (December 2024) is a primary material consideration. Those policies which I consider are particularly relevant to this Appeal are identified below.

5.4 Paragraph 11: states that plans and decisions should apply a presumption in favour of sustainable development. In particular, for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.

5.5 Paragraph 49: sets out the considerations regarding weight that should be given to emerging plans in preparation.

5.6 Paragraph 61: states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

5.7 Paragraph 63: states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include, amongst others, those who require affordable housing (including Social Rent) and students.

5.8 Paragraph 71: states that mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions. Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people’s housing and student accommodation, and plots sold for custom or self-build.

5.9 Paragraph 124: states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.10 Paragraph 125 Part C: states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

5.11 Paragraph 125 Part D: states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

5.12 Paragraph 130 Part C: states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 5.13 Paragraph 135: states that planning policies and decisions should ensure that developments: function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being.
- 5.14 Paragraph 137: states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 5.15 Paragraph 138: states that for assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the evolution of schemes and are particularly important for significant projects such as large-scale housing and mixed-use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations by design review panels.
- 5.16 Paragraph 139: states that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary documents such as design guides and codes.

#### Planning Practice Guidance

- 5.17 Those parts of the National Planning Practice Guidance which I consider are particularly relevant to this Appeal are set out below.
- 5.18 Paragraph: 007 Reference ID: 66-007-20190722 - What are the wider planning considerations in assessing appropriate levels of sunlight and daylight? (CDB.03)

*“All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.*

*In such situations good design (such as giving careful consideration to a building’s massing and layout of habitable rooms) will be necessary to help make the best use of the site and maintain acceptable living standards.”*

- 5.19 Paragraph: 004 Reference ID: 67-004-20190722 – How can student housing needs be assessed? (CDB: 04)

*“Strategic policy-making authorities need to plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. Strategic policy-making authorities are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside university-provided accommodation. Local Planning Authorities will also need to engage with universities and other higher educational establishments to ensure they understand their student accommodation requirements in their area.”*

- 5.20 Paragraph: 025 Reference ID: 68-034-20190722 – How can authorities count student housing in the housing land supply? (CDB .05)

*“All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority’s housing land supply based on:*

- *the amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); and / or*
- *the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation.*

*This will need to be applied to both communal establishments and to multi bedroom self-contained student flats. Several units of purpose-built student accommodation may be needed to replace a house which may have accommodated several students.*

*Authorities will need to base their calculations on the average number of students living in student only accommodation, using the published census data, and take steps to avoid double-counting. The exception to this approach is studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling.”*

## **SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

### The Mayor's Purpose-Built Student Accommodation LPG (November 2024) (CDB.06)

- 5.21 Those parts of the Mayor's Purpose-Built Student Accommodation LPG which I consider are particularly relevant to this Appeal are identified below.
- 5.22 Box 1 (Page 3): the role of PBSA in meeting different policy objectives as part of mixed and inclusive neighbourhoods: this sets out that housing need is met by PBSA directly through housing students (including those with particular affordability and/or disability-related needs); and indirectly through helping to alleviate pressure on traditional rented homes. As such, it is counted as part of housing supply and may also have a role in supporting wider housing delivery in an area.
- 5.23 Paragraph 2.5.3: states that while PBSA need should be addressed in line with policy H15, on larger sites (typically more than 0.25 ha) the inclusion of separate conventional (C3) housing) may nonetheless be acceptable and even desirable as part of pursuing mixed and inclusive neighbourhood objectives. This may be particularly relevant where C3 delivery, is relatively poor, including on sites where previous C3 consents have not been built out.

### The Mayor's Housing SPG (2016) (CDB.07)

- 5.24 This document provides guidance on the implementation of housing policies in the now superseded version of the London Plan. Notwithstanding, I consider that it still provides a useful guide in identifying key development control considerations pursuant to proposals for new development.
- 5.25 Paragraph 1.3.45 notes that an appropriate degree of flexibility needs to be applied when using the BRE Guidelines to assess the daylight and sunlight impacts of new development on surrounding properties. Guidelines should be applied sensitively to higher density developments, especially in opportunity areas. This should take into account local circumstances, the need to optimise housing capacity, and scope for the character and form of an area to change over time.
- 5.26 Paragraph 1.3.46 states that the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

### LBW Planning Obligations SPD (October 2020) (CDC.02)

- 5.27 This document provides detailed guidance on the use of Section 106 Planning Obligations alongside CIL. This document has informed the Heads of Terms and Section 106 Agreement subject to the Appeal Scheme.

## LOCAL PLAN EVIDENCE BASE

### Wandsworth Local Housing Needs Assessment (2024) (CDC.03)

- 5.28 Those parts of the Wandsworth Local Housing Needs Assessment (2024) which I consider are particularly relevant to this Appeal are as follows:
- 5.29 Paragraph 5.66: states that in the London Plan, Policy H15 considers the need for PBSA. The Plan identifies an annual need for 3,500 units of PBSA but does not allocate borough benchmarks or targets. The Plan states that the need will vary with changes in higher education provider's estates. If Wandsworth was to continue to provide for 2% of all students in London, this would equate to around 70 PSBA per annum.
- 5.30 Paragraph 6.2: states that there is a need for 14,601 affordable homes. This includes a current unmet need for 6,087 households who require affordable housing, predominantly because they are in temporary accommodation, hostels, are overcrowded or are concealed households.
- 5.31 Paragraph 6.4: states that there is an extremely high need for affordable to rent housing such as social or affordable rent. This accounts for the vast majority of the total need and this need is heavily constrained by viability factors.
- 5.32 Paragraph 6.11: In respect of "Other Needs" which is identified as housing meeting the needs of older persons, those seeking shared accommodation, students and those seek to build their own homes, the Paragraph states that "All would contribute to the overall delivery of dwellings in Wandsworth".

### Wandsworth Housing Background Paper (2025) (CDC.06)

- 5.33 Those parts of the Wandsworth Housing Background Paper (2025) which I consider are particularly relevant to this Appeal are as follows:
- 5.34 Paragraph 2.7: states that to ensure that Wandsworth is a fairer borough, the Council intends to ensure that different housing development typologies, including smaller sites, student housing and other forms of specialist or shared housing, contribute towards affordable housing to support additional delivery throughout the borough and provide a mix of housing to meet the needs of Wandsworth's residents.
- 5.35 Paragraph 12.5: states that whilst grant is expected to remain a very important funding mechanism for affordable housing, the findings of the report demonstrate the limitations of relying upon grant to fund new affordable housing at a rate anywhere close to need. This in itself demonstrates the importance of maximising the delivery of developer-funded affordable housing on-site, as well as ensuring that opportunities are taken to maximise the level of contributions from different site typologies, including small sites and student accommodation.
- 5.36 Paragraph 18.4: states that the London Plan recognises there is a need for additional PBSA across Greater London. Unlike the approach taken for other forms of housing, the London Plan does not identify a disaggregated Borough-level of need or target for such housing and instead treats the need as being 'pan London.' Whilst there is demand in Wandsworth for PBSA schemes, the existing policy approach makes it difficult to arrive at sensible policy decisions over the level of contribution that a borough like Wandsworth ought to make to meeting London's need for PBSA, particularly given that the PBSA coming forward in Wandsworth typically has no tie to local HEPs.

## NEW MANSION SQUARE PLANNING PERMISSION (2015/3555)

- 5.37 In its putative reason for refusal, LBW specifically references the impact that the Development would have on New Mansion Square. New Mansion Square (often previously referred to as either the Peabody Scheme/Battersea Power Station Phase 4a / Sleaford Site / Dairy Crest Site) is located to the south and west of the Site.
- 5.38 New Mansion Square was granted planning permission (ref: 2015/3555) on 3 December 2015 for the following development:



*“Demolition of all existing buildings, and construction of seven new buildings of between 1-storey and 18-storeys, containing 374 residential units; non-residential institution (D1) floorspace; business (B1) floorspace; flexible retail/restaurant & cafe/business (A1/A3/B1) floorspace; flexible residential/business (C3/B1) floorspace; flexible non-residential institution/business floorspace (D1/B1); and an electricity sub-station. The proposals include a basement, vehicle/cycle parking, plant, the alteration of the vehicle access from Thessaly Road, and associated works and landscaping. (Please note that the on-site ball court would be removed as part of the proposals). An Environmental Statement has been submitted with the application under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.”*

5.39 The permission was amended via Section 73 (ref: 2016/3778) granted on 21 November 2016 and a Section 96a (2020/4439) on 12 April 2021. The development is now completed and occupied.

5.40 The New Mansion Square development comprises three primary blocks. Block A1 runs east-to-west along the southern boundary of the site along the railway line. Block A1 is subdivided into five parts known as A1.1, A1.2, A1.3, A1.4 and A1.5. Block A2 is located to the north-west of Block A1 and Block A3 is located to the north-east of Block A1. The building names are as follows:

- Building A1.1: Higgs Mansions;
- Building A1.2: Tweed Mansions;
- Building A1.3: Foots Row Mansions;
- Building A1.4: Billington Mansions;
- A1.5: Arden Mansions;
- A2: Matkin Mansions; and
- A3: Simper Mansions.

5.41 Those blocks (or part of) that are located closest to the Appeal Site are Block A1.5 (Arden Mansions) and Block A3 (Simper Mansions). Arden Mansions is 15 storeys (with a 10-storey shoulder on its eastern elevation) in height and Simper Mansions is 11 storeys (with an 8-storey shoulder on its eastern elevation) in height.

5.42 At the time that New Mansion Square development was granted planning permission 2015, there was no extant planning permission on the Appeal Site, although the Appeal Site did benefit from a Site Allocation. To ensure that the New Mansion Square did not prejudice the future development potential of the Appeal Site, amendments were made to the scheme during the course of determination. This is explained in the officer report accompanying the New Mansion Square proposals (CDM.01) as follows.

5.43 Paragraph 8.2 states that:

*“In order to not prejudice the redevelopment of the neighbouring BMW site to the east, the elevation treatment to the eastern elevation of Building A3 has been amended, so as to reduce the potential for overlooking and to increase residential outlook and privacy. The balconies from the first floor to the seventh floor have been removed from the eastern façade, with a consequential enlargement of the balconies on the southern and northern elevations of the affected residential units. There has also been a reduction and re-positioning of windows along the eastern façade with new projecting angled windows with privacy glazing on one side, and clear glazing angled to look out towards the north and south, rather than east.”*

5.44 In justifying the acceptability of the proposed development, Paragraph 8.3 of the Officer Report states that:

*“The layout of the buildings on the eastern side of the proposed development are linear in form, and although they do not address the eastern boundary with gable ends like the extant scheme, the amendments should ensure there are no privacy issues with any potential high level residential units on the adjoining site. This layout is considered to be appropriate and would still enable a suitable perimeter-style of development on the adjoining BMW Garage site. The distance of proposed Building A3 from the south-east boundary of the Booker site is considered to be acceptable, with the building set back far enough from this boundary to not result in any potential undue loss of privacy for any future building on this adjoining site. The applicants and the adjoining site owners would be brought together, along with TfL and the Council to discuss the future treatment of Sleaford Street and the junction with Battersea Park Road, to ensure mutually beneficial highway works are undertaken. Overall, it is*

*considered that the proposed development would not unduly constrain any future development proposals on the adjoining sites.”*

#### **NEW COVENT GARDEN PLANNING PERMISSION – THE ENTRANCE SITE (REF: 2014/2810)**

- 5.45 The New Covent Garden Market development was granted part outline and part detailed planning permission (2014/2810) on 11 February 2015. The part of the New Covent Garden Market development that is relevant to the Site is the “Entrance Site” Development Zone which is located on the eastern side of New Covent Garden Market Access Road.
- 5.46 The Entrance Site currently contains a temporary flower market but benefits from an outline planning permission for residential-led development. Condition 14 of the planning permission restricts the total GEA of the Entrance Site Development Zone to 44,324 sqm and the parameters plans restrict the maximum height of development to range between 6 and 17 storeys, depending on its location on the site.
- 5.47 As all matters were reserved in respect of access, appearance, landscaping, layout and scale, an indicative scheme based on the maximum parameters was prepared to determine the acceptability of the scheme for outline planning permission to be granted. The maximum parameters show two perimeter style blocks each with their own podium amenity space.
- 5.48 The Entrance Site does not benefit from reserved matters approval nor has an application been submitted at the time of writing. As such, the effect of the appeal development on the future enjoyment of the proposed deck amenity spaces is hypothetical as it based on the maximum parameters of the Entrance Site and not a fully consented development.
- 5.49 With regards to the two podium deck amenity spaces shown on the maximum parameters scheme, Page 174 of the officer report (CDM.05) notes that one of these spaces will experience a minor adverse effect with regards to levels of sunlight below the BRE Criteria. Figure 16 of Mr Fletcher’s evidence includes an extract from the Environment Statement that supported the permission and shows that the northern podium deck amenity would receive direct sunlight for 40.78% of the area for at least two hours a day on 21 March (as opposed to the 50% target). This was based on the Appeal Site remaining undeveloped.

#### **EXTANT PLANNING PERMISSION ON THE APPEAL SITE (REF: 2015/6813)**

- 5.50 The Appeal Site benefits from an extant planning permission (ref: 2015/6813) (“the Extant Permission”) which was granted on 28 March 2019 in respect of the Site for the following works:
- “Demolition of all existing buildings and construction of new buildings of between 5 storeys and 18 storeys, containing 307 residential units, business (Class B1) floorspace and flexible retail/restaurant and cafe/business floorspace (Class A1-A5 and B1), CHP basement, vehicle and cycle parking, plant and associated works, landscaping and a new access onto Sleaford street.”*
- 5.51 This application was resolved to grant planning permission at Planning Committee on 19 October 2016, therefore approximately 10 months after the determination of New Mansion Square.
- 5.52 A Certificate of Lawfulness of Existing Use or Development (“CLEUD”) was issued on 22 August 2023 confirming that the above permission has been lawfully implemented.
- 5.53 Of the 307 residential dwellings granted planning permission, 77 were secured as affordable (25% by unit number) comprising 57 Intermediate tenure units and 20 Affordable Rented tenure units.
- 5.54 In terms of storeys heights:
- Block A was 5-9 storeys (located on the northern part of the Site)
  - Block B was 8-14 storeys (located on the northern part of the Site)
  - Block C was 15 storeys (located on the southern part of the Site)
  - Block D was 5 storeys (located on the southern part of the Site)
  - Block E was 18 storeys (located on the southern part of the Site)

5.55 In respect of New Mansion Square and those blocks closest to the Site, the officer report (CDM.02) notes the following in respect of Block A.1.5 and Block A3.

5.56 Paragraph 8.26:

*“Block A1.5: The northern elevation of this residential block faces towards the southern elevation of Block C and the western elevations of Block D and E. All these elevations contain habitable room windows. The separation to Block C would be 25 metres which would allow for adequate outlook and privacy. Owing to the oblique views towards Block D and distance of 20 metres there would not be a significant impact on living conditions for both future occupiers. The western flank elevation of Block E, the 18-storey tower, would face the elevation at a distance of between 15 metres and 21 metres. This elevation does contain habitable room windows which are not oblique or obscured.”*

5.57 Paragraph 8.28 – 8.31:

*“Block A3: This block is sited closest to the boundary with the application site and its eastern flank would be sited between 1.5 metres and 4.5 metres to the boundary at 8 storeys. Block C from the proposal site would be the nearest block and the separation distances between the two would be 5.5 metres at first level and above. There are no habitable room windows which would directly face towards the eastern flank of this building and therefore there would be no direct overlooking, loss of light or privacy.*

*The windows that are proposed are secondary and designed to have oblique views. The window design replicates the window treatment and building set back as approved. Block C would not be sited in front of the northern and southern building line. It is considered that the western elevation of Block D and E would not result in loss of privacy or overlooking to the southern façade of A3 as adequate separation is achieved in excess of 21m.*

*The northern elevation of A3 will face towards the 14-storey tower of Block B. These two buildings will be separated by 18m. However, the outlook for occupiers to this block will be across the new public square the separation achieved at closest point which increases as towards the west would allow for adequate outlook and privacy, taking into account the sites location in OA.*

*The planning committee report in respect of the Phase 4A explicitly addressed the impact of the development on adjoining sites which included the proposal site. The report states at paragraph 8.2 that "In order to not prejudice the redevelopment of the neighbouring BMW site to the east, the elevation treatment to the eastern elevation of Building A3 has been amended, so as to reduce the potential for overlooking and to increase residential outlook and privacy. The balconies from the first floor to the seventh floor have been removed from the eastern façade, with a consequential enlargement of the balconies on the southern and northern elevations of the affected residential units. There has also been a reduction and re-positioning of windows along the eastern façade with new projecting angled windows with privacy glazing on one side, and clear glazing angled to look out towards the north and south, rather than east". It is considered that these amendments and the assessment of the current scheme have allowed a mutually acceptable form of development to ensure that the living conditions of future occupiers are of an acceptable standard.”*

5.58 On the basis that the New Mansion Square planning permission and the New Covent Garden Market Entrance Site planning permission were granted prior to the Extant Permission, the impacts of the Extant Permission on such developments was assessed and found to be acceptable at that time. As such, I consider that significant weight should be given to the Extant Permission as a material consideration as it represents an appropriate benchmark on the likely future acceptability of the Appeal Scheme.

## **PALMERSTON COURT PLANNING PERMISSION (REF: 2020/2837)**

5.59 The site at Palmerston Court was granted planning permission on 8 March 2021 for redevelopment comprising 868 student bedrooms, alongside commercial office space and a replacement public house. The Site is located approximately 500 metres west of the Appeal Site.

5.60 In respect of PBSA need, Paragraph 3.10 of the officer report (CDM.04) noted that:

*The quantum of units would provide a significant contribution to addressed identified student housing need across London and the borough and also meeting general housing needs as set out in ItP LP Policy H1. The site is in an accessible location with good bus and rail links where the applicant's partner HEIs are located.*

5.61 At the time that planning permission was granted, the Applicant (Urbanest) did not have a contractual nominations agreement with a Higher Education Institution ("HEI") in place. Paragraph 3.15 of the officer report states that:

*"The aim of this policy is to encourage developers to partner with established HEI, to reduce the potential for speculative development of student housing which might otherwise be able to bypass the need to comply with affordable housing and general housing amenity standards. In this instance, Urbanest have provided evidence of their track record of delivering and managing this type of accommodation, having developed several other similar schemes and having established close ties with some of London's major universities including King's College, the London School of Economics and University College London."*

5.62 Furthermore, in Paragraph 3.20, the officer report states that:

*"Whilst it is not necessarily expected that a contract with an HEI will be entered into during the planning stage, the applicant has submitted a management plan for the accommodation and evidence that they have been in discussions with a number of HEIs. This provides a reasonable indication that the applicant intends to work in partnership with an HEI in relation to the management of the accommodation and placement of students when the scheme is ready for occupation."*

## **GLA: ACCELERATING HOUSING DELIVERY: PLANNING AND HOUSING PRACTICE NOTE DECEMBER 2024 (CDB.08)**

5.63 This Practice Note focuses on increasing the provision of affordable homes and wider housing delivery.

5.64 It is a material consideration for the purposes of determining planning applications and Paragraph 1.4 of the Practice Notice states that *"In recognition of the challenges currently facing housing delivery in London in the short term, Local Planning Authorities (LPAs) and applicants are strongly encouraged to implement the approaches in this practice note when bringing forward guidance, submitting and assessing planning applications and supporting the delivery of the pipeline of consented schemes."*

5.65 The Practice Notice notes that a small number of boroughs have proposed local plan affordable housing policies with a site-specific requirement that it is higher than the 35% private land threshold in Policy H5. Where such policies have been adopted, the borough may require the applicant to follow the Viability Tested Route even where the application meets the relevant London Plan criteria for following the Fast Track Route. Although intended to secure a higher level of affordable housing, where not supported by robust viability evidence, this approach can disincentivise applicants from following the FTR, slow down the planning process and require additional resourcing to assess the application. In Paragraph 3.8, the Practice Note states that:

*"This approach risks the successful implementation of the London Plan threshold approach which is a matter of strategic concern for the Mayor. This has been raised by the GLA and will continue to be raised as an issue of general conformity with the London Plan at local plan consultations and inquiries."*

## LOCAL PLAN PARTIAL REVIEW CONSULTATION DOCUMENT: REGULATION 19 CONSULTATION

- 5.66 Wandsworth Council is currently conducting a Partial Review of the Local Plan (CDC.05). It commenced a Regulation 19 consultation which ran between 13 January 2025 and 24 February 2025.
- 5.67 The Partial Review of the Local Plan seeks to update six policies, along with revisions to supporting and other text for consistency and clarity. These six policies are as follows:
- Policy LP23: Affordable Housing
  - Policy LP24: Housing Mix
  - Policy LP28: Purpose-Built Student Accommodation
  - Policy LP29: Housing with Shared Facilities
  - Policy LP30: Build to Rent
  - Policy LP31: Specialist Housing for Vulnerable People and for Older People
- 5.68 According to the Local Development Scheme (January 2025), the Council anticipates an independent examination of the Plan in Summer/Autumn 2025 and adoption in Spring 2026.
- 5.69 Paragraph 49 of the NPPF (CDB.01) states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a. The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c. The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.70 The proposed amendments to the above policies are yet to be scrutinised through independent examination and will unlikely be so scrutinised before the Appeal Scheme is determined. Furthermore, I am aware that there are a number of unresolved objections following the consultation at the Regulation 19 stage, including from the Appellant.
- 5.71 A copy of the Appellant's written representations are included in CDM.06 and, in summary, the letter highlights significant shortcomings in the Local Plan Partial Review which are considered to undermine the delivery of housing, at a time when LBW's objectively assessed local housing need has increased to 4,328 homes per year – a 319% increase above the Council's Local Plan housing target.
- 5.72 The letter contends that the policies go well beyond the London Plan and are contrary to recent regional publications such as the PBSA LPG (Nov, 2024) and the Accelerating Housing Delivery Practice Note (Dec, 2024). In particular, the increase in the threshold for developments to qualify for the Fast Track Route and the inclusion of a late-stage review for such applications will discourage developers from taking this route and it is likely to result in more viability-tested applications. This will undoubtedly slow down the determination of planning applications and also result in less affordable housing being delivered.
- 5.73 The proposed amendments to Policy LP28 fail to acknowledge PBSA as a valid contributor to housing needs and the benefit it provides in freeing up conventional housing elsewhere, including Paragraph 71 of the NPPF and Paragraph 041 (Ref ID: 68-041-20190722) of the NPPG. It also fails to recognise PBSA as an enabler of conventional affordable housing. Finally, it will undermine the prospects of meeting the London Plan target to deliver 3,500 PBSA bed spaces per year.
- 5.74 The letter concludes that the Local Plan Partial Review is unsound when considered in the context of Paragraph 36 of the NPPF because it is not:
- Positively Prepared – it does not provide a strategy which seeks to meet the area's objectively housing needs;
  - Justified – the proposed policy amendments go way beyond the London Plan and are not an appropriate strategy to incentivise housing delivery, particularly as the London Plan policies and guidance are a reasonable alternative in this context;

- Effective – the proposed policy amendments will stifle housing delivery and undermine the delivery of housing over the plan period;
- Consistent with national policy – it does not provide a strategy which seeks to meet the area's objectively housing needs.

5.75 I also note that the GLA has raised objection to the draft plan. In its letter dated 24 February 2025 (CDM.07), it states that:

*"It is the Mayor's opinion that as currently written the draft Plan is not in general conformity with the London Plan due to the proposed approach to affordable housing."*

5.76 For these reasons, I have not ascribed any weight to the Local Plan Partial Review Consultation Document (Regulation 19).

5.77 A similar approach is also followed in the Officer Report (CDF.01) at Paragraph 3.10 which states that:

*"It should be noted that the Local Plan is currently the subject of a review, which is focusing on updates to Policy LP23 (Affordable Housing) and other policies with a view to strengthening the provision of the affordable housing tenure split 70%:30% in favour of social rent homes. Whilst it is acknowledged that this is an aspiration of the council, the emerging policy is yet to be tested at Examination and therefore carries limited material weight. The application has therefore been assessed in accordance with adopted Local Plan policy LP23 as it stands."*

## APPEAL DECISIONS

5.78 Since the adoption of the London Plan in 2021 which introduced a bespoke policy relating to PBSA (Policy H15), there has been four appeal decisions in relation to PBSA. All four appeals were upheld and whilst the site context and reasons for approval all vary, I consider that the various Inspectors' commentary on the need and weighting to be given to PBSA as well as its role as contributor to housing supply are material to note in the context of the Appeal Scheme.

5.79 The appeal decisions are briefly summarised below with the relevant paragraphs from the decision notice extracted below.

### Avonmouth House (LB of Southwark) - APP/A5840/W/22/3303205 – 24 January 2023 (CDE.04)

5.80 Planning permission was granted for the erection of a part 2, part 7, part 14 and part 16 storey building comprising 233 PBSA bedrooms alongside ground floor commercial uses.

5.81 Paragraph 109 of the Appeal Decision states the following:

*"With regard to the provision of 233 PBSA units, this would make a valuable contribution to student housing provision close to a number of HEI, in an area where demand outstrips supply for specialist housing provision and there is a recognised London-wide need for such accommodation. The proposed development would provide a policy-compliant 35% affordable student units and 5% accessible student units. Furthermore, the provision of 233 PBSA units would, if using the LP ratio of 2:5:1, free up the equivalent of 93 conventional homes. The challenges faced by the Council in delivering housing, particularly affordable housing are recognised. Taken in the round, I afford the provision of this quantum of PBSA very significant weight."*

### 17-37 William Road (LB of Camden) - APP/X5210/W/21/3284957 – 24 April 2024 (CDE.06)

5.82 Planning permission was granted for a 15-storey building comprising 239 PBSA bedrooms alongside ground floor commercial uses.

5.83 Paragraph 200 – 202 of the Appeal Decision states the following:

*"The London Plan indicates that student housing will contribute towards overall housing supply at a ratio of 2.5 bedspaces to one dwelling. The development would therefore contribute 82 dwellings towards the Council's housing land supply. The Council has pointed out that policy H1 in the Local Plan establishes a priority housing*

*need for self-contained housing and that this has come about because of the considerable amount of student housing built in the Borough.*

*However, there is no evidence that the appeal site is either included within the existing supply of housing sites or that it is proposed to be allocated for self-contained housing. At present the draft Local Plan Review and the draft Site Allocations Review are at an early stage and can be given little weight. Furthermore, there is no evidence that there is an imbalance between self-contained housing and student accommodation or that the shortfall in self-contained housing is any more pressing than the need for student housing. Bearing these points in mind, the contribution towards reducing the Borough's housing deficit is a matter of substantial weight.*

*The Council's annual student accommodation target in policy H9 is a minimum of 160 units. However, this needs to be seen in the context of the more recent London-wide annual target of 3,500 student bedspaces, which has been established through the London Plan. It seems clear that some Boroughs will be better placed to contribute towards the strategic level of supply than others, and this includes Camden due to the location of many of the Higher Education establishments. The area around the appeal site is particularly well placed for student housing due to its proximity to such institutions as University College London, the London School of Economics and SOAS University of London."*

Mulberry Place Town Hall, (LB of Tower Hamlets) - APP/E5900/W/23/3320336 – 1 December 2023 (CDE.05)

5.84 Planning permission (part full and outline) was granted for a mixed-use development including residential dwellings, PBSA, data centre, a swimming pool and community use space. The PBSA element of the development was granted full planning permission for 716 bedrooms.

5.85 Paragraph 52 of the Appeal Decision states the following:

*"In particular, the provision of affordable housing and data centre, and the provision of Build to Rent and PBSA would weigh very substantial to substantial in favour of the proposal."*

5.86 Paragraph 104 of the Appeal Decision states the following:

*"It would also provide much needed affordable housing and PBSA in a context of a housing crisis in London."*

7-15 Blount Street (LB of Tower Hamlets) - APP/E5900/W/23/3332263 – 24 June 2024 (CDE.07)

5.87 Planning permission was granted for 106 PBSA bedrooms alongside ground floor commercial floorspace.

5.88 Paragraph 42 of the Appeal Decision states the following:

*"The proposed development would provide 106-bedroom units of PBSA, which would make a valuable contribution to student housing provision close to a number of Higher Education establishments, in an area where there is high demand for housing provision in general. There is also a recognised London-wide need for student accommodation. In accordance with London Plan Policy H15 and THLP Polic D.H6 the proposed development would provide 35% affordable student units and 5% accessible student units."*

5.89 Paragraph 44 of the Appeal Decision states the following:

*"... Although the proposal is not for traditional housing provision, there is no policy imperative for it on the site and I have not been presented with any compelling argument that housing provision within the borough would be significantly compromised through the development of the site for PBSA."*

## 6.0 PLANNING ASSESSMENT OF MAIN ISSUES

6.1 In this section of my evidence, I assess the Development against the Main Issues as well as those policies which I consider to be most relevant to the determination of the Appeal. The Main Issues that I cover are as follows:

- The principle of PBSA;
- The optimisation of Previously Developed Land;
- Building height, design, and design evolution;
- The impact of the Development on neighbouring amenity;
- Plot 1 residential external amenity space;
- The biodiversity enhancements arising from the Development.

### THE PRINCIPLE OF PBSA

#### The suitability of the Site for PBSA against Policy H15 of the London Plan (CDB.02)

6.2 Part A of Policy H15 (Purpose-built student accommodation) of the London Plan states that boroughs should seek to ensure that local and strategic need for purpose-built student accommodation is addressed, provided that:

1. *“at the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood.*
2. *the use of the accommodation is secured for students*
3. *the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider*
4. *The maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance.*
  - a. *to follow the Fast Track Route, at least 35 per cent of the accommodation must be secured as affordable student accommodation or 50 per cent where the development is on public land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution*
  - b. *where the requirements of 4a above are not met, applications must follow the Viability Tested Route set out in Policy H5 Threshold approach to applications, Part E*
  - c. *the affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.*
5. *the accommodation provides adequate functional living space and layout.”*

6.3 I set out below how the Appeal Scheme performs against each of the above criteria:

- 1) *at the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood.*

6.4 Policy H15 does not define what the “neighbourhood level” is, nor does it establish what is considered to be a “mixed and inclusive neighbourhood”. However, I understand that the objective of the policy is to promote a mix of uses and avoid an over-concentration of student accommodation.

6.5 Paragraph 1.29 of the Officer Report (CDF.01) notes that there are approximately 16,000 conventional homes constructed so far in Nine Elms and that the Appeal Site (along with the only other PBSA permitted scheme in the Wandsworth boundary of the Vauxhall / Nine Elms / Battersea (VNEB) Opportunity Area – Palmerston Court, 868 beds) would contribute the equivalent of 652 homes to the existing built supply. This would mean that student accommodation would comprise just over 4% of the new housing stock in the area.

6.6 Having assessed the percentage of PBSA relative to conventional housing in the local area, Paragraph 1.30 of the Officer Report states that:

*“On this basis, the proposed land use is broadly in conformity with the London Plan policy, introducing a modest amount of student housing into a town centre location, where conventional residential uses of different tenures*



*are well represented, there is therefore no evidence of to justify an over-concentration of student accommodation locally and the proposed development is considered acceptable.”*

6.7 The view is also shared by GLA in its Stage 1 Report (CDD.01) which, in Paragraph 21, states that “...*the scheme is considered to contribute to mixed and inclusive communities”.*

6.8 I agree with the conclusions made in the Officer Report and GLA Stage 1 Report. I consider that the provision of 762 PBSA bedrooms (equivalent of 305 dwellings), alongside the 55 conventional affordable dwellings and 466 sqm (GIA) of ground floor commercial and community uses at ground floor would contribute positively to a mixed and inclusive neighbourhood and would not result in an overconcentration of students.

2) *the use of the accommodation is secured for students.*

6.9 A planning obligation is secured requiring the use of the accommodation to be secured for students.

3) *the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider.*

6.10 The Appellant is committed to using reasonable endeavours to secure a nominations agreement for the majority of the accommodation (including all of the affordable student accommodation) prior to occupation of the Development. This accords with the PBSA LPG and is set out in the Section 106 agreement.

6.11 In Paragraph 5.17 of the Council's SoC (CDG.02), it is noted that “*the absence of demonstrated need for the proposed student accommodation, and the absence of an agreement with a HEP represents a conflict with those part of Policies LP28 of the Local Plan and H15 of the London Plan, which require a nomination agreement in place.*”

6.12 In response, I set out that there is a demonstrable unmet need for PBSA in Paragraphs 6.61 to 6.84, drawing on evidence from David Feeney where relevant. However, it is also material to note that the Application was supported by three separate letters of support from UCL, University of London, and the London School of Economics and Political Science (LSE). Since these letters of support, Heads of Terms are in the process of being agreed with LSE as set out in **Appendix 2**. As such, I consider that the need for PBSA has been demonstrated appropriately and there is no conflict with policy in this regard.

6.13 In respect of the alleged conflict with Policy H15 (and Policy LP28) because of the absence of an agreement with a HEP, I comment that it is not a policy requirement to have an agreement with a HEP at the planning application stage. This is recognised in Paragraph 4.14.4 of the supporting text of Policy H15 which states that “...*the borough should ensure, through condition or legal agreement, that the development will, from the point of occupation, maintain a nomination agreement or enter a new nomination agreement with one or more higher education provider(s) for a majority of the bedrooms in the development, for as long as it is used as student accommodation.*”

6.14 This is also echoed in the supporting text (Paragraph 17.36) of Policy LP28 of the Local Plan (CDC.01) which states that “*Proposals for new student accommodation will support London’s HEPs, and therefore proposals for student accommodation must either be operated directly by a Higher Education Provider (HEP) or the majority of the bedrooms in the development must have an agreement in place from initial occupation with one or more HEPs, to provide housing for its students, and to commit to having such an agreement for as long as the development is used for student accommodation in accordance with London Plan Policy H15.*”

6.15 It is also material to note that the LBW accepted the position that it is not necessary to have a nominations agreement in place prior to planning application stage when approving the Palmerston Court development in 2021. In this instance, it was deemed sufficient for the developer to provide evidence of its track record and relationships with HEPs at the time planning permission was granted. Paragraph 3.15 of the officer report (CDF.01) states that:

*“The aim of this policy is to encourage developers to partner with established HEI, to reduce the potential for speculative development of student housing which might otherwise be able to bypass the need to comply with affordable housing and general housing amenity standards. In this instance, Urbanest have provided evidence of their track record of delivering and managing this type of accommodation, having developed several other*

*similar schemes and having established close ties with some of London's major universities including King's College, the London School of Economics and University College London."*

6.16 Therefore, in obtaining three letters of support from HEPs and entering into Heads of Terms with a HEP, the Appellant has arguably gone further than what the developer did in relation to Palmerston Court and which was considered satisfactory by LBW to grant planning permission.

6.17 Finally, it has to be recognised that in practice it is unusual to have a nominations agreement in place at planning stage as set out by Mr Feeney. In Paragraph 84 of his evidence, he states that

*"Therefore, whilst the London Plan requires an agreement to be in place for a PBSA development to be operational, it is usual for such agreements to be entered into following the securing of planning permission. This allows a university to be more confident that a scheme will be delivered and so that they can more properly plan for when bed spaces will be available."*

6.18 He also draws on the PBSA LPG to validate his point which states in Paragraph 3.2.1 that:

*"HEPs are unlikely to enter into such agreements until plans and, indeed, construction are sufficiently advanced that they can rely on bedspaces being available when needed (e.g. for the start of a particular academic year). However, any Planning Authority will want to ensure a reasonable prospect of compliance with this policy criterion post permission."*

6.19 Therefore, contrary to the claim in Council's SoC, I do not find any conflict with criterion 3 of Policy H15 of the London Plan, or Criteria 1 of Part A of Policy LP28 of the Local Plan. Indeed, given that the policy does not require a nomination agreement to be in place prior to occupation, I regard the Council's position that one should be in place prior to grant unreasonable. It simply does not reflect the real world, policy or guidance.

- 4) the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance:
- a. to follow the Fast Track Route, at least 35 per cent of the accommodation must be secured as affordable student accommodation or 50 per cent where the development is on public land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution;
  - b. where the requirements of 4a above are not met, applications must follow the Viability Tested Route set out in Policy H5 Threshold approach to applications, Part E; and
  - c. the affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.

6.20 The Development would deliver 198 student bedrooms as affordable student accommodation. As a percentage, this equates to 25.98% of the student accommodation as a whole. Whilst this level is not justified by a viability assessment as required by the policy, Paragraph 2.5.3 of the PBSA LPG (CDB.06) acknowledges that the *"the inclusion of separate [affordable] conventional housing may nonetheless be acceptable and even desirable as part of pursuing mixed and inclusive neighbourhood objectives"*. It further notes that this may be particularly relevant when C3 delivery is relatively poor including on sites where previous C3 consents have not been built out.

6.21 In this regard, whilst there is an implemented Extant Permission on the Site which secured affordable housing, this permission has not been built out. Therefore, in the context of the wording of the PBSA LPG, I consider that there is strong justification to deliver conventional affordable housing on the Site alongside PBSA, in lieu of a proportion of affordable student accommodation, provided that overall the quantum of affordable housing across both tenures meets the minimum required to comply the Fast Track Route.

6.22 Furthermore, Paragraph 6.2 of the Wandsworth Housing Needs Assessment (CDC.03) states that there is a current unmet affordable housing need for 6,087 households and Paragraph 6.4 states that there is an *"extremely high need for affordable to rent housing...."*

6.23 Finally, Paragraph 71 of the NPPF (CDB.01) acknowledges the benefits of mixed tenure sites in respect of creating diverse communities and supporting timely build out rates. Such mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent as well as housing designed for specific groups such as student accommodation.

6.24 The split tenure approach to affordable housing is also supported by the LBW. Paragraph 25.8 of the Officer Report (CDF.01) states that:

*“The applicant has elected to provide 55 conventional residential units, all of which will be rented affordable homes, which weighs heavily in favour of the development as there is no planning requirement for housing to be provided as part of the PSBA scheme. The provision of 55 low-cost rent homes in a range of sizes will help to meet the diverse needs of Wandsworth residents and will also bring a mix of tenures to the site that would not have been the case for a wholly student accommodation scheme.”*

6.25 Therefore, I consider that the Scheme's provision of both affordable PBSA and affordable conventional housing – the sum of which will equate to 39.55% affordable housing based on habitable room across the Site to meet the Fast Track Route set out in the London Plan – is acceptable. Whilst the under-provision of affordable student accommodation (25% rather than 35%) is not justified by a viability assessment and therefore does conflict with Criteria 4, the shortfall is mitigated by the provision of conventional affordable housing and which provides the outstanding balance to ensure that the Development provides 39.55% affordable housing overall and is compliant with the Fast Track Route set out by Policy H4 (Delivering affordable housing) of the London Plan. The approach is also supported by the recently published PBSA LPG, Officers and the GLA in its Stage 1 Report (CDD.01). In respect of the latter, the GLA Stage 1 Report notes in Paragraph 38 that:

*“On this basis the overall affordable offer would equate to 39.5% (the blended fast track route threshold) of ‘habitable rooms’ across the whole development therefore the scheme can follow the fast track route.”*

5) the accommodation provides adequate functional living space and layout.

6.26 Alongside bedrooms and kitchen / living / dining facilities, the Development would provide 1,434 sqm of internal amenity space and 665 sqm of external amenity space. These spaces provide a broad range of spaces for studying in groups, recreation, break-out space and fitness, providing more than adequate functional living space which is common ground between the Appellant and the LBW.

6.27 It is also accepted in Paragraph 1.42 of the Officer Report (CDF.01) which states that:

*“It is considered that the proposed development would provide good quality accommodation for students, meeting the expectations of the London Plan Policy H15 (Part A). The spatial arrangement, environmental internal conditions, level of amenity within the individual units and the communal spaces, and the provision of wheelchair housing would all be adequate, as detailed in subsequent parts of this report and is considered acceptable.”*

Summary against Part A of Policy H15

6.28 In summary, I consider that the Development complies with four of the five criteria of Part A of Policy H15. The element of non-compliance relates to Criteria 4 which I explain above. In Section 10, I explain what I consider to be the consequence of this conflict in the context of the development plan when read as a whole and as a material consideration.

Part B of Policy H15

6.29 Part B of Policy H15 states that Boroughs, student accommodation providers and higher education providers are encouraged to develop student accommodation in locations well connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes.

6.30 Paragraph 25.6 of the Officer Report (CDF.01) notes that:

*“The site is considered a suitable location for student accommodation on the basis of its close proximity to local services, all of which are accessible by walking, cycling and public transport. The proposal would provide high quality accommodation for students in an accessible and sustainable area to meet local need and demand. The*

*site is considered to be appropriate for student accommodation, meeting a demonstrable need and achieving compliance with the requirements of London Plan Policy H15*

6.31 I agree with this extract of the Officer Report. Indeed, the Site has a Public Transport Accessibility Level (PTAL) rating of 5 which is identified by TfL as “Very Good” (on a scale from “Very Poor” to “Excellent”) and is located approximately 120 metres from Battersea Power Station Underground Station which provides regular Northern Line Services into Central London. In addition, the Site is located opposite Battersea Power Station Bus Station which provides the following regular bus services:

- 156 – Vauxhall Bus Station to Wimbledon Bus Station;
- 344 – Clapham Junction Station to Liverpool Street Station; and
- 436 – Lewisham to Battersea Park Station.

6.32 The Site is also located a three-minute cycle to Cycleway 8 (that connects Battersea to Lambeth Bridge) and a one-minute cycle to the Thessaly Road Cycle Link which connects to Cycleway 5 (a route that connects Clapham to Waterloo). A Cycle Hire Docking Station is located on the corner of Thessaly Road and Battersea Park and is located approximately 95 metres west of the Site.

6.33 An array of local shops, services and leisure facilities within walking and cycle distance can be found at Battersea Power Station, around the junction between Battersea Park and Queenstown Road and along Nine Elms Lane.

6.34 I therefore consider that the Site benefits from good connections to local services by walking, cycling and public transport and, in the context of Part B of Policy H15, is a suitable location for PBSA in principle.

#### **The suitability of the Site for PBSA against Policy LP28 of the Local Plan (CDC.01)**

6.35 Policy LP28 of (Purpose-built student accommodation) of the Local Plan states that proposals for PBSA will be supported where the development:

1. *“Meets all requirement for student accommodation, including affordable provision through the threshold approach, as set out in London Plan Policy H15;*
2. *Is accompanied by a site management and maintenance plan which demonstrates that the accommodation will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers, and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood;*
3. *Has access to good levels of public transport, and to shops, services and leisure facilities appropriate to the student population;*
4. *Would not result in an over-concentration of single-person accommodation at the neighbourhood level which may be detrimental to the balance and mix of uses in the area or place undue pressure on local infrastructure;*
5. *Provides a high-quality living environment, including the provision of adequate functional living spaces and layouts, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and natural ventilation); and*
6. *Provides at least 10% of student rooms which are readily adaptable for occupation by wheelchair users.”*

6.36 I set out below how the Appeal Scheme complies with each of the above criteria:

1. *meets all requirements for student accommodation, including affordable provision through the threshold approach, as set out in London Plan Policy H15;*

6.37 This assessment has been undertaken above.

2. *is accompanied by a site management and maintenance plan which demonstrates that the accommodation will be managed and maintained over its lifetime so as to ensure an acceptable level of amenity and access to facilities for its occupiers, and would not give rise to unacceptable impacts on the amenities of existing residents in the neighbourhood;*

6.38 The Application was supported by a draft Student Management Plan prepared by Fresh (the Appellants accommodation management business) (CDA.20) which details how the accommodation will be managed and maintained over its lifetime to ensure an acceptable level of amenity and access to facilities for its occupiers. A permanent Student Management Plan will be required by planning obligation and will be required to demonstrate that the Appeal Scheme will not give rise any unacceptable impacts upon nearby residents.

3. has access to good levels of public transport, and to shops, services and leisure facilities appropriate to the student population;

6.39 As explained above in respect of compliance with Policy H15, the Site benefits from good connections to local services by walking, cycling and public transport. An array of local shops, services and leisure facilities within walking and cycle distance can be found at Battersea Power Station, around the junction between Battersea Park and Queenstown Road, and along Nine Elms Lane. Moreover, the Appeal Scheme includes ground floor commercial and community uses which will further contribute to the existing local offer. As such, the Site has access to good levels of public transport and to amenities appropriate to the student population.

4. would not result in an over-concentration of single-person accommodation at the neighbourhood level which may be detrimental to the balance and mix of uses in the area or place undue pressure on local infrastructure;

6.40 Unlike Policy H15 of the Local Plan, Policy LP28 of the Local Plan seeks to define the term “neighbourhood”. The Local Plan defines the “neighbourhood level” as within an 800-metre radius. Policy LP28 seeks to avoid an overconcentration of “single-person accommodation” at the “neighbourhood level” of a given site.

6.41 The extent of the 800 metre radius is set out in CDA.54 and shows that in addition to the Appeal Site, there are only two other PBSA schemes. This is Palmerston Court, within the Borough boundary, and Belmore Street (Lambeth College) which lies within the Borough of Lambeth. Combined with the Appeal Site, the three PBSA developments would equate to 903 dwellings. Based on the analysis undertaken in the Officer Report that there are approximately 16,000 conventional homes constructed in Nine Elms, the percentage of student accommodation within the area would be around 5% of all homes.

6.42 I also note that within 800 metres of the Site are a number of other uses that feature within the neighbourhood including:

- The large existing housing estates of Patmore and Savona (which are not included in the 16,000-home assessment);
- The Queenstown Road Strategic Industrial Location;
- Linford Street Business Estate;
- New Covent Garden Market Site; and
- Newton Preparatory School.

6.43 As such, there is a variety of land uses within an 800-metre radius of the Site that contribute to creating a mixed use and inclusive neighbourhood. Furthermore, as the Development provides PBSA, conventional affordable housing, and commercial and community uses as part of a mixed-use development, it would further reinforce the diversity of uses within the existing neighbourhood. Accordingly, the Development would contribute positively to the local area at neighbourhood level and would not result in an over-concentration of a single-person accommodation.

6.44 Paragraph 1.48 of the Officer Report (CDF.01) agrees with my assessment and concludes that:

*“It is therefore considered that the proposals would not result in an overconcentration of this use, despite the objections raised in this regard by councillors and objectors. In conclusion, the quantum of units would provide a significant contribution to addressing identified student housing need across London and the borough. As a consequence, it would also assist in meeting general housing need as the provision of this student accommodation could relieve pressure on the lower end of private rented housing, contrary to the objections received.”*

5. provides a high-quality living environment, including the provision of appropriate functional living spaces and layouts, well-integrated internal and external communal areas, and a high level of amenity (providing good levels of daylight and sunlight, and natural ventilation); (...)

- 6.45 As explained in relation to Policy H15, the Development would deliver well-integrated internal and external communal areas producing a high-quality living environment. The internal layout has been designed to ensure that quality is maximised for future occupiers, including through corridors designed to provide natural cross ventilation and daylight, and windows with openable vent panels and integrated louvres to improve ventilation.
- 6.46 With regards to amenity space, 1,434 sqm internal and 665 sqm external communal amenity space is proposed, split across Plots 2 and 3. Students would also have access to the proposed public realm which comprises 4,442 sqm.
- 6.47 For Plot 2, the student amenity space includes shared indoor amenity at Level 7 and Level 16, along with a communal terrace at Level 7. Indoor facilities would accommodate study spaces, a gym, a cinema screening room, a laundry room, a communal dining space, and a games room. The total internal amenity space between these 2 floors is 505 sqm. In addition, a 187 sqm roof terrace is provided which will boast a combination of raised beds and built-in seating.
- 6.48 For Plot 3, there is shared indoor and outdoor amenity at Level 7, accommodating study spaces, a gym, a cinema screening room, a laundry room, a communal dining space, lounges and a games room. Level 7 offers a communal terrace that provides views across Battersea and Nine Elms, with another communal terrace at Level 1, contributing to additional external space with raised beds, seating and tables which cater for informal study or dining space. In addition to this, the ground floor also offers shared lounge spaces. The total internal amenity space is 929 sqm, with 478 sqm of external amenity space.
- 6.49 Finally, the Development would receive good levels of daylight and sunlight, as well as natural ventilation.
- 6.50 It is common ground between the Appellant and the LBW that the Development provides a high-quality living environment.

6. provides at least 10% of student rooms which are readily adaptable for occupation by wheelchair users.

- 6.51 Plot 2 will provide 5% of rooms as wheelchair accessible in line with BS8300 2018 (including 1% as hoisted units), and 5% as wheelchair adaptable from the outset, equating to 10% of student rooms as wheelchair user rooms overall in this Plot. For Plot 3, 5% wheelchair accessible studio bedrooms are provided, and it is proposed that the required 5% adaptable units can be provided based on need through the conversion of two cluster units into a single accessible unit through the installation of a new accessible bathroom. The units equate to 5% accessible (including 1% hoisted units) and 5% potential adaptable units. As such, compliance with this policy is achieved.
- 6.52 In its consultation response to the Application (as set out on Page 36 of the Officer Report (CDF.01)), the Occupational Therapist stated that *“The changes positively reflect the negotiations discussions with the applicants; and we now have the correct number, size and layout of accessible accommodation across all plots.”*
- 6.53 In summary, I consider that the Development complies with Policy LP28 of the Local Plan.

#### **Compliance with Site Allocation NE2 (CDC.07)**

- 6.54 The Site benefits from a site allocation identified as “NE2 – 41-9 Nine Elms Lane, and 49-59 Battersea Park Road, SW8” (“the Site Allocation”) (CDC.07). In land use terms, the Site Allocation seeks *“mixed use development including residential and commercial uses.”* On the basis that the PBSA is a residential tenure that contributes to overall local housing needs (as set out below), I consider that the principle of PBSA complies with the land use aspects of the Site Allocation. Furthermore, when combined with the conventional housing, and commercial and community uses, the Development would create a mixed-use development including residential and commercial uses that the Site Allocation seeks.

#### **Compliance with LP2 Part A (CDC.01)**

- 6.55 In its putative reasons for refusal set out in its letter to the Planning Inspectorate on 29 January 2025 (CDF.04), the Council identified conflict with Policy LP2 (General Development Principles (Strategic Policy)) of the Local Plan. Part A of this policy focusses on land use principles and states that:

*“Development proposals must provide for a mix of uses, including for new homes of a mixed-tenure and type, employment opportunities and which deliver strong cultural, recreational, and social services and facilities to support daily life as part of walkable neighbourhoods.”*

- 6.56 I consider that the Appeal Scheme complies with this part of the policy. In particular, the Development would provide new homes of a mixed-tenure and type through both student and conventional housing. Furthermore, there would be variety in affordability with 564 PBSA bedrooms available at market rent, 198 PBSA bedrooms available at an affordable rent aligned with the Mayor’s Annual Monitoring Report, 28 dwellings available at London Living Rent, and 27 dwellings available at Social Rent.
- 6.57 In addition to the delivery of homes, the Development would provide four commercial and community units at ground floor which, as set out in the Socio-Economic Assessment which supported the Application, is expected to provide employment for between 7 and 23 jobs on a full time (FTE) basis. This is in addition to an Employment and Skills financial contribution of £130,831.25 to be paid to the Council to support the provision of jobs, training, apprenticeship placements, and support for local businesses in the Borough, and a Local Employment Agreement which obligates the Appellant to maximise the employment and training opportunities for local people and businesses within the Borough.
- 6.58 The proposed flexible Class E/Class F uses sought for the commercial and community units would enable businesses, social services, facilities and community groups to occupy the space supporting daily life as part of a walkable neighbourhood. Furthermore, one of the units (Unit 2) would be let at a peppercorn rent to provide affordable space for community groups. To ensure that the uses that come forward integrate themselves positively into the local area, the S.106 agreement requires the preparation of a Community Space Management Plan to be agreed with the Council which will set out the details of how the community space is used including the terms of any lease. The Section 106 Agreement also prevents occupation of Plot 1 until the community space is constructed and made available for occupation.
- 6.59 Finally, the Development would deliver 4,442 sqm of public realm providing new pedestrian routes through the Site to improve permeability in the local area, as well as providing seating and play space for recreation purposes.
- 6.60 In summary, I consider that the Development would comply with part A of Policy LP2 of the Local Plan

### **The need for PBSA**

- 6.61 This is discussed in more detail in the Proof of Evidence of David Feeney but I set out in this section my assessment against planning policy. Policy H15 of the London Plan (CDB.02) states that boroughs should seek to ensure that local and strategic need for PBSA is addressed. The supporting text of Policy H15 (Paragraph 4.15.2) states that London has a requirement for 3,500 PBSA bed spaces to be provided annually over the Plan period. Paragraph 4.15.3 of the supporting text states that the strategic need for PBSA is not broken down into borough-level targets as the location of this need will vary over the Plan period with changes in higher education providers’ estate and expansions plan, availability of appropriate sites, and changes that affect their growth and funding.
- 6.62 Part C of Policy GG4 (Delivering the homes Londoners need) states that development should create mixed and inclusive communities and provide for identified needs, including for specialist housing. In this regard, PBSA is recognised in the London Plan as specialist housing.
- 6.63 At a national level, Paragraph 61 of the NPPF (CDB.01) requires the needs of groups with specific housing requirement to be addressed and Paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The PPG (Paragraph 004 Reference ID: 67-004-20190722) also insists that strategic policy-making authorities need to plan for sufficient student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether it is on campus.
- 6.64 Against the London Plan PBSA target of 3,500 homes per year, Paragraph 57 and Table 3 of Mr Feeney’s Proof, demonstrates that delivery has fallen short every year. Indeed, in the 8 years between 2017/18 and 2024/25, London has only delivered 14,102 beds against a need of 28,000 beds – just over 50%. As such, there remains a significant unmet need for PBSA against the London Plan target.

- 6.65 Mr Feeney has also undertaken a demand and supply analysis in which he identifies a “fundamental mismatch” between demand and supply across a) London overall; and b) institutions within a commutable distance of the Appeal Site.
- 6.66 In respect of London overall, he demonstrates in Figure 12 that for the 2022/23 academic year (the most recent year of data), there was a Demand Pool of 277,295 students yet only a supply of 92,382 beds – leaving 184,463 students with a requirement for a bed unable to access one in PBSA. This translates to a student to bed ratio of 2.99: 1.
- 6.67 In respect of institutions within a commutable distance of the Appeal Site, Mr Feeney explains in Paragraph 22 that students in London are generally willing to travel around 45 minutes to and from a place of study from a place of residence. My Feeney identifies 15 HEPs within 45 minutes of public transport of the Site. In this scenario, there was a 2022/23 Demand Pool of 148,170 students yet only a supply of 29,343 beds – leaving 118,827 students with a requirement for a bed unable to access one in PBSA. This translates to a student to bed ratio of 5.05: 1.
- 6.68 In Paragraph 69, My Feeney states that:

*“It is therefore clear that the proposed development can play an important role in helping to address undersupply not only at a London level, but also across institutions within a commutable distance of the site.”*

- 6.69 I concur with his view.
- 6.70 Paragraph 31 of The Wandsworth Local Housing Needs Assessment (2024) (CDC.03) suggests that Wandsworth borough contains 1% of PBSA in London and around 2% of all students, so it contends that its share of the 3,500 bed spaces annual target based upon its current population would be 35-70 units per annum.
- 6.71 Mr Feeney challenges the findings of the Wandsworth Local Housing Needs Assessment 2024 stating that in the 2024/25 academic year, 4% of all beds in London are located in Wandsworth (Paragraph 70). Using the Council’s methodology, this would mean that Wandsworth annual target should be 140 units per annum, rather than 35-70.
- 6.72 This disaggregated approach to need is adopted in the Council’s SoC (Paragraph 5.10) (CDG.02), where it argues that its PBSA need over the plan period of 2023-2038 has been almost met with 95% of the units having already been either completed, commenced or permitted. In Paragraph 5.12, it states that if the Appeal Scheme came forward, it would increase the supply of PBSA bed spaces by 762, resulting in a significant oversupply of student housing.
- 6.73 I note, however, that the Council’s disaggregated approach to need finds no support in adopted planning policy with the London Plan specifically stating that strategic need for PBSA is not broken down into borough-level targets. I also do not consider it appropriate to consider current supply as a benchmark to measure future need, particularly when Policy H15 is clear that the annual target of 3,500 bed spaces is London-wide to allow changing circumstances over time. This is reinforced in the 17-37 William Road Appeal Decision (CDE.06) in which the Inspector noted (Paragraph 202) that need:

*“...needs to be seen in the context of the more recent London-wide annual target of 3,500 student bedspaces, which has been established through the London Plan. It seems clear that some Boroughs will be better placed to contribute towards the strategic level of supply than others”.*

- 6.74 This approach is also adopted in the officer report associated with the Palmerston Court PBSA scheme that the LBW granted in 2021 in which the officer set out in Paragraph 3.10 (CDM.04) that:

*The quantum of units would provide a significant contribution to addressed identified student housing need across London and the borough and also meeting general housing needs as set out in ItP LP Policy H1. The site is in an accessible location with good bus and rail links where the applicant’s partner HEIs are located.*

- 6.75 Finally, the Chair of the Planning Committee appeared to acknowledge that need should be seen in a wider context when Members discussed the acceptability of the Appeal Scheme at Planning Committee on 14 January 2025. In the transcript (CDF.05), he stated that:

*“I mean, we often talk about how meaningless borough and more particularly ward boundaries are in all kinds of things, like housing, for instance.”*



6.76 The approach taken by the LBW to the effect that it should only plan to meet needs arising in Wandsworth, rather than the London need is therefore a flawed one. If every London Council followed this approach, some central London Boroughs simply could not expect to meet their student needs given the scale of education institutions located within them. By way of example, Mr Feeney points to Westminster which is home to a range of universities and other specialist providers. He notes that even assuming every bed available to students in Westminster was taken by a student at an institution in the Borough, up to 43,386 students would not be able to access PBSA, including up to 21,781 first year students. The approach that LBW is taking would thus be a recipe for ensuring that student needs would not be met. Thus, as a matter of logic, the Council's approach is in conflict with the approach to specialist housing needs. Furthermore, even if it was accepted that the Borough was providing for the needs of the HEPs in its Borough, it would be failing in its duty to cooperate with all other London boroughs to meet the unmet PBSA housing need across London. In this regard, Paragraph 24 of the NPPF (CDB.01) states that:

*"Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered, by addressing key spatial issues including meeting housing needs, delivering strategic infrastructure and building economic and climate resilience. Local planning authorities and county councils (in two-tier areas) continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries."*

6.77 The importance of housing delivery at a strategic level is also underlined by various appeal decisions including recovered appeals by the Secretary of the State. In a recovered appeal on 11 December 2023, in relation to two applications in Isleworth (Homebase, Syon Lane and Tesco, Osterley) (APP/F5540/V/21/3287726 and 3287727) (CDE.12), the Secretary of State agreed with the Inspector that substantial weight should be given to the delivery of homes towards the Borough's needs, but also the London-wide need and the recognised shortfall which exists. This was despite the Borough (Hounslow) demonstrating a five year housing land supply. As such, it is clear that London boroughs cannot take a parochial borough view with regards to meeting housing needs.

6.78 In summary, the Site's location is appropriate for PBSA because of its good connections to local services by walking, cycling and public transport. Furthermore, as set out in the evidence of Mr Feeney, there are 15 Higher Education Institutions with a reasonable commuting time of the Site, three of which have expressed their interest in acquiring the majority of bedspaces should planning permission be granted.

6.79 In Paragraph 5.7 of the Council's SoC (CDG.02), the Council state that it will demonstrate that there is sufficient PBSA accommodation proposed to support the majority of student accommodation requirements from the largest HEP's within Wandsworth. This misunderstands the policy position though which directs PBSA to locations well-connected to local services by walking, cycling and public transport, rather than where HEPs are located. This is reinforced in the supporting text (Paragraph 4.15.3) of Policy H15 which states that:

*"There is no requirement for the higher education provider linked by the agreement to the PBSA to be located within the borough where the development is proposed."*

6.80 For this reason, I do not ascribe any weight to the suggested borough target in the Wandsworth Housing Needs Assessment of 35-70 bed spaces per annum.

6.81 In any event, the Council's claim that it has sufficient PBSA accommodation to accommodate its requirements from the largest HEP's within Wandsworth is challenged by Mr Feeney. In Paragraph 78, Mr Feeney states:

*"...since 2013/14, Wandsworth's institutions have been unable to house all students with a requirement for a bed in PBSA, with this shortfall growing markedly since 2019/20 to stand at 7,074 students on 2022/23. Importantly, 2,309 first year students with a requirement for a bed are unable to be housed. Based on previous growth trajectories, these figures have the potential to stand at 8,896 and 3,422 in 2024/25 respectively."*

6.82 Mr Feeney's evidence (Paragraph 101) concludes that the student to bed ratio in Wandsworth is 5.11: 1 which indicates that need amongst Wandsworth HEPs is higher than across London as a whole.

6.83 In summary, and having carefully considered the evidence of Mr Feeney, I conclude that there is a significant unmet need for PBSA bed spaces to meet the London Plan target of 3,500 bed spaces per year. Furthermore, it is clear that there is

a structural undersupply of PBSA in London which manifests itself in a student to bed ratio of 2.99 :1 at a pan-London level, 5.05: 1 within a commutable distance of the Appeal Site, and 5.11: 1 within Wandsworth as a borough. I further conclude that highly accessible sites such as the Appeal Site are wholly appropriate for PBSA to help meet the need identified in Policy H15 and Policy GG4 of the London Plan.

- 6.84 In the 7-15 Blount Street Appeal Decision (CDE.07), I note that the Inspector concluded that the provision of 106 PBSA bed spaces would make “a *valuable contribution to student housing provision.*” At 762 bed spaces, the Appeal Scheme would deliver over seven times more beds than this scheme. At the very least, I therefore conclude that the Appeal Scheme would make a valuable contribution to student housing provision in London.

### **PBSA as a contributor to housing supply**

- 6.85 Policy H1 (Increasing housing supply) of the London Plan (CDB.02) sets a ten-year target for net housing completions that each local planning authority should plan for. The ten-year target (2019/20 – 2028-29) for Wandsworth is 19,500 (1,950 per annum).
- 6.86 Policy SDS1 (Spatial Development Strategy 2023-2038 (Strategic Policy)) states that within the period of 2023-2038, the Local Plan will provide for a minimum of 20,311 new homes. This equates to a per annum delivery of 1,354 homes per year.
- 6.87 The supporting text (Paragraph 4.1.9) of Policy H1 of the London Plan states that net non-self-contained accommodation for students should count towards meeting housing targets based on a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home. The approach to monitoring net housing provision from different forms of non-self-contained accommodation is based on the amount of self-contained housing this form of supply will free up.
- 6.88 The contribution that PBSA makes toward housing supply is also recognised in the PBSA LPG (Box 1 of Page 3) and Paragraph 6.11 of the Wandsworth Housing Needs Assessment (CDC.03). It also recognised in the Avonmouth House Appeal Decision (CDE.04) as set out in Section 5.
- 6.89 The principle of the 2.5: 1 ratio is supported by the PPG (Paragraph: 025 Reference ID: 68-034-20190722) (CDB.05), however, the PPG goes further and states that there is an exception to this as follows:

*“studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling.”*

- 6.90 The Development comprises 762 PBSA bed spaces split as 525 cluster bedrooms and 237 self-contained studio bedrooms. Applying the methodology set out above, the PBSA element of the Development would contribute the equivalent of 447 dwellings to LBW’s housing supply.
- 6.91 With the 55 conventional affordable homes included, the total contribution that the Appeal Site would make towards housing supply would be 502 dwellings. The contribution would equate to 37% of Wandsworth’s Local Plan annual housing target.
- 6.92 I therefore conclude that the Appeal Scheme would make a significant contribution to housing needs in Wandsworth (and London) and responds positively to the aspirations of Policy H1 of the London Plan and Policy SDS1 of the Local Plan. It would also chime positively with Paragraph 61 of the NPPF by significantly boosting the supply of homes and meeting the needs of groups with specific housing requirements.
- 6.93 This view is also shared in Paragraph 25.5 of the Officer Report (CDF.01) which states that:

*“It is considered that the proposed development would contribute to the Council’s housing targets and would meet general housing needs as set out in London Plan policy H1; and would also help to alleviate pressure on traditional rented accommodation.”*

## **PBSA as an enabler of conventional affordable housing delivery**

- 6.94 Policy H15 of the London Plan and Policy LP28 of the Local Plan both require PBSA to contribute affordable housing. On the basis of the land use, the default position set out in these policies is to provide affordable student housing.
- 6.95 Despite this, Paragraph 2.5.3 of the PBSA LPG (CDB.06) states that “*while PBSA need should be addressed in line with Policy H15, on larger sites (typically more than 0.25 ha) the inclusion of separate conventional (C3) housing) may nonetheless be acceptable and even desirable as part of pursuing mixed and inclusive neighbourhood objectives*”. It also states that this may be particularly relevant where C3 delivery, is relatively poor, including on sites where previous C3 consents have not been built out.
- 6.96 I have set out in Paragraph 6.25 why I consider the split tenure approach to affordable housing is acceptable in this instance and it is common ground between the Applicant and the Council that the provision of conventional affordable housing alongside affordable student housing is acceptable.
- 6.97 In terms of the affordable housing quantum required to deliver a policy compliant level, Policy H4 (Delivering affordable housing) of the London Plan (CDB.02) and Policy LP23 (Affordable Housing (Strategic Policy)) of the Local Plan (CDC.01) set a strategic target of 50% affordable housing to be delivered across the plan period with a Fast-Track Route for developments that provide 35% (provided that it is not public sector land or involves the net loss of industrial land). As the Appeal Site contains a mix of industrial (in which there is a net loss) and non-industrial land, it is common ground between the Appellant and the Council that the Development would need to provide 39.47% affordable housing by habitable room to benefit from the Fast-Track Route.
- 6.98 In this regard, the 55 affordable dwellings contribute 171 habitable rooms, and the affordable PBSA bed space contributes 198 habitable rooms. In total, this contributes 369 of the 933 habitable rooms across the Development providing 39.55% by habitable rooms and thereby meeting the Fast-Track Route.
- 6.99 For conventional dwellings, Policy LP23 of the Local Plan (CDC.01) seeks a tenure split of 50% low-cost rent with a balance of other intermediate products. In this regard, the Appeal Scheme proposes 27 Social Rent dwellings and 28 London Living Rent dwellings which broadly equates to an equal split to comply with the policy.
- 6.100 In summary, the Proposed Development provides a policy compliant level of affordable housing. The tenure of the affordable housing seeks to balance the policy requirements of Policy H15 of the London Plan (CDB.02) and Policy LP28 of the Local Plan (CDC.01) for affordable student housing against the recent publications of the PBSA LPG and NPPF, both of which acknowledge PBSA as an enabler of conventional affordable housing delivery.
- 6.101 The need for affordable housing is evident in the Wandsworth Housing Needs Assessment (CDC.03), particularly the high need for affordable to rent housing. This Proposed Development responds positively to this with all 55 of the dwellings being affordable rented accommodation and approximately half of this comprising Social Rented dwellings.
- 6.102 Furthermore, Paragraph 3.31 of the Officer Report (CDF.01) states that:
- “...the proposed development would make a substantial contribution to Wandsworth’s affordable housing needs, and Officers attach significant weight to this in planning terms.”*
- 6.103 As such, I ascribe positive weight to the delivery of PBSA as an enabler of affordable housing delivery and the Development complies with Policy H4 of the London Plan (CDB.02) and Policy LP23 (CDC.01) of the Local Plan. I have set out in Paragraph 6.25 that any harm arising from the shortfall in affordable student housing is mitigated by the delivery of conventional affordable housing.

## **Appropriateness of PBSA versus Conventional Housing**

- 6.104 In its putative reason for refusal, the Council stipulates that PBSA is not considered to be the most appropriate use on the Site given the greater demand and need for conventional housing (including affordable housing) in the area. Moreover, in Paragraph 5.19 of the Council’s SoC (CDG.02), it implies that if the site was delivered as student accommodation (for which it alleges that there is not a pressing need and which I dispute), it would no longer be available to provide ‘traditional’

homes (for which there is a need). To advance this argument, Paragraph 5.19 of the Council's SoC refers to its Draft Policy LP28 of the Local Plan Partial Review (CDC.05) which states that PBSA proposals will be supported where the development is proposed on a site which not suitable for conventional housing.

6.105 As set out in Paragraph 5.76, I ascribe no weight to the Local Plan Partial Review on the basis of its stage of preparation and the extent to which there are unresolved objections (including from the Appellant and the GLA) on the draft policies. Copies of these representations can be found in CDM.06 and CDM.07.

6.106 Turning to adopted development plan policy, there is no policy that seeks to prioritise conventional housing over PBSA so there is no policy requirement to assess which of the two land-uses is in greater need. This was the position taken by the Inspector (Paragraph 44) in the Blount Street Appeal Decision (CDE.07) in which it was noted that:

*"... Although the proposal is not for traditional housing provision, there is no policy imperative for it on the site..."*

6.107 The Inspector subsequently notes that:

*"...and I have not been presented with any compelling argument that housing provision within the borough would be significantly compromised through the development of the site for PBSA."*

6.108 I do not consider that housing provision within the Borough would be significantly compromised by the Development. In fact, I note that the PBSA element of the Development would contribute the equivalent of 447 dwellings to Wandsworth's housing supply and when added to the 55 conventional affordable dwellings, the Appeal Scheme would contribute the equivalent of 502 dwellings.

6.109 In contrast, the Extant Permission, which is an entirely conventional (Class C3) residential development and of a broad scale to the Development, would deliver only 307 dwellings towards Wandsworth's housing supply. It would also only deliver 20 affordable rented dwellings whereas the Proposed Development would deliver 55 affordable rented dwellings, despite the prevailing affordable housing need in Wandsworth being for affordable rented dwellings.

6.110 Therefore, whilst the Council maintain that the PBSA is not the most appropriate use on the Site given its perceived greater demand and need for conventional housing, the Extant Permission demonstrates that an entirely conventional housing would be unlikely to contribute as positively to overall local housing needs as the Appeal Scheme. Applying the methodology in the London Plan and PPG, the PBSA element of the Development would release 447 self-contained dwellings back into the housing market, whereas a conventional housing development such as the Extant Permission would only contribute 307 dwellings to the housing market, as well as less affordable rented dwellings in which there is greatest demand for.

6.111 I have set out above that there is no policy basis to justify the approach that the Council is taking in seeking to refuse a development because it is not considered the most appropriate in relation to alternative land uses. I also understand that there is also no legal justification for this approach.

6.112 Whilst it is a matter for submissions and not for evidence, my understanding is that the matter of alternative forms of development on the same site was considered in *R. (Mount Cook Land Ltd) v Westminster City Council [2004] 2 P. & C. R. 405* (CDE.08) in which the Court held that the existence of a possible alternative scheme which might be considered more beneficial in planning terms than that proposed in a planning application is generally not a material consideration. In Paragraph 30, Auld. L.J accepted the following general propositions made by Mr Corner as correct statements of the law and a useful reminder and framework when considering issues such as this. They are:

*"1) in the context of planning control, a person may do what he wants with his land provided his use of it is acceptable in planning terms;*

*2) there may be a number of alternative uses from which he could choose, each of which would be acceptable in planning terms;*

*3) whether any proposed use is acceptable in planning terms depends on whether it would cause planning harm judged according to relevant planning policies where there are any;*

*4) in the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative uses on the application site or of the same use on alternative sites are normally irrelevant in planning terms;*

5) where, as Mr. Corner submitted is the case here, an application proposal does not conflict with policy, otherwise involves no planning harm and, as it happens, includes some enhancement, any alternative proposals would normally be irrelevant;

6) even, in exceptional circumstances where alternative proposals might be relevant, inchoate or vague schemes and/or those that are unlikely or have no real possibility of coming about would not be relevant or, if they were, should be given little or no weight.”

6.113 The matter of alternatives was also considered in *MR Dean & Sons (Edgware) Ltd v First Secretary of State* [2007] EWCA Civ 1083 (CDE.09) where the Respondent, Sainsbury's, had advanced a scheme which it considered better met the requirements of a high-quality design than the scheme that had been granted planning permission. In rejecting Sainsbury's challenge, Keene L.J. held at Paragraph 38 that:

*“There is certainly no legal principle of which I am aware that permission must be refused if a different scheme could achieve similar benefits with a lesser degree of harmful effects. In such a situation, permission may be refused but it does not have to be refused. The decision-maker is entitled to weigh the benefits and the disbenefits of the proposal before him and to decide (if that is his planning judgment) that the proposal is acceptable, even if an improved balance of benefits and disbenefits could be achieved by a different scheme.”*

6.114 The position was further reinforced in *Horsham DC v Secretary of State for Communities and Local Government* [2015] EWHC 109 (Admin) (CDE.10) in which Lindblom L.J. held at Paragraph 58 that:

*“The suggestion that the inspector could not approve Barratt's scheme if he thought a better one might have been proposed is misconceived. That idea is not implicit in paragraph 64 of the NPPF (see paragraph 39 above). Nor, as I said at the outset, does it find support in planning law (see paragraph 1 above).”*

6.115 In summary, I consider that there is no policy or legal justification to refuse the Appeal Scheme (which is compliant with the development plan when read as a whole) on the basis of an alternative scheme that the Council considers to be more appropriate. Even if there was, the Extant Permission is a useful yardstick that indicates that a wholly conventional residential scheme would contribute less towards LBWs housing supply than the Development would. Accordingly, I do not believe that it is reasonable for the Council to pursue objection to the proposed development on this basis.

## **Summary**

6.116 In conclusion, I consider that the land use principle of PBSA is acceptable on the Site and when read together complies with Policy H15 (PBSA), Policy GG4 (Delivering the homes Londoners need), and Policy H4 (Delivering affordable housing) of the London Plan Policy LP28 (PBSA), and Part A of Policy LP2 (General Development Principles) of the Local Plan; and Site Allocation NE2.

6.117 As set out in the evidence of Mr Feeney there is a significant unmet need for PBSA in London against the London Plan strategic target of 3,500 bedrooms per year and the delivery of 762 PBSA bed spaces would make a valuable contribution to this need. Mr Feeney also demonstrates that there is a considerable supply and demand imbalance with demand far outstripping supply at a pan London level, reasonable commuting distance level, and borough-wide level.

6.118 The delivery of PBSA would also make a positive contribution to the Wandsworth's Local Plan housing supply (approximately 37% of the Borough's Local Plan annual housing target) as well as deliver affordable housing in line with the Council's target tenure split. All of the affordable dwellings would be affordable rented, half of which would be Social Rented, and positively addresses the housing that is in most acute need in the borough.

6.119 I also note that the Appeal Scheme would contribute more housing to the borough than the Extant Permission which is a conventional housing scheme as well as provide more rented affordable accommodation. In my view, this demonstrates the importance of PBSA as a housing tenure in not only meeting the needs of students and Higher Education Institutions, but also the wider housing market including conventional housing.

## **THE OPTIMISATION OF PREVIOUSLY DEVELOPED LAND**

6.120 Policy GG2 (Making best use of land) of the London Plan (CDB.02) requires the planning system to enable the development of brownfield land, particularly in Opportunity Areas; proactively explore the potential to intensify the use of

land to support additional homes, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling; and apply a design-led approach to determine the optimum development capacity of sites. This is also echoed by Part B of Policy D3 (Optimising site capacity through the design-led approach) of the London Plan.

- 6.121 The NPPF (CDB.01) also promotes the need to make effective use of land in Chapter 11. In particular, Paragraph 124 states that planning decisions should promote the effective use of land to meet the need for homes; Paragraph 125 Part D states the planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 6.122 With regards to weighing the planning benefit of using brownfield land to meet housing needs, Paragraph 125 Part C states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. Paragraph 130 Part C also states that local planning authorities should refuse applications which they consider fail to make efficient use of land.
- 6.123 In response to the above policies, the Site is located within the Vauxhall / Nine Elms / Battersea (VNEB) Opportunity Area which is a focus for high density development. Moreover, the Site comprises under-utilised, brownfield land approximately 120 metres from Battersea Power Station Underground Station. It is also well-connected to other means of public transport and cycle infrastructure as evidenced in Paragraph 6.34. As such, the Site is a wholly appropriate site in principle to optimise to meet identified housing needs and, as established by Paragraph 125(c) of NPPF, I must give substantial weight to the value of using such land to meet identified housing needs which includes both PBSA and affordable housing as set out earlier in this section. Paragraph 125(c) also states that proposals for homes and other identified needs on brownfield land should be approved unless substantial harm would be caused. I set out below and in the Planning Balance section that I do not consider any substantial harm arising from the Appeal Scheme.
- 6.124 I therefore conclude that the Development is compliant with Policy GG2 and Policy D3 of the London Plan, and complies with Chapter 11 of the NPPF.

## **BUILDING HEIGHT, DESIGN AND DESIGN EVOLUTION**

### **Site Suitability for Tall Buildings**

- 6.125 In the Minutes of the LBW Planning Committee on 14 January 2025 (CDF.03), it was expressed that the *“increased height of the proposal was excessive compared to the extant scheme.”* As explained in Paragraph 6.115, there is no basis in planning policy or in law for a development to be refused purely by comparison to an alternative planning permission.
- 6.126 I therefore turn to the acceptability of the height of the Development in the context of the development plan and other relevant material considerations.
- 6.127 In this regard, Part B of Policy D9 (Tall Buildings) of the London Plan (CDB.02) states boroughs should determine if there are locations where tall buildings may be an appropriate form of development.
- 6.128 Policy LP4 (Tall and Mid-rise Buildings (Strategic Policy)) of the Local Plan (CDC.01) states that building which are 7 storeys or over, or 21 metres or more from the ground floor level to the top of the building (whichever is lower) will be considered to be tall buildings. In Part B of the policy, it states that proposals for tall buildings will only be appropriate in tall building zones identified on tall buildings maps included at Appendix 2 to the Plan, where the development would not result in an adverse visual, functional, environmental and cumulative impacts.
- 6.129 In Appendix 2 of the Local Plan, the Site is located within Tall Building Zone TB-B3-01 in which it is suggested that an approximate building height of 8-25 storeys (24-75 metres) is likely to be appropriate. This is reinforced in the Site Allocation (CDC.07).
- 6.130 The tallest part of the Appeal Scheme is Plot 3 which rises to 22 storeys (ground inclusive) and is therefore comfortably within the appropriate building height set by Appendix 2 of the Local Plan and the Site Allocation.

- 6.131 I therefore consider that the building height of the Plots in relation to the Appeal Scheme is compliant with the London Plan and Local Plan tall building policies in principle.
- 6.132 With the principle of a tall building being acceptable on the Site, Part C of Policy D9 (Tall Buildings) and Part B of Policy LP4 (Tall and Mid-Rise Buildings) of the Local Plan assess tall buildings against a series of impacts - visual, functional and environmental. Compliance with these aspects of the policies is set out in the Statement of Case and it is common ground between the Appellant and the Council that the Development complies with these criteria. Furthermore, the Officer Report (CDF.01) noted in Paragraph 19.46 that:

*“A number of objections have been received regarding the height of the proposed development with requests to reduce the height or adopt a more staggered approach for the proposed buildings as they are out of keeping and character with the surroundings. However, as outlined above in the tall buildings assessment, it is considered that the proposal complies with policy LP4, and the objections cannot be sustained.”*

- 6.133 In summary, I consider that the Appeal Scheme complies with Policy D9 (Tall Buildings) of the London Plan and Policy LP4 (Tall and Mid-Rise Buildings) of the Local Plan.

### **Design**

- 6.134 Policy LP1 (The Design-led Approach (Strategic Policy)) (CDE.01) states that development proposals must reflect and demonstrate that the following principles have been applied having regard to their relevance within the context of the scale and nature of the development proposed.

1. *Use a design-led approach to optimise the potential of sites so that the layout and arrangement of buildings ensure a high level of physical integration with their surroundings and consideration of broader placemaking.*
2. *Ensure that the scale, massing and appearance of the development provide a high-quality, sustainable design and layout that enhance and relate positively to the prevailing local character and the emerging character (where the context is changing).*
3. *Demonstrate meaningful and consistent engagement with local communities that gives them the opportunity to shape development from the early stages and throughout the planning process.*
4. *Avoid creating a canyon effect through appropriate set back; and by stepping down heights to avoid adverse impacts on local character and the street scene.*
5. *Ensure the urban grain and site layout take account of and improve existing patterns of development and movement, permeability and street widths in order to contribute positively to well-being and enhance active travel.*
6. *Provide recognisable, legible and tree-lined street networks and other spaces with their edges defined by buildings, making it easy for anyone to find their way around, and to promote accessibility, social interaction, health and well-being.*
7. *Include well-located public spaces that support a wide variety of activities, and provide a high-quality public realm, satisfying the criteria set out in London Plan Policy D8.*
8. *Ensure that the proposed finishing materials and façade design (such as the degree of symmetry, variety, the pattern and proportions of windows and doors and their details) demonstrate an appreciation and understanding of vernacular, local character and architectural precedents in the local area, while not preventing or discouraging appropriate innovation.*
9. *Maximise active frontages / ground floor uses facing main pedestrian routes, having regard to the location of the site; and ensure that ground floor design provides high-quality and safe access for pedestrians and cyclists.*
10. *Demonstrate an integrated approach to hard and soft landscape design which maximises urban greening, integrates existing and incorporates new, natural features into a multifunctional network that supports quality of place, biodiversity and water management.*
11. *Minimise opportunities for crime and antisocial behaviour including terrorist activities in a site-specific manner, based on an understanding of the locality and the potential for crime and public safety issues.*
12. *Achieve the highest standards of accessible and inclusive design, in accordance with the London Plan Policy D5.*

- 6.135 The design requirements set out in the Site Allocation are as follows:

- Improve frontages, public realm and signage along Battersea Park Road;

- Active building frontages on to Battersea Park Road, Sleaford Street and the entrance road to New Covent Garden Market;
- Promote active use of new public spaces; and
- Incorporate tree planting and other green features.

6.136 It is agreed in the SoCG (CDH.01) that the Development complies with Policy LP1 (The Design-led Approach (Strategic Policy)) and the Site Allocation. By consequence, the Appeal Scheme's design complies with Paragraph 135 of the NPPF (CDB.01) which states that planning policies and decisions should ensure that developments: function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being.

6.137 On the basis that the Development reflects local design policies as well as government guidance on design, I have given significant weight to the design of the Development in accordance with Paragraph 139 of the NPPF.

### **Design Evolution**

6.138 Policy D3 (Optimising site capacity through the design-led approach) of the London Plan (CDB.02) refers to the need for development to make the best use of land by following a design-led approach. Policy D4 (Delivering good design) of the London Plan states the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers and boroughs should make use of the design review process to assess and inform design options early in the planning process.

6.139 Policy LP1 (The Design-led Approach (Strategic Policy)) (CDC.01) reinforces the London Plan policy advocating a design-led approach to optimise the potential of sites and encourages the use of the Council's pre-application service, meaningful developer-led public engagement and use of the Council's design review panel.

6.140 At a national level, Paragraph 137 of the NPPF (CDB.01) supports early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. It also notes that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

6.141 Paragraph 138 of the NPPF states that in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

6.142 As set out in Section 3, the final design of the Appeal Scheme is the product of five years of engagement with multiple stakeholders which includes Officers as well as officers of other departments at the Council. This is recognised in the Officer Report (CDF.01) which states in Paragraph 25.2 that:

*"The proposal has been subject to extensive pre-application advice and before the application was finalised the scheme was fully reviewed by officers, Wandsworth Design Review Panel and the GLA. Since the original submission, the proposed development has been revised in response to comments received during the consultation process."*

6.143 The Appeal Scheme was also presented to the Wandsworth Design Review Panel on three occasions. In its final letter dated 20 February 2023 (CDK.03), it stated on Page 3 and Page 4 the following:

*"We are very pleased how the scheme has evolved and applaud the applicant and client through their team of consultants for responding positively to the officer's and Panel's feedback. The revised vision and strategies presented for the landscape have transformed the scheme and promise a high-quality development. Continuity through the delivery stage is important and for that reason we would encourage the client to engage the team as the scheme proceeds."*

6.144 The Applicant has also undertaken extensive engagement with the local community. In this regard, Paragraph 23.9 of the Officer Report (CDF.01) states that:



*"It is considered that the details of the engagement carried out by the Applicant team as outlined above is considered acceptable and addresses the objections raised by local people concerned about the lack of consultation and involvement regarding the proposed development."*

6.145 As a result of this engagement, the Appeal Scheme has evolved considerably over time, and which primarily culminated in the formal amendments submitted in April 2024 and August 2024. The changes are listed in in Section 3, but I set out below how I consider that they have improved the design credentials of the Development through a design-led approach. In my opinion, the amendments have:

- Improved the relationship between Plot 1 and Viridian Apartments to the west by reducing the height from 14 to 12 storeys, and reducing and reconfiguring the footprint of the building, all of which lessen the neighbouring amenity impacts on residents of Viridian Apartments;
- Increased the quantum of Social Rent affordable housing to better meet Wandsworth's housing needs;
- Increased the quantum of community floorspace and secured 187 sqm as affordable in perpetuity to help integrate the Development into the community and provide a base for local communities;
- Enhanced the environmental credentials of the scheme by improving its carbon reduction percentage, Urban Greening Factor, Biodiversity Net Gain, and retaining all existing trees along Battersea Park Road;
- Enhanced the accessibility of the Development for wheelchair users by increasing the provision of wheelchair units.

6.146 In summary, in the context of Policy D3 and D4 of the London Plan, Policy LP1 of the Local Plan, and Paragraph 137 and 138 of the NPPF, I conclude that the design of the Development has positively evolved through an extensive design-led process which has involved multiple stakeholders including Council officers, a design review panel and the local community. The engagement started at an early stage which has allowed the Development to adapt over time resulting in a well-designed development with broad support. I therefore conclude that the design evolution of the Appeal Scheme has been design-led and the Development complies with the aforementioned policies.

#### **THE IMPACT OF THE DEVELOPMENT ON NEIGHBOURING AMENITY**

6.147 Policy D6 (Housing quality and standards) of the Local Plan (CDC.01) states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

6.148 Part B of Policy LP2 (General Development Principles (Strategic Policy)) states that development proposals must not adversely impact the amenity of existing and future occupiers or that of neighbouring properties, or prevent the proper operation of the uses proposed or of neighbouring uses. It states that proposals will be supported where the development:

1. *Avoids unacceptable impacts on levels of daylight and sunlight for the host building or adjoining properties (including their gardens or outdoor spaces);*
2. *Avoids unacceptable levels of overlooking (or perceived overlooking) and undue sense of enclosure onto the private amenity space of neighbouring properties;*
3. *is not visually intrusive or has an overbearing impact as a result of its height, scale, massing or siting, including through creating a sense of enclosure;*
4. *Would not compromise the visual amenity of adjoining sites; and*
5. *Would not lead to detrimental effects on the health, safety and the amenity of existing and new occupiers, and the amenity of occupiers/users of nearby properties through unacceptable noise, vibration, traffic congestion, air pollution, light pollution, odours, land contamination, disturbances during construction and demolition, in accordance with Policy LP14.*

6.149 Paragraph 4.3.1 and 4.3.2 of Mr McCartney's evidence explains how the design of the Development builds on the principles of the Extant Permission whilst improving the relationship of the Development with the Viridian Apartments and New Mansion Square. In Paragraph 4.3.8, he explains how the design team rotated the northern tower of Plot 3 to pull it further away from the Simper Mansions with the intention of improving the amenity and aspect from the neighbouring building. In Paragraph 4.3.9, he also identifies how the rotation afforded improved sunlight to fall onto the Site's central landscape and play space. In respect of Plot 1, he notes in Paragraph 4.5.5 that the building was rotated away from Sleaford Street to create an improved openness between the Appeal Scheme and the Viridian Apartments. Furthermore, the footprint of Plot 1 was reduced and the height of the building was lowered by three storeys from 15 storeys to 12 storeys.

- 6.150 Overall, he concludes in Paragraph 4.5.24 that the massing strategy is not only appropriate but demonstrably enhances the Site's relationship with its surroundings. Furthermore, in contrast to the Extant Permission, he states in Paragraph 4.5.31 that the Appeal Scheme results in an often improved and acceptable relationship with neighbouring properties.
- 6.151 I agree with Mr McCartney that the Development's relationship with neighbouring properties is acceptable in recognition of the Site's location in the VNEB OA and the presence of similar separation distances and adjacencies between buildings found in the immediate area. I also agree that the Appeal Scheme represents an often-improved relationship with neighbouring properties compared to the Extant Permission. In this regard, I acknowledge some greater impacts to neighbouring amenity on rooms within dwellings located in New Mansion Square and Viridian Apartments, yet this is balanced against lesser impacts (and improvements) on other rooms within the same buildings, such that the net position of the impact on neighbouring properties is commensurate between the Extant Permission and Appeal Scheme.
- 6.152 The Officer Report comes to a similar balanced view when comparing the Appeal Scheme and the Extant Permission. In respect of daylight matters, it is noted in Paragraph 25.18 that:
- "The impact on the north-east elevation of Arden Mansions in particular would be higher when compared to the extant consent, this is offset by the impacts on Viridian Apartments which would be less than the impacts of the consented scheme"*
- 6.153 Furthermore, with regards to privacy and overlooking, the Officer Report notes in Paragraph 25.19 that:
- "It is considered that amenity impacts that would arise would be proportionate and consistent with tall building and high-density development in a location where such development is supported by planning policies"*
- 6.154 Overall, I agree with Mr McCartney and the Officer that the overall impacts of the Development on neighbouring amenity are acceptable. I also consider that the Appeal Scheme, through the reorientation of Plot 1 and rotation of Plot 3, has been carefully refined to mitigate its impact on neighbouring buildings.
- 6.155 The Appellant and the Council have agreed a topic specific SoCG on Living Conditions (CDH.02). This sets out that the matters in dispute between the parties are as follows:
- The effects of the appeal development on outlook from 'Simper Mansions' (Building 'A3' of Phase 4 of the Battersea Power Station development) that face the appeal development.
  - The effects of the appeal development on levels of privacy at 'Simper Mansions' (Building 'A3' of Phase 4 of the Battersea Power Station development) that face the appeal development.
  - The effect of the appeal development on the enjoyment of open spaces serving Phase 4 of the Battersea Power Station development.
  - The effect of the appeal development on the future enjoyment of proposed deck amenity spaces serving the consented New Covent Garden Market development through overshadowing.
- 6.156 I now address these in turn concluding why I consider that the Development would not have an unacceptable impact on neighbouring amenity and that the Appeal Scheme in this regard is compliant with the relevant adopted development plan policies.
- 6.157 As well as assessing the Appeal Scheme against the development plan, I have also referred to Mr McCartney's analysis examining the impacts on New Mansion Square between the Appeal Scheme and the Extant Permission. In my opinion, the Extant Permission is an appropriate benchmark as it demonstrates the level of impact that the Council has found to be acceptable previously. The exercise also helps demonstrate that the increase in height between the Extant Permission and the Appeal Scheme is not a factor which materially affects the outlook or privacy of Simper Mansions or the enjoyment of the open space of New Mansion Square, which was adjudged in the Minutes of the Committee Meeting (CDF.03).

The effects of the appeal development on outlook from 'Simper Mansions' (Building 'A3' of Phase 4 of the Battersea Power Station development) that face the appeal development.

- 6.158 Simper Mansions is a part 8 / part 11 storey residential building. It is the 8-storey element of the building that is closest to the Appeal Site with the separation distance between it and Plot 3 constituting 10.1 metres at its nearest point and 20.3 metres at its longest point. I note that this is a wider separation distance than the relationship between Simper Mansions and the Extant Permission which had a separation distance of 6.0 metres as illustrated by Figure 59 of Mr McCartney's evidence. As such, compared to the Extant Permission, the separation distance between the buildings has almost doubled at its nearest point.
- 6.159 Simper Mansions contains a total of 61 dwellings and 14 of those dwellings have windows on their eastern elevation that face towards Plot 3. These windows are projecting angled windows with privacy glazing on one side and clear glazing angled to look out towards the north and south, rather than the east. An image of the windows is set out on Figure 61 of Mr McCartney's evidence. As set out in Paragraph 8.2 of the officer report associated with the New Mansion Square development, this was an arrangement requested by the Council in order to not prejudice the redevelopment of the Appeal Site. The officer report also notes that there was consequential enlargement of the balconies on the southern and northern elevations of the affected residential units as a compensatory measure.
- 6.160 Indeed, all of the 14 dwellings in question are dual aspect units with their main living rooms all having access to balconies on either the northern or southern elevation of the building. Those dwellings which face north overlook the proposed public realm of the Appeal Scheme whilst those dwellings which face south overlook the amenity space of New Mansion Square. I consider that these dwellings have a good level of outlook from their principal elevations which is further enhanced by enlarged balconies as the New Mansion Square officer report points out.
- 6.161 Mr McCartney's evidence includes detailed consideration of the outlook from Simper Mansions with the Extant Permission in place. In this regard, in Paragraph 5.1.56, he notes that the Appeal Scheme creates an improved view looking northwards from these dwellings compared to the Extant Permission due to the following reasons:
- a. The Appeal Scheme's Plot 2 is set back and pulled further away from the window, creating an improved view into the proposed central landscape;
  - b. From the fourth floor upwards the lower massing of Plot 2 allows a view to the sky, which is not present on the Extant Scheme; and
  - c. To the upper level apartments, the main mass of Plot 2 is set further back than is achieved by the Extant Permission's massing.
- 6.162 I agree with his analysis that the outlook from the northern elevation of Simper Mansions is improved when comparing the Appeal Scheme with the Extant Permission.
- 6.163 In respect of the south facing dwellings of Simper Mansions which overlook the amenity space of New Mansion Square, Mr McCartney identifies that the Appeal Scheme is not visible in these views and therefore would have no impact on the outlook from these dwellings.
- 6.164 Of the 14 dwellings that have windows on the eastern elevation of the building, 7 dwellings contain projecting angled windows that look south towards Plot C which is at least 43 metres away when viewed directly from the affected windows. Given that distance between the buildings, I do not consider that the outlook from these dwellings is adversely impacted by the Appeal Scheme.
- 6.165 Mr McCartney's evidence also considers the potential differences in impacts as between the Appeal Scheme and the Extant Permission. In this regard, in Paragraph 5.1.71 he notes that the Appeal Scheme creates an improved outlook from these windows due to the following reasons:
- a) Where it can be seen, Plot 3 is set back over 20 metres from the window, over three times the distance when compared to the 6m setback to the Extant Permission, affording longer uninterrupted views from the window; and
  - b) In locations closest to Simper Mansions, the Appeal Scheme Plot 3 is orientated away from the existing building at an oblique angle.

- 6.166 I agree with his view that the Appeal Scheme creates an improved outlook from these windows compared to the Extant Permission.
- 6.167 The 7 dwellings that contain projecting angled windows that look north towards Plot C each contain two windows – a kitchen and a bedroom. The separation distance of window-to-window is at least 11.5 metres.
- 6.168 Mr McCartney considers the outlook from these windows also. In comparison to the Extant Permission, Mr McCartney accepts that the Appeal Scheme results in some reduction to the openness of the view and I agree.
- 6.169 Mr McCartney considers that the outlook from these windows is acceptable on the basis that they are secondary windows to dual aspect dwellings that have good outlook from other elevations, including from the main living room. The secondary nature of these windows was accepted in Paragraph 11.9 of the Officer Report. This same approach was taken in the officer report associated with the New Mansion Square permission whereby officers accepted the angled windows (with privacy glazing on side) in return for the consequential enlargements of balconies on the southern and northern elevations of the affected units.
- 6.170 Mr McCartney refers to many examples of developments within 500 metres of the Appeal Site that have window-to-window separation distances between buildings which are materially less than the relationship between the Appeal Scheme and Simper Mansions, but which the Council has accepted in the past. In Section 5.2 of his evidence, he identifies habitable room window-to-window separation distances of 8 metres on the fifth floor of Plot C1 Nine Elms Parkside (Figure 67) and the third floor of 46 Ponton Road (Figure 68). In Mansion Square itself (Figure 71), there are window-to-window separation distances of 10.3 metres between main living rooms. As such, the outlook from the eastern elevation windows facing northwards of 11.5 metres is commensurate with the outlook from windows elsewhere in the locality, including between windows which serve main living rooms. In this instance, the window-to-window adjacencies are between Living, Kitchen, and Dining Rooms (LKDs) (in Plot 3) and kitchens or bedrooms (in Simper Mansions), not main living rooms.
- 6.171 Overall, whilst I accept that the outlook from the east-facing windows of 7 dwellings (of 61 dwellings in Simper Mansions and of 386 dwellings of New Mansion Square as a whole) is affected by the Appeal Scheme, I consider that the outlook from these dwellings is still acceptable on the basis that the dwellings affected are dual aspect and have good outlook from their northern elevations which is where the main living room is located. Furthermore, the outlook enjoyed by residents is commensurate with what has already been found to be acceptable in the locality, including at New Mansion Square, as part of the local area's designation as an Opportunity Area where high-density development is encouraged.
- 6.172 Overall, I consider that the Appeal Scheme would not unacceptably compromise the visual amenity of adjoining sites and therefore I consider that the Appeal Scheme complies with Part B of LP2 (General Development Principles (Strategic Policy)) in this regard.
- 6.173 Furthermore, when compared to the Extant Permission, I accept that the quality of the outlook from a very small number of windows on the eastern elevation of Simper Mansions is reduced as a result of the Appeal Scheme (namely those angled windows facing northwards which affects 7 dwellings), however, the windows affected are secondary in nature. The outlook from other windows of these dwellings on the eastern elevation (namely those angled windows facing southwards which affects 7 dwellings) is improved and the outlook from the windows on the building's northern elevation is improved due to the revised siting of Plot 2 together with an improved view into the proposed central landscape. Therefore, when considered overall, I do not consider there to be any additional harm arising from the Appeal Scheme to the outlook of residents of Simper Mansions compared to the Extant Permission.

The effects of the appeal development on levels of privacy at 'Simper Mansions' (Building 'A3' of Phase 4 of the Battersea Power Station development) that face the appeal development.

- 6.174 Mr McCartney follows the same approach in his evidence on outlook to explain the effect of the Appeal Scheme on levels of privacy at Simper Mansions.
- 6.175 In terms of the northern elevation of Simper Mansions, Figure 60 of Mr McCartney's evidence identifies the windows of Plot 2 of the Appeal Scheme that would have a view towards the main living room window of dwellings at Simper Mansions. The separation distance between the windows is 21 metres and therefore, I do not consider there to be any adverse impact arising from a privacy perspective.

- 6.176 Mr McCartney also considers the change in outlook from Simper Mansions with the Extant Permission in place. In this regard, he notes in Paragraph 5.1.40 that the impacts on the privacy of Simper Mansions are improved compared to the Extant Permission because, amongst other reasons, the Appeal Scheme results in a greater separation distance between the building and Plot 2 and the omission of balconies from Plot 2. I agree with his view.
- 6.177 In respect of the south facing dwellings which overlook the amenity space of New Mansion Square, Mr McCartney explains in Paragraph 5.1.71 that the Appeal Scheme is not visible in these views and therefore would have no impact on the privacy enjoyed from these dwellings.
- 6.178 In relation to the 7 dwellings that contain projecting angled windows that look south towards Plot C which is 43 metres away window-to-window, I do not consider that the Appeal Scheme has any material impact on the privacy of these windows due to the distance involved.
- 6.179 Paragraph 5.1.72 of Mr McCartney's evidence includes consideration of the impact of the Appeal Scheme and the impact of the Extant Permission. In this regard, he notes that the Appeal Scheme creates no overall material difference in levels of privacy due to habitable rooms on the Appeal Scheme being set back over 21 metres from these windows and angled obliquely.
- 6.180 The 7 dwellings that contain projecting angled windows that look north towards Plot C each contain two windows – a kitchen and a bedroom. As noted above, the separation distance of window to window is at least 11.5 metres.
- 6.181 Due to the angled composition of these windows, the only view into these windows is from two windows per floor situated in the LKDs of the PBSA facing a westerly direction. These LKDs also have three windows on their northern elevations which look out towards the Battersea Power Station and therefore are not solely reliant on these western windows for outlook. Furthermore, Mr McCartney (Paragraph 5.1.62) states that the view from the LKDs is from an acute corner of the living room which he considers is an area which is likely to experience minimum occupancy, thereby reducing the potential overlooking between the room.
- 6.182 Nevertheless, Mr McCartney states in Paragraph 5.1.61 that he acknowledges that there is potential for overlooking arising from the relationship between the two windows per floor of the LKD associated with Plot 3 of the PBSA and the two north-eastern facing gable windows of Simper Mansions, which contain a kitchen and bedroom.
- 6.183 I agree with this view and consider that the potential for overlooking could impinge upon the sense of privacy experienced from two windows (serving a kitchen and bedroom) of 7 dwellings within Simper Mansions. Whilst I consider that there are relatively simple ways in which residents of Simper Mansions could protect their privacy if such residents considered that this was necessary (e.g. through use of blinds or curtains and/or room layouts) I accept that this cannot be controlled through the planning system and therefore cannot be relied on as mitigation.
- 6.184 However, these sorts of relationships between windows are quite normal and accepted in a dense urban environment such as is experienced in this locality. As noted in Paragraph 6.170, Mr McCartney refers to examples of developments within 500 metres of the Appeal Site that have window-to-window separation distances between buildings less than the relationship between the Appeal Scheme and Simper Mansions. As such, the level of privacy afforded to the north-east facing windows on the eastern elevation of Simper Mansions is still commensurate with that experienced elsewhere in the VNEB Opportunity Area and which has been accepted elsewhere.
- 6.185 Finally, I consider it very important not to over-emphasise the scale of the issue here. The impact under consideration relates to secondary windows in two rooms of a total of 7 dwellings in Simper Mansions which contains 61 dwellings. Moreover, the wider New Mansion Square development as a whole comprises 386 dwellings. As such, the level of impact is isolated to a select few dwellings (11.4% of dwellings in Simper Mansions and 1.82% of dwellings in New Mansion Square) - dwellings which all have dual aspect in which their main living rooms are not impacted by overlooking.
- 6.186 Overall, when considered in the context of the local area's Opportunity Area designation and comparing the level of impact to what has been found acceptable elsewhere in the area, I consider that any harm arising to these 7 dwellings is justified and would not amount to an unacceptable level of overlooking or loss of privacy. For this reason, I consider that the Appeal Scheme complies with Part B of LP2 (General Development Principles (Strategic Policy)).

6.187 Paragraph 11.12 of the Officer Report agrees and states that:

*“...it is considered that the proposed scheme has been designed in a manner which has a mutually acceptable form of development to ensure that the living conditions of both the existing occupiers located at Phase 4A and the future occupiers are of an acceptable standard.”*

6.188 Furthermore, when compared to the Extant Permission, I accept that privacy from some rooms on the eastern elevation of Simper Mansions is reduced as a result of the Appeal Scheme (namely those angled windows facing northwards which affects 7 dwellings), however, the extent of overlooking from other windows on the northern elevation of the building is reduced through the greater separation distance between the building and Plot 2 and the omission of balconies from Plot 2. Furthermore, the impact on privacy on the eastern elevation (namely those angled windows facing southwards which affects 7 dwellings) is broadly similar. Therefore, when considered collectively, I do not consider there to be any additional harm arising from the Appeal Scheme on the outlook of residents of Simper Mansions compared to the Extant Permission.

The effect of the appeal development on the enjoyment of open spaces serving Phase 4 of the Battersea Power Station development.

6.189 In Paragraph 5.3.3 of his evidence, Mr McCartney notes in the absence of a clear planning definition of what is meant by the “enjoyment” of open spaces, he proceeds to consider the effects of the Development on the open spaces of New Mansion Square through overlooking and the sense of enclosure. I agree with his approach and further highlight that it is agreed in the topic-specific SoCG on living conditions that the overshadowing impacts of the Development on the open space are not contested.

6.190 New Mansion Square contains two principal open spaces that run in a linear arrangement through the centre of the site. The eastern open space is located on top of the health centre and is primarily hard landscaped. The western open space is at ground level and is primarily soft landscaped.

6.191 The eastern open space is located most closely to the Appeal Site and whilst the amenity space of Plot 3 would adjoin it, it would be separated by a raised boundary wall that prevent views between the amenity spaces. The separation between the amenity spaces is further enhanced by a green roof on the PBSA amenity space that would be inaccessible to students. As such, I do not consider that that the proximity of the proposed amenity space of Plot 3 would have an unacceptable impact on the enjoyment of the open spaces serving New Mansion Square.

6.192 It can be seen from Figure 73 and Figure 75 of Mr McCartney's evidence that windows associated with Plot 3 of the Appeal Scheme will look out towards the open space of New Mansion Square (both the eastern and western open space). Whilst this is an arrangement that is not experienced currently by residents using the open space of New Mansion Square, the future presence of buildings to the east of New Mansion Square has been long established by the Site Allocation and which has been reinforced by the Extant Permission. Furthermore, whilst I accept that the presence of Plot 3 will increase the number of windows that look out onto the open space of New Mansion Square, the open space is already overlooked and enclosed by dwellings of New Mansion Square that are in closer proximity. As such, I consider that the extent to which the open spaces serving New Mansion Square are enjoyed by residents is influenced primarily by the proximity of buildings of New Mansion Square than the Appeal Scheme. I therefore do not consider that the Appeal Scheme will lead to an unacceptable level of overlooking or undue sense of enclosure onto the open space associated with New Mansion Square. As such, I consider that the Appeal Scheme complies with Part B of LP2 (General Development Principles (Strategic Policy)).

6.193 Mr McCartney's evidence includes a comparison of the impacts of the Appeal Scheme on the open spaces of New Mansion Square compared to the Extant Permission. He concludes in Paragraph 5.3.10 that

*“Taken together, these design choices demonstrate that the Appeal Scheme in my opinion, does not result in an unacceptable impact on outlook, overlooking, or sense of enclosure when compared to the Extant Permission. On the contrary, it introduces refinements that reduce overlooking and maintain a well-balanced and coherent relationship with the amenity space.”*

6.194 I agree with Mr McCartney's assessment that the Appeal Scheme does not result in a greater impact on the enjoyment of the open spaces serving New Mansion Square when compared to the Extant Permission.

The effect of the appeal development on the future enjoyment of proposed deck amenity spaces serving the consented New Covent Garden Market development through overshadowing.

- 6.195 The New Covent Garden Market development was granted part outline and part detailed planning permission (2014/2810) on 11 February 2015. The part of the New Covent Garden Market development that is relevant to the Site is the "Entrance Site" Development Zone which is located on the eastern side of New Covent Garden Market Access Road.
- 6.196 The Entrance Site currently contains a temporary flower market but benefits from an outline planning permission for residential-led development. Condition 14 of the planning permission restricts the total GEA of the Entrance Site Development Zone to 44,324 sqm and the parameters plans restrict the maximum height of development to range between 6 and 17 storeys, depending on its location on the site.
- 6.197 As all matters were reserved in respect of access, appearance, landscaping, layout and scale, an indicative scheme based on the maximum parameters was prepared to determine the acceptability of the scheme for outline planning permission to be granted. The maximum parameters show two perimeter style blocks each with their own podium amenity space.
- 6.198 The Entrance Site does not benefit from reserved matters approval nor has an application been submitted at the time of writing. As such, the effect of the appeal development on the future enjoyment of the proposed deck amenity spaces is hypothetical as it is based on the maximum parameters of the Entrance Site and not a fully consented development.
- 6.199 I accept that it is often necessary to demonstrate that proposed development will not prejudice the potential for other development sites to come forward but I question the appropriateness of assessing the impacts of the Development on the maximum parameters of the Entrance Site as it is not an implementable scheme and is still subject to reserved matters approval.
- 6.200 Furthermore, given that outline planning permission was granted 10 years ago, planning policy, legislation, and both housing and commercial needs, alongside the site's surroundings, have changed over this time, I consider that it is possible that the parameter plans of the outline planning permission could be sought to be amended in respect of the Entrance Site, or the site could even be subject to a brand new planning application, in an effort to make the scheme more viable, meet modern market needs or meet new regulations. As such, I believe that limited weight should be applied in principle to the effect of the appeal development on the future enjoyment of proposed deck amenity spaces serving the consented New Covent Garden Market development through overshadowing.
- 6.201 The limited reliance of the maximum parameters representing a consented position is also indicated by the officer in the officer report associated with the New Covent Garden Market development (CDM.05). On Page 174 of the report, the officer assesses the level of direct sunlight to each of the proposed amenity areas based on the maximum parameters and notes that:
- "As this assessment is of the maximum massing proposed the effect to each of these areas are likely to be less with the final detailed scheme in place. It may also be possible to redesign the landscape plan to relocate these amenity spaces with low sunlight at the detailed design phase. Appropriate massing in sensitive areas at detailed design stage and relocation of amenity space will result in effects ranging from negligible to minor adverse."*
- 6.202 Despite my view that it is not appropriate to treat the maximum parameters as a consented position (reinforced by the officer report), I have considered the consequential levels of direct sunlight of the podium deck amenity spaces against the Appeal Site (as existing), the Extant Permission, and the Appeal Scheme based on the evidence provided by Mr Fletcher.
- 6.203 The Appeal Site (as existing) is of low massing such that the presence of the existing buildings (Bookers warehouse and the now demolished BMW Garage) would not have materially impacted upon the levels of sunlight the podium deck amenity spaces received. Notwithstanding this, the Daylight, Sunlight and Overshadowing Assessment associated with the New Covent Garden Market development concluded that the northern podium deck would receive 2 hours of direct sunlight for 40.78% of the area on 21 March against the BRE guidelines of 50%. The southern podium deck would receive 2 hours of direct sunlight for 74.20% of the area. The failure of the northern podium deck amenity space against the existing scenario suggests that the maximum parameter scheme already limits the extent of direct sunlight that this podium deck amenity space receives. Mr Fletcher notes this in his evidence when he suggests in Paragraph 13.12 that:

*“Of course, the principal cause of the overshadowing of the courtyard is due to the blocks along southern edge of each podium...”*

6.204 The position is also recognised in the Officer Report in which Paragraph 11.53 states that:

*“... it is acknowledged that both amenity areas have been designed with limitations on the amount of sunlight reaching these spaces meaning it would be more difficult to accord with the BRE guidelines, which is similar to the impact of the consented scheme.”*

6.205 Elsewhere across the New Covent Garden Market planning permission, as set out in the Daylight and Sunlight Assessment (CDM.14), there were even greater transgressions against the BRE Guidelines with Area 1 (within the Northern Development Zone) receiving direct sunlight for 4.64% of the amenity space and Area 5 (within the Apex Development Zone) receiving direct sunlight for just 1.20% of the amenity area. Despite this relatively low level of compliance, the development was still considered to be acceptable. There are also examples of other schemes in the VNEB OA in which direct sunlight levels to amenity spaces have been accepted below the BRE Guidelines. Mr Fletcher identifies amenity space in schemes such as Battersea Gardens; 46 Ponton Road; The Residence; Embassy Gardens; and Riverlight which range between 3% and 35% direct sunlight area coverage.

6.206 Mr Fletcher’s Proof of Evidence also compares the impact that the Development would have on the maximum parameter scheme, against the impact that the Extant Permission would have on the maximum parameter scheme.

6.207 In respect of the Extant Permission, 39% of the northern podium deck would receive 2 hours of direct sunlight on 21 March against the BRE guidelines of 50%. It would receive direct sunlight for 50% of the area on 28 March. The southern podium deck area would receive 2 hours of direct sunlight to 26% of the area and would receive direct sunlight for 50% of the area on 5 April.

6.208 Against the Appeal Scheme, 25% of the northern podium deck would receive 2 hours of direct sunlight on 21 March against the BRE guidelines of 50%. It would receive direct sunlight for 50% of the area on 4 April. The southern podium deck area would receive 2 hours of direct sunlight to 14% of the area and would receive direct sunlight for 50% of the area 26 April.

6.209 The Appeal Scheme therefore has a greater impact on direct sunlight to the two podium deck amenity spaces compared to the Extant Permission. Nevertheless, the residual levels of sunlight to the amenity spaces (25% and 14%) is still way beyond what was considered acceptable in the determination of the New Covent Garden Market development in relation to other amenity spaces (4.64% and 1.20%) and exceeds levels of sunlight received to other areas of amenity spaces in the wider VNEB OA.

6.210 Furthermore, as set out in Mr Fletcher’s evidence, the levels of direct sunlight would meet the BRE Guidelines of 50% by 26 April at the latest meaning that the amenity spaces would receive the appropriate benchmark levels of sunlight for the summer months which is when they are most likely to be in use. This point is recognised in the Officer Report too where Paragraph 11.54 states that:

*“Given the results for the sunlight reaching the Linear Park and the fact that the two podium deck amenity spaces would achieve the recommended 2 hours of direct sunlight to 50% of their areas by 21st April and 8th May<sup>1</sup> respectively (some 4 to 6 weeks later), it is not considered that the overshadowing concerns raised by the neighbouring developer could be sustained.”*

6.211 Mr Fletcher states in Paragraph 13.13 that *“having tall southern blocks and relying on the appeal site remaining undeveloped or very low-rise is not a logical solution to the issue.”* Mr Fletcher demonstrates in Paragraph 13.12 that upper-level setbacks or reduced roof levels on the southern blocks would be sufficient to achieve direct sunlight to 50% of both podium deck amenity spaces which demonstrates that it is in the gift of the designer of the New Covent Garden Market development to ensure that the scheme that comes forward through reserved matters is designed to achieve an

---

<sup>1</sup>These dates where 50% compliance is achieved are based off an assessment of the illustrative scheme and differ to the dates presented in Paragraph 6.208 where I draw from Mr Fletcher’s assessment of the maximum parameters scheme. I consider it a robust position to focus on the maximum parameters scheme although Mr Fletcher’s evidence covers both scenarios for completeness.



appropriate level of sunlight to its proposed amenity spaces. Moreover, the exercise demonstrates that it is not the Appeal Scheme that is disproportionately harming the level of sunlight that the podium deck amenity spaces receive.

- 6.212 Turning back to planning policy, whilst I question the appropriateness of assessing the impacts of the Development on the maximum parameters of the Entrance Site as it is not an implementable scheme, the analysis undertaken by Mr Fletcher enables me to conclude that the future enjoyment of the proposed deck amenity spaces is capable of being achieved through the reserved matters approval for the New Covent Garden Market development and is not reliant on changes being made to the Appeal Scheme.
- 6.213 Furthermore, whilst the levels of direct sunlight to the deck amenity spaces is reduced when comparing the impacts of the Appeal Scheme against the Extant Permission, the residual daylight is still significantly greater than what was found acceptable elsewhere under the New Covent Garden Market development and therefore non-compliance against the BRE guidelines is not material. To reinforce my point, Paragraph 130 Part C of the NPPF (CDB.01) which states that “...when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”
- 6.214 Furthermore, Paragraph 1.3.45 of the Mayor’s Housing SPG (CDB.07) states that “Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.”
- 6.215 I therefore conclude that the Development is compliant with Part D of Policy D6 (Housing quality and standards) of the London Plan (CDB.02) in that it provides sufficient sunlight to surrounding housing appropriate for its context.

#### **PLOT 1 RESIDENTIAL EXTERNAL AMENITY SPACE**

- 6.216 Policy D6 (Housing quality and standards) of the London Plan (CDB.02) states that where there are no higher standards in the borough Development Plan Documents, a minimum of 5 sqm of private outdoor should be provided for 1-2 person dwellings, and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
- 6.217 Policy LP27 (Housing Standards) of the Local Plan (CDC.01) states developments will be required to meet the standards set out in Policy D6 and provide private outside space to a minimum of 10 sqm for 1- and 2-bedroom dwellings, and 15 sqm for dwellings with 3 or more bedrooms.
- 6.218 With regards to private outside space, the Development provides a total of 379 sqm of outside space in the form of balconies above the policy requirement of 364 sqm. The quantum is distributed to ensure that it meets the requirements of Policy D6 as far as the requirement for an additional 1 sqm for each additional occupant over 2 persons and the minimum depth and width.
- 6.219 To comply with the standard set by Policy LP27, a total private outside space provision of 630 sqm would be required. As such, the Appeal Scheme falls short against this policy by 251 sqm.
- 6.220 As part of the design evolution of the Appeal Scheme, the Appellant explored the potential to increase the provision. The possibility of additional amenity space on the roof of the building was discounted because it undermined the renewable energy provision of the Development which includes air source heat pumps and solar photovoltaics. Furthermore, the possibility of providing ground floor private amenity was discounted following discussions with Officers at pre-application stage whose preference was to prioritise the public realm to promote place-making in accordance with Policy D8 (Public Realm) of the London Plan (CDB.02) and Policy LP1 (The design-led approach) and Policy LP20 (New Open Space) of the Local Plan (CDC.01). The overall quantum of public realm is 4,442 sqm and includes opportunities for sitting, recreation and play.
- 6.221 Therefore, whilst the requirements of Policy LP27 are not met, I consider that the Appeal Scheme will still provide an acceptable level of external amenity space for future residents of Plot 1. Indeed, all dwellings will have balconies in accordance with the London Plan standards and, whilst it is not private external space there is extensive public realm at ground floor which future residents could make use of for additional outside space.

- 6.222 I also note that there are other public open spaces in the area including the Power Station Park, the River Thames, the Linear Park and Battersea Park – all of which are within a maximum of 800 metres of the Site providing further opportunity for outside space and which are part of the neighbourhood area as defined by the Local Plan.
- 6.223 On balance, I consider that the conflict with Policy LP27 is justified when balanced against the objectives of Policy LP1 and Policy LP20 of the Local Plan (CDC.01) which seek developments to have a high-level of physical integration with their surroundings and consider broader place-making and for new developments to provide new public open space. It is also material to note that the quantum of private amenity space is compliant with the standards set by Policy D6 (Housing Quality and Standards) of the London Plan.
- 6.224 I also note that the Officer Report (CDF.01) reached a similar conclusion in Paragraph 6.41 and 6.42 which states:

*6.41 "...Discussions with the Principal Urban Design Officer and the Design Review Panel (DRP) outlined the desire to prioritise the public realm at ground floor level, to provide a meaningful place for residents of the site and the surrounding areas to use, spend time and improve connections and to reinforce the north to south pedestrian routes. As such, the scheme has been developed to maximise the provision of a high-quality public realm space, rather than provide a segregated private amenity space for Plot 01 at ground floor level which addresses the objection raised about the size of the courtyard space.*

*6.42 The proposed private balconies provided for residents, exceed the minimum requirements of London Plan Policy D6. The balconies are deemed to be of a size to offer acceptable outdoor amenity space to residents in addition to the high-quality landscaping and public realm at ground floor level. As such, considering the overarching public realm strategy and the quantum and quality of the public space that is to be created, combined with the range of amenity provision for residents, Officers are comfortable that this would compensate for the under provision of the private communal amenity space and is therefore considered acceptable, especially given the compliance with the standard required in policy D6 of the London Plan."*

#### **THE BIODIVERSITY ENHANCEMENTS ARISING FROM THE DEVELOPMENT**

- 6.225 Policy G6 (Biodiversity and access to nature) of the London Plan (CDB.02) states that development proposals should mitigate impacts on biodiversity and aim to secure net biodiversity gain. Policy LP55 (Biodiversity) of the Local Plan (CDC.01) states that development proposals will be required to protect and enhance biodiversity, through delivering a net gain in biodiversity.
- 6.226 Neither policy indicate a biodiversity net gain target although Schedule 7A of the Town and Country Planning Act 1990 (CDB.09) stipulates that development must deliver 10%.
- 6.227 As the Application for planning permission was submitted prior to 12 February 2024, which was the date when BNG became mandatory, the Appeal Scheme is not required to meet the 10% by law.
- 6.228 Notwithstanding this, the Appeal Scheme is committed to deliver a biodiversity net gain of 147.56% which far surpasses that required by legislation and which I consider complies with Policy G6 and Policy LP55. To help achieve this score, the Appeal Scheme was amended to retain all existing trees on the Site which includes one Category A trees, three Category B trees, and two Category C trees (all of which have TPOs) and will also plant 73 new trees across the Site. By contrast, the Extant Permission involved the removal of six TPO trees.
- 6.229 Not only do I consider that biodiversity credentials of the Appeal Scheme are high and will serve environmental benefits, I also consider that the retention of existing trees and planting of new trees will positively contribute towards the appearance of the Appeal Scheme and enhance place-making.
- 6.230 The Officer Report (CDF.01) agrees with this in Paragraph 15.5 which states that:

*"It is considered that the proposed development presents a well-considered approach to integrating green infrastructure and urban greening and does provide substantial environmental benefits despite the objections raised."*

# 7.0 OTHER OBSERVATIONS ON THE COUNCIL'S STATEMENT OF CASE

7.1 I have set out in Section 6 what I consider to be the Main Issues relevant to the Appeal.

7.2 In this section, I wish to comment on two other matters raised in the Council's SoC, notwithstanding I am of the view that matters are not material to the determination of the Appeal.

7.3 These two matters are:

- Is the Council as pro-growth as it asserts?; and
- Whether, compared to the Extant Permission, the level of harm has increased and the level of benefit has decreased in relation to the Appeal Scheme.

## IS THE COUNCIL AS PRO-GROWTH AS IT ASSERTS?

7.4 Paragraph 5.1 of the Council's SOC (CDG.02) states that:

*"The evidence of the Local Planning Authority will identify that the Council is 'pro-growth' and has taken bold action to deliver growth to meet identified need for development in the borough. This will be demonstrated, not least, with reference to its decision to grant planning permission in 2019 for the development of the appeal site to provide a mixed-use development including 307 new homes (including 77 affordable homes)."*

7.5 In the context of the Appeal Scheme, I would argue that the Council has displayed actions that would challenge its claim as a pro-growth authority. Indeed, it overturned a strong recommendation from its officers for the Development to be approved on the basis that it complied with the development plan and that there were no material considerations that indicated otherwise. It is also apparent from the transcript of the Planning Committee on 14 January 2025 (CDF.05) that Members were intent on refusing the Application when they were clearly struggling to find a robust planning reason to defend their position.

7.6 This is illustrated by a statement from the Chair who said the following:

*"...I've got a couple of questions I want to ask myself. Clearly, in the officer's view, this is absolutely compliant with both council policies and London plan policies and therefore, clearly we don't have to ask you speculatively to take a view what would happen on appeal.*

*By definition, you would say that on appeal it would be passed because otherwise it's got to be compliant.*

*Therefore, if we're going to find grounds to refuse it, we have to find ways in which it's not compliant or in which it's substantially changed from a previously extant application.*

*And so far only one person, and maybe, maybe the committee is going to agree to pass it anyway, in which case I needn't pursue this.*

*But if it's going to move to refuse, then we have to find reasons in planning terms that will stand a chance of winning in appeal and have to be appealing to an inspector.*

*And at the moment I've only had. I think I've had 'I don't likes', which is fine, but it's not a planning reason. The only one I've had is an increase in height.*

*So although Councillor Govindia was bullying me for raising this an hour ago, I haven't had anything else.*

*And at some point or other, this is very difficult. I don't think I would have been in favour of this scheme first time round. I can't actually remember what I thought at the time, but then the plans were done by, with respects, a different party and I may not have approved it, but now I'm in reverse position.*

*So I'm asking everyone to be very responsible and considered about the view they take.*

*Maybe people are going to support it, but if they're going to oppose, then there's got to be good reasons and reasons that we'd all be comfortable about in defending in an appeal.*

*So that's what I'm looking for.”*

7.7 Further in the transcript, Councillor White said, “Can we object on the basis of daylight impacts” and Councillor Humphries said “...I was also just thinking about another credible line of attack on this one”.

7.8 Having finally resolved to refuse the Application, the Chair addressed the Committee and said:

*“Now please come up with the words. And by the way, when you feel like it, which ones of you are going to volunteer to appear at the inquiry on behalf of the council?”*

7.9 In my view, these passages from the Planning Committee convey that Members had no interest in engaging with the planning merits of the Appeal Scheme including its benefits and were intent to refuse it from the outset, on whatever reason it could find.

7.10 I set out below further evidence which I consider challenges the Council's position that it is pro-growth:

- Since the adoption of the London Plan in 2021, the Council's five-year housing land supply has decreased from 8 years in 2021/22 to 7 years in 2023/24, in which time the Council has also adopted its Local Plan.
- In the Planning Committees since Labour came to power in May 2022, it has overturned officer recommendations to approve the equivalent of 1,254 homes (including the Appeal Scheme) and has approved only 1,113 homes.
- In 2024, LBW was the only borough in London to refuse more homes than it permitted (440 refused vs 181 consented). As the 440 home refusal included 50% affordable housing, it also means that the Council refused more affordable housing than the total number of homes of all tenures it approved the rest of the year.<sup>2</sup>
- On 6 January 2025, LBW published a statement<sup>3</sup> mutually ending its partnership with Taylor Wimpey pursuant to the estate regeneration of the Winstanley and York Road estate which was granted outline planning permission in 2020 for up to 2,550 homes, improved community facilities and a new park. Only 139 homes, a new school and church have been delivered to date despite the JV being formed in 2017 and there is no clarity on when the remaining homes will be built.
- The Council's SoC (CDG.02) references the grant of the Extant Permission as an example of it being pro-growth yet the permission was granted in 2019 following a committee resolution in October 2016. The application was therefore resolved almost 10 years ago and under a different political administration.
- As set out in Paragraph 5.72, the Local Plan Partial Review (CDC.05) draft policies seek to raise the Fast Track Route higher than the 35% private land threshold in Policy H5 of the London Plan (CDB.01). The GLA has formally objected to this and notes that this risks the successful implementation of the London Plan threshold approach, can slow down the planning process and can also result in lower levels of affordable housing being secured.
- The Council commenced consultation on its Local Plan Partial Review in January 2024 and has undertaken a review of policies that relate to housing. In doing so though, it has not reviewed its policies in the context of the revised NPPF (CDB.01) and the new standard methodology. As Wandsworth's local housing need has increased significantly over and above the Local Plan housing target (from 1,950 to 4,328 per year), it is clear that the Council will need to undertake an early review of the Plan, including a review ahead of the next mandatory review in 2028 (as it will be five years on from the adoption of the current Local Plan). Given that these will have a direct impact on housing delivery, I would have expected that the Partial Review would at least include a review of additional housing sites to meet the Council's objectively assessed local housing need. This is particularly the case because

<sup>2</sup> Cavendish: Consent on Dissent? London's planning committees 2024

<sup>3</sup> <https://www.wandsworth.gov.uk/news/news-january-2025/statement-on-the-winstanley-and-york-road-regeneration-joint-venture/>

it is required to do so by the NPPF if local housing need has changed significantly. However, surprisingly the Local Plan Partial Review does not recognise Wandsworth's increased housing need.

- The Appeal Scheme would contribute more housing than a conventional housing scheme would and therefore if the Council was pro-growth, it would not refuse a scheme in favour of an alternative scheme that would ultimately deliver less housing.

7.11 Whilst only the Council will ultimately know whether it is pro-growth or not, the evidence above demonstrates that the Council's actions are only likely to be deterring development and stifling growth, rather than promoting growth.

**WHETHER, COMPARED TO THE EXTANT PERMISSION, THE LEVEL OF HARM HAS INCREASED AND THE LEVEL OF BENEFIT HAS DECREASED IN RELATION TO THE APPEAL SCHEME**

7.12 In 5.29 of the Council's SoC (CDG.02) , it is stated that:

*"The Council recognises that when developing in urban areas some compromises may be required. However, in this case, those compromises were made when consent was granted for the approved scheme at the site, where the harms associated with the scheme were balanced against the benefits. In the case of the appeal development, the level of harm has increased and the level of benefit has decreased."*

7.13 I have set out in Paragraph 6.115 that there is no policy or legal basis to refuse the Appeal Scheme on the basis of an alternative scheme for the Appeal Site that the Council considers to be more appropriate.

7.14 Notwithstanding this, I have reviewed the officer report (CDM.02) associated with the Extant Permission to understand how the planning balance was struck. In this regard, whilst it is not specific where the harm arises, Paragraph 17.14 of the Conclusion identifies that the benefits outweighed the harm such that:

*"The benefits of this scheme out weigh any of the negative aspects of the scheme as it provides attractive public realm with increased tree planting, improved pedestrian access, a good mix of uses, which includes jobs and community uses, a good standard of residential accommodation, on-site affordable housing contribution within the OA and significant contributions towards transport infrastructure."*

7.15 Notably, it is not clear how much weight was attributed to the development meeting a need for conventional housing as a benefit although it appears that the weight was attributed to the housing being a good standard of residential accommodation and delivering affordable housing.

7.16 I consider that the Appeal Scheme also delivers these benefits as well which are set out in the Officer Report (CDF.01). Furthermore, when compared to the Extant Permission, the Appeal Scheme would:

- Deliver more housing and therefore make a stronger contribution to LBW and London's housing need – 502 homes compared to 307 homes.
- Deliver more affordable rented housing which is the housing in greatest need in Wandsworth - 55 rented homes compared to 20 rented homes.
- Provide a policy compliant level of affordable housing – 39.55% of habitable rooms compared to 23.6%.
- Deliver PBSA and contribute positively towards a significant unmet need.
- Retain all existing trees on the site – the Extant Permission removed six trees covered by TPO.

7.17 I identify the harm arising from the Appeal Scheme in Section 10. I do not consider that this harm is any greater for the Appeal Scheme than the Extant Permission.

7.18 As such, I disagree with the assertion that when compared to the Extant Permission, the level of harm associated with the Appeal Scheme has increased and the level of benefit has decreased. Instead, I consider that the level of harm remains similar whilst there are clear additional benefits arising from the Appeal Scheme.

7.19 Finally, I consider it difficult for the Council to maintain its position that the benefits have decreased in comparison to the Extant Permission when the officer report associated with the Extant Permission appears to indicate that the primary

benefit arising from the delivery of residential was not that it was contributing to a wider need for housing but rather that it provided a good standard of residential accommodation and delivered affordable housing. Both of which are provided in the Appeal Scheme.

7.20 Therefore, as the need for conventional housing was not a determining factor in the granting of the Extant Permission, it cannot be said that a lower provision of conventional housing as part of the Appeal Scheme decreases the benefits of the Appeal Scheme in comparison.

# 8.0 PLANNING CONDITIONS, PLANNING OBLIGATIONS AND CIL

## PLANNING CONDITIONS

- 8.1 Subject to the Appeal being allowed, the Appellant and the Council have agreed the planning conditions set out in the SoCG. I consider that the conditions meet the requirements of Paragraph 57 of the NPPF (CDB.01), such that they are necessary; relevant to planning; relevant to the development permitted; enforceable; precise; and reasonable in all other aspects.
- 8.2 In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, all pre-commencement conditions have been agreed.

## PLANNING OBLIGATIONS

- 8.3 In accordance with Policy LP62 (Planning Obligations (Strategic Policy) of the Local Plan (CDE.01), planning obligations are sought to mitigate the specific impact of development.
- 8.4 In agreeing these planning obligations, regard has been had to the LBW Planning Obligations SPD (October 2020) (CDC.02) and I am satisfied that the obligations comply with Paragraph 122 of The Community Infrastructure Levy Regulations 2010 which requires such obligations to be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

- 8.5 The agreed planning obligations between the Parties are set out below and which will be incorporated into a Section 106 Agreement and signed prior to the start of an Inquiry:

- Affordable housing;
  - 55x Class C3 residential dwellings (27 x social rent and 28 x intermediate); and
  - 198 student bedrooms.
- Conventional affordable housing managed by registered provider;
- HEP nomination agreement for the affordable student accommodation and reasonable endeavours for the majority of the PBSA accommodation (51% of PBSA bedrooms);
- PBSA restricted to occupation by full time students at HEPs during term time only;
- PBSA restricted to use by persons within the defined User Group outside of term time;
- Reasonable endeavours not to occupy more than 75% of the PBSA units until a contract is entered into with a registered housing provider for conventional affordable housing units;
- Introduction of an Early-Stage Viability Review;
- Securing Wheelchair Accessible and Adaptable Student Accommodation Units;
- CCTV scheme
- Unit 2 (Class E/F) secured as affordable workspace/community space;
- Carbon Offsetting Financial Contribution (£159,127.00);
- Future-proofed connection to District Heating Network (DHN);
- Local Employment Agreement;
- Employment Financial Contribution (£130,831.25);
- Cultural Strategy Action Plan;
- Student Accommodation Management Plan;
- Management / maintenance scheme for new publicly accessible space;
- Play Space Contribution (£27,940.00);
- TfL Healthy Streets Contribution of £458,088.00;

- Car parking permit restriction for new occupants;
- 10-year future cycle link safeguarding (adjacent to railway line);
- Residential, Commercial and Student Accommodation Travel Plans;
- Section 278 Highways Work, including Traffic Management Order and commuted sum (to be determined) for Council maintenance of premium materials;
- Section 247 Stopping Up Order (Sleaford Street); and
- Section 38 Highways Work (Sleaford Street).

### **COMMUNITY INFRASTRUCTURE LEVY**

- 8.6 The Development will be liable to the Community Infrastructure Levy (“CIL”) which is levied by both the Mayor of London and LBW of Wandsworth.
- 8.7 The Mayor’s Charging Schedule was adopted in April 2019 and applies a CIL rate for development in the LB of Wandsworth of £80 per sqm (prior to indexation).
- 8.8 The LBW CIL Charging Schedule was adopted in 2012, and the Site is located in “Nine Elms Residential Area B”, in which the following charges apply:
- Residential (Use Class C3) Development - £265 per square metre
  - Office (All B1a) or Retail (All A use classes) Development - £100 per square metre; and
  - All other Development - £0 per square metre.
- 8.9 Part 7 of the Officer Report estimates the CIL Liability to be as follows:
- MCIL: £83,890.56
  - LBW CIL: £2,547,656.70
  - Total: £2,631,547.26

### **SUMMARY**

- 8.10 In summary, I conclude that the agreed planning conditions will enhance the quality of the development and enable to development to proceed where it may otherwise have been necessary to refuse planning permission; the planning obligations mitigate the impacts of a development proposal; and the CIL contribution will support the GLA and the LBW to deliver the infrastructure needed to support development in the area.



## 9.0 RESPONSE TO THIRD PARTY COMMENTS

9.1 Beyond the Main Issues raised by the Council, 26 responses have been provided by third party representatives pursuant to the Appeal Scheme. Of the 26, one response is supportive of the Appeal Scheme and 25 responses are in objection.

9.2 The supportive response is from TfL who note as follows:

*“TfL Spatial Planning provided a detailed consultation response to Wandsworth Council dated 7 July 2022. Outstanding strategic transport issues were subsequently addressed with the appellant, and we understand that the planning conditions and mitigation requested by TfL had also been accepted. Subject to mitigation and conditions being secured, TfL is supportive of the proposed development.”*

9.3 Such mitigated is identified as a financial contribution of £458,088 towards the delivery of TfL’s Healthy Streets Corridor Improvement Scheme on Battersea Park Road, in addition to land required within the site red line boundary to delivery the works. The legal agreement secures this mitigation and therefore I consider that TfL comments have been satisfactorily addressed.

9.4 With regards to the objections, all of the matters raised are addressed either in my proof of evidence, the evidence of the Appellant’s other witnesses, or the Appellant’s Statement of Case (CDG.01).

9.5 I also note that many of the matters raised are the subject of agreement in the SoCG and are not disputed between the Appellant and the Council. Furthermore, it is clear from the Officer Report (CDF.01) that officers concluded there to be no harm in respect of any of these matters warranting refusal on any of these grounds.

9.6 For the avoidance of doubt and ease of reference, I provide a summary table in **Appendix 3** which identifies key themes raised by objectors and a brief response.

# 10.0 COMPLIANCE WITH DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

## COMPLIANCE WITH THE DEVELOPMENT PLAN

10.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (CDB.10), an assessment must be made to whether the Development is compliant with the development plan when read as a whole.

10.2 In this regard, I consider that that Development is compliant with the development plan as whole. In particular, the Development delivers a mix of uses consistent with the Site's adopted Site Allocation and complies with the key design principles within the allocation. It also makes best use of previously developed land, will address a significant need for PBSA and conventional housing (including affordable), deliver new employment opportunities, provide premises for local community groups, make a positive improvement to local townscape, and bring public realm and place-making benefits. From an environmental perspective, the Application will deliver a biodiversity net gain significantly in excess of policy, as well as compliance with policies relating to carbon reduction, urban greening, circular economy and drainage. Overall, I consider that compliance is found with those policies most important for determining the Application, including:

- London Plan Policy D3 (Optimising site capacity through the design-led approach);
- London Plan Policy D4 (Delivering good design);
- London Plan Policy D6 (High quality and standards);
- London Plan Policy D9 (Tall Buildings);
- London Plan Policy GG2 (Making the Best Use of Land);
- London Plan Policy GG4 (Delivering the homes Londoners need);
- London Plan Policy H1 (Increasing Housing Supply);
- London Plan Policy H4 (Delivering Affordable Housing);
- London Plan Policy H6 (Affordable Housing Tenure);
- London Plan Policy H15 (Purpose Built Student Accommodation);
- Local Plan Policy SDS1 (Spatial Development Strategy 2023-2038 (Strategic Policy));
- Local Plan Policy LP1 (The Design-led Approach (Strategic Policy));
- Local Plan Policy LP2 (General Development Principles (Strategic Policy));
- Local Plan Policy LP4 (Tall and Mid-Rise Buildings);
- Local Plan Policy LP20 (New Open Space);
- Local Plan Policy LP23 (Affordable Housing);
- Local Plan Policy LP27 (Housing Standards);
- Local Plan Policy LP28 (Purpose Built Student Accommodation);
- Local Plan Policy LP55 (Biodiversity);
- Local Plan Policy LP62 (Planning Obligations); and
- Local Plan Site Allocation ref. NE2.

10.3 There are some aspects of the Development which I consider are not in strict accordance with some aspects of development plan policy. Where this is the case, I consider that the approach has been justified and any harm arising from the conflict is limited, particularly when weighed in the context of the support of other development plan policies. In particular:

- Part 4 of Policy H15 (PBSA) of the London Plan (CDB.02): the Application proposes 25% affordable student accommodation rather than 35% affordable student housing and the under provision has not been justified by a viability assessment. This shortfall in affordable student accommodation, however, is mitigated by the provision of conventional affordable housing and which provides the outstanding balance to ensure that the Development provides 39.55% affordable housing overall and is compliant with fast-track policy target set out in the London Plan. The LBW are supportive of this approach with Paragraph 1.38 of the Officer Report noting that *"Prioritisation of conventional affordable housing delivery provides a legitimate alternative pathway for student accommodation proposals to provide maximised affordable housing."*

- Policy LP27 (Housing Standards) of the Local Plan) (CDC.01): The quantum of private amenity space for Building 1 falls short of the policy by 251sqm. This is mitigated by the quantum of communal amenity space within the proposed public realm which could be used by residents as well as residents having access to other areas of open space in the neighbourhood area including the Power Station Park, the River Thames, the Linear Park and Battersea Park that provide alternative external amenity for residents. The under-provision is also outweighed by Policy LP1 (The Design-led Approach) and Policy LP20 (New Open Space) of the Local Plan which promote good design, place-making and an integrated approach to landscape design – a position endorsed by Paragraph 25.11 of the Officer Report which states that *“It is accepted that there is a shortfall in the provision of communal amenity space that weighs against the scheme, but it is considered that this is compensated by the plans to provide a high quality and landscaped public realm at ground floor level.”* Finally, it is material to note that the quantum of private amenity space is still compliant with Policy D6 (Housing Quality and Standards) of the London Plan.

10.4 I consider that the weight attached to these two conflicts when accounting for the mitigating factors is limited. Therefore, when considered in the context of the other Development Plan policies, not least the Site Allocation, the unmet for conventional affordable housing, and the need to optimise accessible brownfield sites within the VNEB Opportunity Area, I consider that the Development is compliant with the Development Plan when read as a whole.

### THE PLANNING BALANCE

10.5 Aside from the assessment of the Development against the development plan, there is also a need to identify any material considerations that could weigh in favour or against the Development in case such material considerations indicate a different outcome to the assessment against the development plan.

10.6 Notwithstanding that I consider that the daylight impacts of the Development on surrounding development are acceptable overall on the basis of the Site's location within a high density Opportunity Area and is therefore compliant with the development plan, there are some existing residential habitable rooms at Viridian Apartments and New Mansion Square in particular that will see a noticeable reduction in daylight levels as a result of the Proposed Development and there will be some harm arising. Whilst I consider that this is acceptable in policy terms – a position agreed with the LBW through the SoCG - I consider it appropriate to attribute **limited adverse weight** to this harm.

10.7 I also consider there to be a degree of harm arising to the impact of the Appeal Scheme on secondary windows of 7 dwellings in Simper Mansions due to limited outlook and the potential for overlooking from adjacent LKDs of Plot 3. However, given that these dwellings have alternative aspects which benefit from an attractive outlook over the public realm and which are not overlooked, I consider that the overall amenity of these dwellings would still be acceptable on the basis of the Site's location with the VNEB OA and that the residual outlook and privacy is commensurate with that already found elsewhere in the VNEB OA. Furthermore, the fact that only 7 dwellings of 386 dwellings in New Mansion Square are affected (1.8% of dwellings), I do consider this harm to arise to any conflict with policy. Nevertheless, I still consider it appropriate to attributed **limited adverse weight** to this harm.

10.8 Harm also arises from the shortfall in affordable student housing against Policy H15 of the London Plan and whilst this is at the expense of providing conventional affordable housing which is of greater priority in the Borough, I attribute **limited adverse weight** to this harm.

10.9 I do not ascribe any adverse weight to the shortfall in private amenity space against Policy LP27 of the Local Plan because it is still compliant with the London Plan policy and is mitigated by the quantum of communal amenity space within the proposed public realm. Further, there is access to other areas of public open space and external amenity in the area including the Power Station Park, the River Thames, the Linear Park and Battersea Park – all of which are within a maximum of 800 metres of the Site.

10.10 In the context of Paragraph 125 of the NPPF (CDB.01) which states that applications for the reuse of brownfield land for housing should be approved unless substantial harm would be caused, the negative impacts of the Development would certainly not arise to substantial harm.

10.11 In contrast, there are a number of material considerations that I consider weigh in favour of the Development as follows:

- The making best use of suitable allocated brownfield land for new homes in accordance with a site allocation - **substantial weight**;

- The delivery of 55 affordable homes in a borough that has a proven track record of under-delivery against its affordable housing policy target, is unable to demonstrate through its latest housing land capacity assessment that it can come close to achieving its affordable housing target of 677 homes per year (50% of the annual target of 1,354 homes) in the immediate future, and has a current unmet affordable housing need for 6,087 households – **substantial weight**;
- The delivery of 502 homes (equivalent) contributing significantly to LBW's housing annual target of 1,354 homes per year and its local housing need of 4,328 dwellings per annum. – **substantial weight**;
- The delivery of 762 student bedrooms contributing urgent supply to the existing student to bed ratio shortfall of 5.05 students to 1 bed within commutable distance of the Site – **substantial weight**;
- A new public realm providing 4,442 sqm of high quality public realm for use by new residents and the existing community, including the provision of play space in excess of policy standards for ages 0-11 – **significant weight**;
- A BNG uplift of 147% and the replanting of 73 new trees (with no existing loss) – **significant weight**;
- A development which reflects local design policies and government guidance on design - **significant weight**;
- Economic benefits including the creation of 280 full time construction jobs, including 7-10 apprenticeships and the creation of up to 31 jobs once the Development is operational, as well as local business spending by new residents on retail, leisure and F&B expenditure – **moderate weight**;
- The provision of ground floor commercial and community uses on the ground floor of the Development providing local amenities to future and neighbouring residents, creation of jobs and active frontage – **moderate weight**;
- The provision of an affordable commercial and community use on the ground floor of Plot 1 that will be available at a peppercorn rent to provide opportunities for start-ups and local community groups – **moderate weight**; and
- The Proposed Development will result in a demonstrable improvement to the existing appearance of the Site and function of the local townscape and have no impact upon the setting or significance of heritage assets nearby – **moderate weight**.

10.12 It is therefore my view that there are many tangible material considerations of ranging weights, that weigh heavily in favour of a positive determination.

10.13 In conclusion, I conclude that the Development is compliant with the development plan when read as a whole. There are also material considerations that further weigh in favour of the Development such that planning permission should be granted when considered in the context of Section 38 (6) of the Planning and Compulsory Purchase Act.

## 11.0 DECLARATION

- 11.1 I confirm that I have made clear which facts and matters referred to in my Proof of Evidence are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 11.2 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matters which would affect the validity of these opinions.
- 11.3 I have given full references to any external sources (i.e. sources other than my professional knowledge and opinion) that I have relied on in preparing this Proof of Evidence.
- 11.4 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my opinion impartially and objectively, and that I will continue to comply with that duty as required.
- 11.5 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement.
- 11.6 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my Proof of Evidence.
- 11.7 I confirm that my Proof of Evidence also complies with the requirements of the Royal Town Planning Institute and that I have acted in accordance with the Institute's Code of Conduct for Members.

Signed:

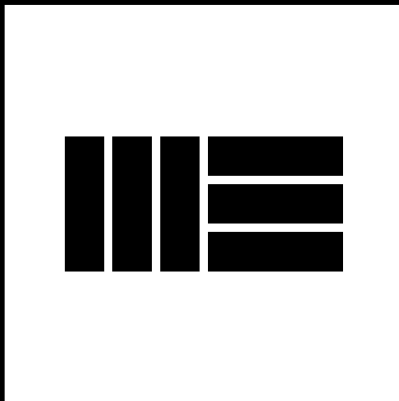


Sam Stackhouse (MRTPI)

Partner, Montagu Evans LLP

Date: 31 March 2025

**MONTAGU EVANS**  
**70 ST MARY AXE**  
**LONDON**  
**EC3A 8BE**



**[WWW.MONTAGU-EVANS.CO.UK](http://WWW.MONTAGU-EVANS.CO.UK)**

**London | Edinburgh**

WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.  
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.

# APPENDIX 1.0

## CONTEXT PLAN OF THE SITE AND SURROUNDING DEVELOPMENTS



River Thames

Phase 1

Battersea Power Station

Riverlight

Embassy

Nine Elms Parkside

Phase 3A

Phase 3B

New Covent Garden  
Market Entrance Site

Phase 3C

Viridian Apartments

Site

New Mansion  
Square

Battersea Parkside

Savona Estate

Nine Elms Market

Battersea Park

Palmerston Court

Patmore Estate





# **APPENDIX 2.0**

**LETTER FROM WATKIN JONES TO INSPECTOR:  
POSITION STATEMENT ON NOMINATIONS (24 MARCH  
2025)**



12 Soho Square, London, W1D 3QF  
Telephone: +44 (0)330 912 4000

Mr Darren McCreery  
Room 3 O/P,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol, BS1 6PN

24 March 2025

Dear Sir

#### **41-49 and 49-59 Battersea Park Road, London SW8 5AL**

Watkin Jones is the UK's leading developer and manager of residential accommodation for rent, with a focus on the student accommodation, build to rent and affordable housing sectors. The Watkin Jones Group has strong relationships with institutional investors and universities, and a reputation for successful, on-time-delivery of high-quality developments.

Since 1999, Watkin Jones has delivered over 52,000 student beds across 150 schemes, making it a key player and leader in the UK purpose-built student accommodation market. In addition, Fresh, the Group's specialist accommodation management business, manages over 19,000 student beds and build to rent apartments on behalf of its institutional clients.

Following the receipt of the Council's Statement of Case, this letter has been prepared to update the Inquiry on the progress being made with the key occupiers to ensure the delivery of the project.

#### University Partner Progress

Typically, Watkin Jones will engage with Higher Education Institutions ("HEIs") once we have confidence with the prospects of a positive planning decision. HEIs also typically take a position that only once planning confidence is built then negotiations can become meaningful. This timing is supported by paragraph 4.15.3 of London Plan Policy H15 which encourages boroughs to ensure that nomination agreements be secured for the majority of the proposed student accommodation bedrooms by first occupation.

Prior to securing a nominations agreement, the practice of securing "letters of comfort" is commonplace in the market, this is now set out in the GLA's Purpose Built Student Accommodation LPG (Paragraph 3.2.2). We have been engaging with several universities since 2022 in respect of the

**Creating the future of living**

[www.watkinjones.com](http://www.watkinjones.com)

WATKIN JONES & SON LTD REGISTERED OFFICES: 3 Llys Y Bont, Parc Menai, Bangor, United Kingdom, LL57 4BN • REGISTERED NUMBER:

2539870 (U.K.)



Appeal Site and have presented three letters of comfort to the Council in our planning application submission material (University College London, University of London, and the London School of Economics and Political Science).

We are now in advanced discussions with one party – the London School of Economics and Political Science (LSE). LSE is a world-leading university, specialising in social sciences and based in Holborn, London. The Times and Sunday Times Good University Guide 2025 ranked LSE the top university in the UK and named LSE University of the Year 2025. LSE is ranked 6<sup>th</sup> in the world for social science and management subjects (QS World and Subject Rankings, 2024). LSE are also a recognised HEI in London Plan policy.

We have agreed heads of terms, and both parties have instructed lawyers to draft an Agreement for Nomination Agreement (AFNA) and form of Nomination Agreement. As mentioned above, in our experience, it is standard for these documents to be entered into following the grant of planning permission.

This approach is also reflected in the current draft section 106 agreement that has been significantly progressed between the parties. In accordance with Part 2 of Schedule 3 of the draft section 106 agreement, the nomination agreement will cover the majority of the PBSA bed spaces including all the affordable student accommodation for a period of 10 years. The obligation also documents a ‘cascade-style’ letting mechanism meaning that students at local HEIs are given priority.

The Council has not, prior to submitting the Statement of Case to the Inspectorate, suggested that this nomination arrangement should be concluded any earlier. Indeed, the first version of the draft s106 prepared by the Council, stated that a nomination agreement should be secured by occupation using “best endeavours” clause. We are therefore both surprised and disappointed by the Council’s suggestion that a nominations agreement is required to be entered into prior to the grant of planning permission to demonstrate need for the PBSA units.

Subject to a positive outcome of this planning appeal, we anticipate concluding the legal arrangement with LSE in good time ahead of construction and well ahead of the GLA’s policy timescale of prior to occupation of the PBSA units.

#### Affordable Housing Partner Progress

To further emphasise the strong progress that has been made with key occupiers to deliver this important regeneration, I set out below the progress being made in respect of the proposed affordable housing component.

The form and content of the affordable housing has been part of discussions with the Council since 2022. This has included taking guidance from both Housing Officers during several technical meetings, and indirectly from the Leadership group.

The final design of the affordable housing block was agreed in August 2024, and the tenure arrangements has been substantially progressed in s106 drafting. Both matters have been addressed in full and supported in the most recent Officers Report to Planning Committee.

As set out in the draft s106 Agreement (Annex 1), the Council has guided us to engage with a list of preferred Registered providers who operate within the Borough – all providers were contacted and their interest in the scheme verified in a process carried toward the end of 2024. As a result of this process, we have now formally engaged Wandle Housing Association for all the affordable units (27 Social Units and 28 Intermediate Units) for a 999-year lease.

There has been interest from multiple housing associations in the project. Whilst we are confident of closing the transaction with Wandle, if for whatever reason we do not exchange with them, then we have an underbidder to step in to the transaction.

We trust that the above is a helpful update on the residential components of the proposed development. It should be clear that subject to the grant of the planning permission, as developer we have made very substantial progress in advancing the key components of the project with well-established local stakeholders.

Your faithfully,

Ben Wrighton  
**Head of Planning & Development**  
FOR THE WATKIN JONES GROUP

# APPENDIX 3.0

## SUMMARY TABLE OF PUBLIC OBJECTIONS

REF.	PARTY	SUMMARY OF KEY THEMES	RESPONSE
1.	Ashley Dotter, 33 Arden Mansions	Impact on local highway network and access arrangements due to increased traffic.	Wandsworth's Highways Officer has reviewed the proposals and has raised no objection to the scheme, subject to the necessary highway improvements being secured.  TfL is also supportive of the proposals, subject to mitigation.  Highways improvement works will be secured via obligations within the S106 Agreement.
		Increased car parking along Sleaford Street.	There will be five blue-badge car parking spaces created on Sleaford Street (3x for the affordable residential accommodation, 1x for the student accommodation and 1x for the flexible commercial / community floorspace) as required by planning policy.  The proposal is supported by Wandsworth's Highways Officer and TfL.
		Impact on local transport infrastructure, including bus stop capacity.	CIL and S106 contribution monies will go towards supporting wider local infrastructure.
		The heights are over development and do not reflect local context.	The height of the development accords with Policy D9 (Tall Buildings) of the London Plan. The Site's location within a Tall Building Zone is recognised in the Site's Local Plan Allocation, and has been tested through the Design Review Panel.
		Impact of overlooking on the Simper and Arden Mansions buildings, and loss of light and overshadowing for the properties at Arden Mansions.	The impact of overlooking on the New Mansion Square development is addressed in the proofs of evidence of myself and Alan McCartney, and the Statement of Case.
		Principle of student development at this location.	The Site is within a highly sustainable location within close proximity to a wide selection of Higher Education Providers (HEPs), and complies with London Plan Policy H15 (Purpose Built Student Accommodation) and Wandsworth Local Plan Policy LP28 (Purpose Built Student Accommodation).
		Impact on neighbouring amenity.	The impact on neighbouring amenity is addressed in the proofs of evidence of myself and Alan McCartney, and the Statement of Case.
		Loss of provision for Shared Ownership homes.	The development will deliver both affordable student units alongside affordable traditional residential units (both London Living Rent and Social Rent). Wandsworth's Local Housing Needs Assessment (2024) states that the greatest need is for rented affordable accommodation. As such, this is why London Living Rent has been introduced and favoured over Shared Ownership

			which is typically a less affordable product.
		Reduction in the number of residential homes from the extant permission.	The development will contribute to the equivalent of 502 homes towards Wandsworth's housing need compared to the extant permission which would only deliver 307 homes. The development would make a 37% contribution to the Borough's annual housing supply.
		Concerns over the boundary relationship between the development and New Mansion Square development's private terraces.	The Officer's Committee Report confirms that the boundary treatment is acceptable and does not result in undue loss of privacy. In addition, a condition is proposed that requires details of boundary treatments.
2.	Mr Boris Milos Sanchez, 63 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
3.	David Barlow, 60 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
4.	Dimitrios Kraniotis & Domingo Alvarez, 68 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
5.	Mr Dan Grajčevci, 56 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
6.	Ms Francesca Gray, 50 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
7.	Ms R Courage, 129 Viridian	Overdevelopment and height of Block D and negative impact on existing townscape.	The development optimises the use of previously developed land in line with Policy GG2 (Making best use of land) and Part B of Policy D3 (Optimising site capacity through the design-led approach) of the London Plan.  The height of the development accords with Policy D9 (Tall Buildings) of the London Plan, the Site's location within a Tall Building Zone as recognised in the Site's Local Plan Allocation, and has been tested through the Design Review Panel.
		Loss of light to neighbouring properties.	It has been established that there are no unacceptable daylight and sunlight impacts on neighbouring properties to the development. This is also agreed between the Appellant and Wandsworth in the Statement of Common Ground.
		Highways impacts at Sleaford Street and access to the Viridian garages.	Wandsworth's Highways Officer has reviewed the proposals and has raised no objection to the scheme, subject to the necessary highway improvements being secured.

			Highways improvement works will be secured via obligations within the S106 Agreement.
		Concerns over boundary relationship between the Peabody and Watkin Jones terraces.	The Officer's Committee Report confirms that the boundary treatment is acceptable and does not result in undue loss of privacy. In addition, a condition is proposed that requires details of boundary treatments.
		Principle of student development and lack of affordable housing.	The Site is within a highly sustainable location within close proximity to a wide selection of HEPs, and complies with London Plan Policy H15 (Purpose Built Student Accommodation) and Wandsworth Local Plan Policy LP28 (Purpose Built Student Accommodation).  The development will deliver both affordable student units alongside affordable traditional residential units (both London Living Rent and Social Rent).
8.	Mr Daniel Crouch, 47 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
9.	Ms Mila Gri & Mr Karolis Duoba, 124, 75 Battersea Park Road	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
10.	Mrs Natalia Krzyzanek, 51 Billington Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
11.	Mr Laert Karashev & Ms Natalia Zhdanova, 48 Billington Gardens	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
12.	Laura Milos Sanchez, 63 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
13.	Mr Laurence Woods, 29 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
14.	Matilda Nasman, 14 Billington Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
15.	Amy Mechowski, 59 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
16.	Mila Giri, 56 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
17.	Olivia Galvin, 37 Billington Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.



18.	Mrs Marta Sobczak, Apartment 23, Drapers Court	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
19.	Tarek Tabaja, Flat 72, Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
20.	Dr Luke Taylor, 46 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
21.	Thomas Shevlin, 14 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
22.	Ms Yasmin West, 43 Arden Mansions	Duplication of the above.	These comments have been addressed within the comments above and within the Proofs of Evidence submitted.
23.	Dr Antonio Fidalgo, Flat 184 Viridian Apartments	Does not respond to local feedback.	Extensive engagement was undertaken with the public and feedback was fed into the scheme evolution.
		Overdevelopment and principle of proposed heights.	The development optimises the use of previously developed land in line with Policy GG2 (Making best use of land) and Part B of Policy D3 (Optimising site capacity through the design-led approach) of the London Plan.  The height of the development accords with Policy D9 (Tall Buildings) of the London Plan, the Site's location within a Tall Building Zone as recognised in the Site's Local Plan Allocation, and has been tested through the Design Review Panel.
		Principle of student accommodation.	The Site is within a highly sustainable location within close proximity to a wide selection of HEPs, and complies with London Plan Policy H15 (Purpose Built Student Accommodation) and Wandsworth Local Plan Policy LP28 (Purpose Built Student Accommodation).
24.	Gareth Jones, 10 Arden Mansions	Principle of student accommodation.	The Site is within a highly sustainable location within close proximity to a wide selection of HEPs, and complies with London Plan Policy H15 (Purpose Built Student Accommodation) and Wandsworth Local Plan Policy LP28 (Purpose Built Student Accommodation).
		Loss of light.	It has been established that there are no unacceptable daylight and sunlight impacts on neighbouring properties to the development. This is also agreed between the Appellant and the Wandsworth in the Statement of Common Ground.
		Lack of affordable housing.	The development will deliver both affordable student units alongside affordable traditional residential units

			(both London Living Rent and Social Rent).
		Impact on neighbouring amenity.	The impact on neighbouring amenity is addressed in the proofs of evidence of myself and Alan McCartney, and the Statement of Case.
		Overdevelopment.	The development optimises the use of previously developed land in line with Policy GG2 (Making best use of land) and Part B of Policy D3 (Optimising site capacity through the design-led approach) of the London Plan.
		Principle of the application's refusal.	The development was recommended for approval by Wandsworth Officers.
25.	Jack Verhaeg and Ryan Haycock, 44 Billington Mansions	Design and scale of the proposed buildings and lack of conformity with local character.	The development design is of high quality and complements the evolving character of the local area which has been subject to significant new development, in addition to being endorsed by the Design Review Panel.
		Impact on neighbouring amenity.	The impact on neighbouring amenity is addressed in the proofs of evidence of myself and Alan McCartney, and the Statement of Case.
		Principle of student development.	The Site is within a highly sustainable location within close proximity to a wide selection of HEPs, and complies with London Plan Policy H15 (Purpose Built Student Accommodation) and Wandsworth Local Plan Policy LP28 (Purpose Built Student Accommodation).
		Impact on residential amenity.	The impact on neighbouring amenity is addressed in the proofs of evidence of myself and Alan McCartney, and the Statement of Case.
		Boundary and space concerns between the proposed and existing buildings.	The Officer's Committee Report confirms that the boundary treatment is acceptable and does not result in undue loss of privacy. In addition, a condition is proposed that requires details of boundary treatments.
		Impact upon local highway network during construction.	A conditions is attached to the permission to ensure that the impacts of the construction works are appropriately managed and mitigated.
		Impact on road safety along Battersea Park Road.	Wandsworth's Highways Officer has reviewed the proposals and has raised no objection to the scheme, subject to the necessary highway improvements being secured.  TfL is also supportive of the proposals, subject to mitigation.

			Highways improvement works will be secured via obligations within the S106 Agreement.
		Loss of light.	It has been established that there are no unacceptable daylight and sunlight impacts on neighbouring properties to the development. This is also agreed between the Appellant and the Wandsworth in the Statement of Common Ground.
		Lack of public transport infrastructure.	CIL and S106 contribution monies will go towards supporting wider local infrastructure.
		Principle of the application's refusal.	The development was recommended for approval by Wandsworth Officers.
26.	Sarah Pickering, 5 Endeavour Square – Principal Technical Planner - TfL	Supportive of the proposed development subject to mitigation and conditions being secured, and a £458,088 contribution to TfL's Health Streets Corridor Improvement Scheme.	No comment required.
27	Alessandro Risorto	The height of the development and impact on healthcare services and transport.	<p>The height of the development accords with Policy D9 (Tall Buildings) of the London Plan. The Site's location within a Tall Building Zone is recognised in the Site's Local Plan Allocation, and has been tested through the Design Review Panel.</p> <p>The development optimises the use of previously developed land in line with Policy GG2 (Making best use of land) and Part B of Policy D3 (Optimising site capacity through the design-led approach) of the London Plan.</p> <p>CIL and S106 contribution monies will go towards supporting wider local infrastructure.</p>