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**OPENING STATEMENT**

**LONDON BOROUGH OF WANDSWORTH**

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**Introduction**

1. The London Borough of Wandsworth (“the **Council**”) resists the appeal against the non-determination of the Appellant’s application for permission to deliver a purpose-built student accommodation (“**PBSA**”) mixed use scheme on land at 41 – 49 and 49 – 49 Battersea Park Road (“the **Appeal Site**”).
2. Following the case management conference, on 27 March 2025 the Council informed the Appellant and the Planning Inspectorate that it did not intend to submit any further evidence, beyond its Statement of Case and did not intend to call any witnesses to give evidence at the inquiry. On that basis, the Council invited the Inspectorate to determine the appeal through the written representations procedure.
3. In the event, the Inspector has determined that the appeal should proceed by way of inquiry in any event. The Council recognises and respects that decision, which gives local residents the opportunity to appear and make oral representations.
4. Pursuant to the Inspector’s pre-inquiry note, the Council is entitled to make a short opening statement, based on its Statement of Case. These opening remarks remain faithful to the Council’s Statement of Case. Where there is a change from the position in the Statement of Case, it is only to narrow the scope of dispute and is clearly flagged below.

## Whether the Appeal Scheme is acceptable in land use terms, having regard to housing need

5. The Council's case is that the Appeal Scheme would result in a significant oversupply of PBSA within the borough.
6. The London Plan identifies an annualised need of 3,500 student bedrooms across the whole of London. There are no disaggregated figures as to the need in particular local authorities. On that basis, the Planning Practice Guidance advises local authorities to “engage with universities and other higher educational establishments to ensure they understand their student accommodation requirements in their area.”<sup>1</sup> The Council has done precisely this. Its Local Housing Needs Assessment (2020) describes the engagement undertaken by the Council with higher education providers (“HEPs”) in Wandsworth.<sup>2</sup> The engagement with HEPs indicated that even taking account of their planned increases in student numbers, student accommodation needs were unlikely to put pressure on housing stock in the borough given the pipeline of supply. The Local Housing Needs Assessment concluded that there was no requirement to increase the overall housing need on the basis of student growth.<sup>3</sup>
7. The Council has commissioned a further Housing Needs Assessment (2024) to support the Local Plan partial review which explains that Wandsworth provides around 1% of the total PBSA capacity across London and contains around 2% of the London-wide student population.<sup>4</sup> Assuming that Wandsworth continues to provide for 2% of all students in London, this would equate to a need for c.70 PBSA bedspaces per annum.
8. Since the 2024 Housing Needs Assessment was prepared, a number of additional PBSA schemes have been completed or are in the pipeline totalling 1,002 bedspaces, including 863 bedspaces at Palmerston Court (completed in 2024). Compared to the need identified in the 2024 Assessment for a total of 1,050 PSBA bedspaces over the Plan period 2023 – 2028, this would mean that 95% of the student accommodation will have been completed, commenced or consented within just 2 years of the Local Plan's

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<sup>1</sup> PPG Reference ID 67-004-20190722

<sup>2</sup> **CD C.04**, paragraphs 11.84 – 11.111

<sup>3</sup> **CD C.04**, paragraph 11.111

<sup>4</sup> **CD C.03**, paragraphs 5.63 – 5.66

adoption and before account is taken of the additional 800 bedspaces proposed on land owned by the University of Roehampton.

9. By contrast, there is a pressing need for additional conventional housing and a finite number of available sites on which to deliver those homes. That is why the Council is promoting revisions to policy 28 in its emerging Local Plan Partial Review to ensure that PSBA only comes forward on sites that are not suitable for conventional housing.<sup>5</sup> Through this emerging policy, which has recently completed its Regulation 19 consultation,<sup>6</sup> the Council hopes to harness the full potential of suitable sites for conventional housing whilst directing PBSA to other sustainable sites.
10. The Council's position is that the Appeal Scheme would give rise to an oversupply and overconcentration of PBSA for which there is no demonstrable need. It would not contribute to a genuinely mixed neighbourhood and would conflict with London Plan Policy H15 Part A(1), adopted Local Plan policy LP28, Part A(4) and emerging Local Plan policy LP28 Part A(1).
11. In an update to the position recorded in the Statement of Case, the Council accepts that a section 106 obligation to ensure that, from the point of occupation, the development will be subject to a nominations agreement with one or more HEP for the majority of the bedrooms in the development, for as long as it is used as student accommodation, will suffice to ensure compliance with London Plan Policy H15 Part A(3) and Local Plan Policy LP28, Part A(1).

### **The effect of the Appeal Scheme on the living conditions**

12. The Council considers that the Appeal Scheme would adversely affect the amenity of existing and future neighbouring properties. It would be overbearing in nature, overlook and impact on their privacy and the overall amenity of their living conditions.

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<sup>5</sup> **CD C.05**

<sup>6</sup> The publication version of the Wandsworth Local Plan Partial Review was subject to Regulation 19 consultation between 13 January 2025 and 24 February 2025. The Council is currently collating comments received during that consultation, with a view to submitting the Local Plan Partial Review for independent examination in the coming weeks. Note that this information is provided on instruction as an update to the Statement of Case, in response to the Inspector's request in the Pre-Inquiry Note for an update on the emerging Local Plan.

13. As recorded in the Statement of Common Ground, the Council’s concerns relate to:

- a. The outlook and privacy of dwellings at Simper Mansions (which form part of the New Mansion Square development and comprise building “A3” of Phase 4A of the Battersea Power Station development);
- b. The enjoyment of open spaces serving Phase 4A of the Battersea Power Station development; and
- c. The future enjoyment of two proposed deck amenity spaces serving the consented New Covent Garden Market redevelopment through overshadowing.

14. Simper Mansions is a part 8 / part 11 storey residential building.<sup>7</sup> Its lower, 8-storey shoulder lies closest to the proposed south tower on Plot 3 of the Appeal Site, which will accommodate a 19-storey tower, with a separation distances of just 10.1 metres at the closest point. The Appeal Scheme has increased the height of this building by over 6m compared to the previously approved scheme<sup>8</sup> which the Council considers will give rise to an overbearing impact on residents of Simper Mansions.

15. The Appellant acknowledges that the Appeal Scheme would adversely affect the outlook from a number of east-facing windows at Simper Mansions, where windows would face each other at distances of just 11.5m. It also accepts that the Appeal Scheme would exacerbate the impacts on those windows over and above the impacts caused by the extant scheme.<sup>9</sup> In addition to the adverse impact on the outlook of existing residents, the living/kitchen/dining rooms of the proposed PBSA would overlook the kitchens and *bedrooms* of 7 dwellings in Simper Mansions with very narrow separation distances.<sup>10</sup> The Appellant inevitably accepts that this relationship could impinge upon the sense of privacy experiences by residents of Simper Mansions. It suggests that existing residents could be expected to mitigate these impacts by closing their curtains or blinds or re-arranging the layout of their rooms.<sup>11</sup> The difference between the parties is that the Appellant considers this relationship to be acceptable whereas the Council considers that the impact on the outlook, privacy and overall amenity of existing

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<sup>7</sup> Mr Stackhouse’s planning proof for the Appellant, paragraph 6.159

<sup>8</sup> Mr McCartney’s design proof for the Appellant, paragraph 5.1.27

<sup>9</sup> Mr Stackhouse’s planning proof, paragraphs 6.168, 6.171 and 6.173

<sup>10</sup> Mr Stackhouse’s planning proof, paragraph 6.182

<sup>11</sup> Mr Stackhouse’s planning proof, paragraph 6.183

residents would be unacceptable and that those impacts are not sufficiently outweighed by countervailing benefits so as to be justified.

16. Furthermore, the Appeal Scheme would give rise to an overbearing impact on the amenity spaces serving Phase 4A of the Battersea Park Development. The relationship between Appeal Scheme and those amenity spaces is illustrated at figures 72 – 75 of Mr McCartney’s evidence. The Council invites the Inspector to consider the sense of overlooking and enclosure and the extent of visible sky remaining and to find that the relationship would be overbearing in nature and would adversely affect existing residents’ enjoyment of their outdoor amenity space.
17. In addition, the Appellant’s own overshadowing assessment indicates that the Appeal Scheme would have an adverse impact on the two amenity spaces identified in the outline planning permission for the New Covent Garden scheme. BRE Guidelines indicate that for amenity areas to be considered well-light throughout the year, at least 50% of the space should enjoy 2 hours of direct sunlight on 21<sup>st</sup> March. The Appellant’s evidence demonstrates that with the Appeal Scheme in place, only 25% of the northern podium of the New Covent Garden scheme would receive 2 hours or direct sunlight and only 14% of the southern podium would receive 2 hours of direct sunlight of 21 March.<sup>12</sup>
18. In light of the above, the Council considers the Appeal Scheme to conflict with policy D6,<sup>13</sup> Part B of the London Plan (housing quality and standards), in that it fails to satisfy the qualitative aspects set out in table 3.2 with respect to privacy and with Local Plan Policy LP2, Part B, points 2, 3 and 4 which provide that development should avoid unacceptable levels of overlooking (or perceived overlooking) or giving rise to undue sense of enclosure on the private amenity space of neighbouring properties; should not be visually intrusive or overbearing; and should not compromise the visual amenity of adjoining sites.

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<sup>12</sup> Mr Stackhouse’s planning proof, paragraph 6/208

<sup>13</sup> Please note that the references in the Statement of Case to policy H6 of the London Plan are inaccurate. As is apparent from paragraph 1.4 of the Council’s Statement of Case, the intention was to refer to the London Plan policy relating to housing quality and standards, which is Policy D6 rather than Policy H6. This point was clarified to the Appellant on 10 March 2025.

## **Conclusion**

19. In summary, the Council's position is that the Appeal Scheme conflicts with those parts of London Plan policy D6 and H15; Local Plan policy LP2 and LP28 and emerging Local Plan policy LP28 identified above. While the Council recognises that the Appeal Scheme would deliver a number of benefits, they are considered to be outweighed by the adverse impacts of the development such that the Council respectfully invites the Inspector to dismiss this appeal.

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**29<sup>th</sup> April 2025**