

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Tachbrook	
Subject of Report	Dolphin Square, London, SW1		
Proposal	Part redevelopment and refurbishment of Dolphin Square including the reconfiguration of existing residential (Class C3) apartments; demolition and reconstruction of Rodney House to provide a new ground plus 9 storey building with 2 basement levels to provide residential (Class C3), serviced apartments (Class C3 temporary sleeping accommodation), retail (Class A1-A4), leisure (Class D2); single storey rooftop extensions to the retained and refurbished Houses to provide additional residential (Class C3); new row of townhouses (Class C3) to the Western Carriageway; landscaping and new publicly accessible open space; new and reconfigured access points; and all necessary enabling works.		
Agent	Miss Louise Overton		
On behalf of	Dolphin Square Limited		
Registered Number	18/01099/FULL	Date amended/ completed	6 February 2018
Date Application Received	6 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Dolphin Square Conservation Area Part of Eastern & Western Carriageways fall within Pimlico Conservation Area		

1. RECOMMENDATION

1.	Grant conditional permission subject to a S106 legal agreement to secure the following: <ol style="list-style-type: none"> i. 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG. ii. Walkways agreement to secure public access to the internal courtyard garden to be completed prior to first occupation of the new residential units. iii. Extension of the Thames Path prior to first occupation of the new residential units. iv. Strategy to secure the measures to protect the option B tenants during and after the building works. v. Carbon offset payment (index linked) payable on commencement of development (amount TBC subject to revised Energy Strategy).
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- vi. A financial contribution towards employment, training and skills of £100,351.09 (index linked) payable on commencement of development.
- vii. Monitoring costs.

2. If the S106 legal agreement has not been completed within four weeks of the Committee resolution then:

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not

b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

2. SUMMARY

The Dolphin Square Estate was completed in 1938 to provide accommodation for workers within central London. It is the largest private residential block of flats in the UK and it remains largely untouched. Permission is sought for the part redevelopment and part refurbishment of Dolphin Square including the demolition and reconstruction of Rodney House, a rooftop extension to the remainder of the estate, refurbishment and reconfiguration of the existing residential units and the erection of sixteen townhouse on the western carriageway. The number of residential units will be increased from 1225 to 1455 (this includes the serviced apartments which will be increased from 143 to 160). The central courtyard garden will be extended and made publicly available.

The Key issues for consideration are:

- The impact of the proposals on the character and appearance of the buildings and the Dolphin Square and Pimlico Conservation Areas; and the setting of historic assets;
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network and environment.

Objections to the application are numerous and wide reaching.

The demolition of Rodney House is considered to represent 'less than substantial harm' to the conservation area under the NPPF tests owing to its lesser design quality. The increase in height of the proposed replacement building and rooftop extensions will increase the buildings dominance, however, given the scale of the existing building, and the simplicity of the proposed architecture, it is considered that the architectural character of the conservation area will be preserved. The proposed extensions are also considered to have a satisfactory relationship with surrounding residential properties in terms of amenity.

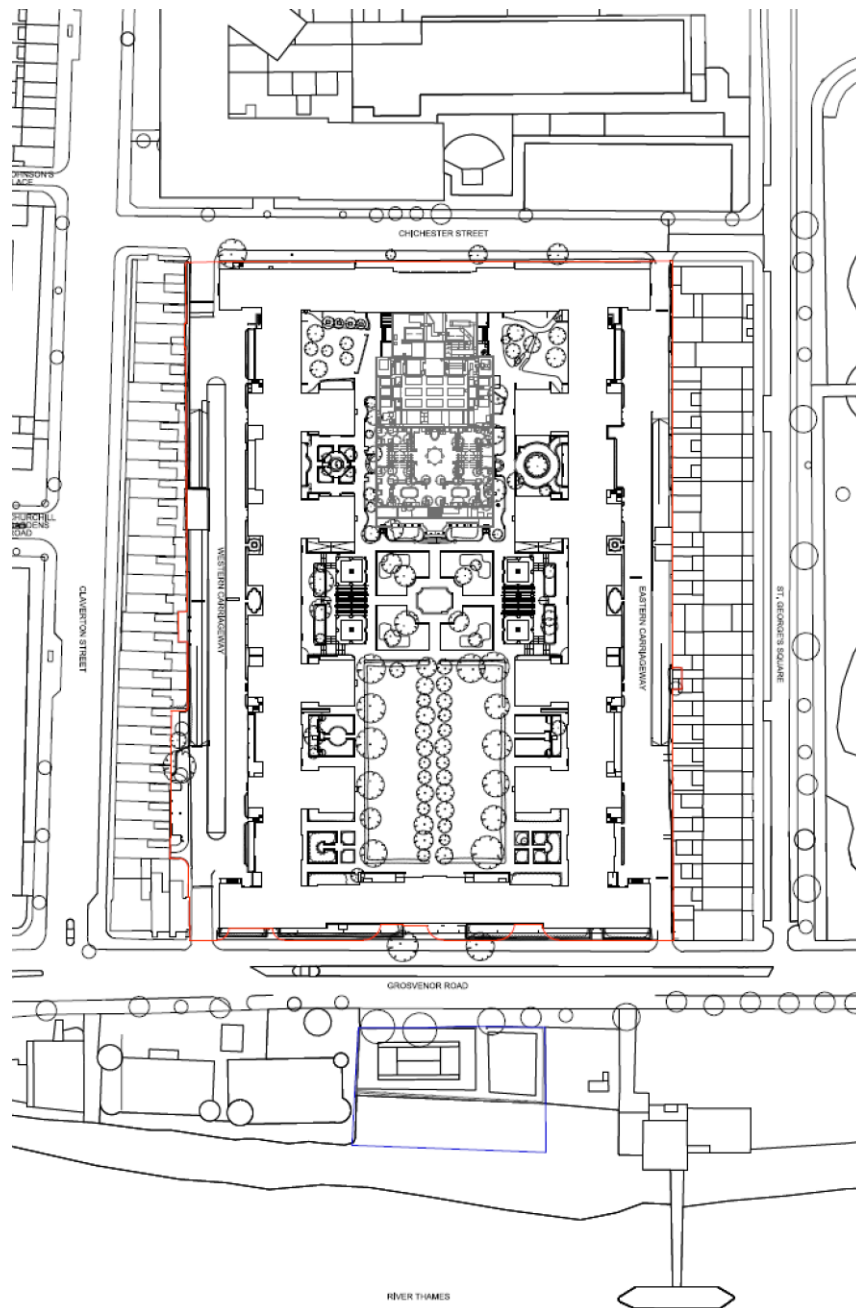
The proposal represents the opportunity to secure the delivery of 230 new residential units, including 57 on-site affordable housing units; improved public access to the internal courtyard garden and the extension of the Thames path. These are considered to represent significant public benefits.

Item No.

1

The proposals are considered acceptable in design, conservation, land use, amenity and highway terms in accordance with the Core Strategy and Unitary Development Plan (UDP) policies.

3. LOCATION PLAN



4. PHOTOGRAPHS



Grosvenor Road, from the Thames



Chichester Street



Dolphin Square (Rodney House outlined in red)

5. CONSULTATIONS

ORIGINAL APPLICATION

GREATER LONDON AUTHORITY

Principle of development: the proposed refurbishment and residential intensification of the existing Dolphin Square estate in this highly accessible location within the Central Activity Zone is supported in principle and complies with London Plan and draft London Plan policy in land use terms.

Affordable housing: no affordable housing offer has currently been made which is wholly unacceptable. The applicant's viability assessment will be robustly interrogated to ensure the maximum reasonable amount of affordable housing is secured. Early implementation and late stage review mechanisms must be secured in accordance with the Mayor's Affordable Housing and Viability SPG and Policy H6 of the draft London Plan.

Housing: all of the private rented units must be covered by a minimum fifteen year covenant to retain the homes as build to rent. The applicant should also provide a child yield calculation and play space strategy.

Residential quality: it is disappointing that the existing layouts in Rodney House is not improved.

Design: Overall, the proposed refurbishment and redevelopment is supported in strategic urban design terms and will improve the overall legibility of the estate, pedestrian arrival experience and the estate's existing relationship with surrounding street frontages through landscape works and increased active frontages. The marginal overall increase in height is also supported and does not raise any strategic concerns with regards to heritage impact.

Energy: the proposals meet the minimum onsite carbon reduction. Further information is requested regarding the overheating analysis and efficiency modelling, potential connection to the Pimlico district heat, combined heat and power and the maximisation of renewable technologies. Any shortfall in carbon savings below the zero carbon target for the domestic element should be offset through financial contributions to the Council's carbon offset funds.

Transport: cycle parking for all land uses should be increased to meet London Plan standards and car parking reduced. The new build and refurbished units should be car-free. The overall level of disabled car parking should be increased to meet minimum London Plan and draft London Plan standards.

TRANSPORT FOR LONDON

- The development should be car free except for Blue Badge parking with a minimum of 38 blue badge designated bays.
- Clarification on the functioning of the serviced apartments should be provided in order to assess parking requirements.
- Cycle parking falls short of the standards set out in the draft London Plan. Cycle parking needs to be secured and secured by condition
- Routes through East and West Dolphin Square providing 24 hour access for pedestrians and cyclists to increase the sites permeability should be secured.
- Travel Plan should be amended to provide more ambitious targets to reduce driving by a minimum of 10% and increase walking and cycling.

HISTORIC ENGLAND

The application should be determined in accordance with national and local policy guidance, and the Council's own specialist conservation advice.

HISTORIC ENGLAND (ARCHAEOLOGY)

Archaeology conditions recommended.

TWENTIETH CENTURY SOCIETY

Strongly objects. The proposals will cause harm to the significance of the Dolphin Square Conservation Area. Dolphin Square is of substantial historic and architectural significance and an impressive example of a type of large-scale urban living which was pioneering for its day. The self-contained nature of the development, the first in Britain, continues to be unusual. The building is remarkably intact, still displaying a subtle 1930s charm. The proposals will irrevocably damage its heritage significance.

Dolphin Square has been recognised as an unlisted building of merit and heritage asset as it forms the majority of the built area of the Dolphin Square Conservation Area designated in 1990. The conservation is designated entirely because of the significance of Dolphin Square. The demolition of Rodney House represents the loss of a substantial amount of the built area of the conservation area and the demolition of the top storey and replacement with two storeys that do not resemble the current form will affect almost all the remainder of the conservation area. The proposals in the current planning application also envisage the loss of the historic shopping parade, the loss of the original recreational centre and the related garden areas. This represents a substantial loss of fabric and has a serious impact on the integrity of the Dolphin Square Conservation Area and are in contravention of the guidance laid down in the Conservation Area Audit and Management Guidelines. The tests of the NPPF apply which particularly commends the careful consideration of the effect of development proposals on undesignated heritage assets.

The loss and replacement of a large portion of this non-designated heritage asset should be resisted as causing significant harm to the conservation area without any corresponding public benefit. The impact on the sole landmark building will be severely detrimental to a conservation area. It is a testament to Dolphin Square's design quality that despite its massive size it sits well with both the adjoining estates and the stucco terraces, and its gardens and interior, especially the shop arcade, create an absolutely beautiful haven of 1930s character.

ENVIRONMENT AGENCY (THAMES REGION)

No objection.

THAMES WATER

Unable to determine the waste water infrastructure needs of the development. The existing water supply has insufficient capacity to meet the additional demands of the proposed development. Recommend conditions and informatives in relation to waste water and water supply infrastructure needs.

NATURAL ENGLAND

No comment. They have not assessed the application as it is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

CANAL & RIVER TRUST

Confirmation that there is no requirement to be notified.

LONDON RIVERS ASSOCIATION

Any response to be reported verbally.

METROPOLITAN POLICE SERVICE

Request that financial contributions towards police infrastructure should be secured through a s.106 agreement due to the scale of the development, the impact on crime and the consequent need for infrastructure.

DESIGNING OUT CRIME

No objection. Recommendations and advice have been given to the applicant in relation to security and crime prevention.

HIGHWAYS PLANNING MANAGER

Servicing facilities are provided off-street. The applicant has demonstrated that the off-street facilities should be sufficient to cope with demand. A Servicing Management Plan should be secured by condition.

Under London Plan standards the proposals do not create enough cycle parking spaces to serve the overall number of dwellings on the site, but they do create an extra 336 spaces (16 of which are for retail and leisure use) which is significantly more than that required for the additional dwellings and is therefore acceptable.

There will be a reduction in car parking. The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels. However, on balance, the proposals are considered acceptable as there is currently a large amount of empty space in the existing car park and TfL request a reduction in the number of spaces.

WASTE PROJECT OFFICER

Further details required in relation to waste and recycling.

ENVIRONMENTAL HEALTH

Additional information required in relation to the extraction proposed for the proposed restaurant uses and for the acoustic report to address noise from servicing and deliveries.

ARBORICULTURAL MANAGER

Clarification required in relation to the number of trees to be removed. The landscaping proposals are not detailed but include tree planting. The different styles of hard and soft landscaping will create a disjointed effect. Some of the tree species proposed may be too large.

AFFORDABLE HOUSING SUPPLY MANAGER

See response below to revised application.

BUILDING CONTROL

Any response to be reported verbally.

WESTMINSTER SOCIETY

No objection to the concept of a major refurbishment of Dolphin Square, however, severe reservations about elements of the overall project. The uncertainty of residents about their futures should be addressed. The swimming pool, restaurant and the Moroccan Garden should be left where they are. Unconvinced about the creation of a portal in the rebuilt Rodney House as a mirror image of that on the Grosvenor Road frontage which would harm the present privacy of the garden area.

PIMLICO FREDA

- The additional floor will clean up the top storey by removing unsightly railings and improve the visual impact of the east and west elevation. To the south elevation the current balconies have been unnecessarily removed and should be reinstated. The rebuilt Rodney House although higher and more bulky is considered an improvement over the existing elevation.
- From on-site inspections it became clear that the additional storey to the east, south and west elevations would not cause any appreciable loss of light to surrounding streets and houses or to the internal gardens of Dolphin Square. Any loss of light to option B tenants in Dolphin Square have been assured that when they move back into their flats after renovation if they are disturbed by loss of light they will be offered a similar size flat elsewhere, and the flat would be let on the open market who would take the flat as viewed.
- Car parking will be reduced and will be well below the Council standard with only one space per 5.39 flats. The price to park in the basement is higher than a Respark permits, which results in parking pressure in surrounding streets. The parking stress results in the Transport Assessment submitted are of little relevance and should be disregarded. A condition should be imposed which restricts any new tenants within Dolphin Square from obtaining Respark permits.
- The Council should look to obtain the upper limit of 35% affordable housing to provide intermediate housing for people on low salaries who work in Westminster. Suggest Westbrook keep full control of all affordable units as they manage very well.
- It is noted that only the top storey of the mews houses will extend above the existing wall to Claverton Street and mansarded to the rear. As such there should only be very limited loss of light to houses in Claverton Street.
- A scheme of replanting trees will be required.
- Regret the loss of the 1930s unique shopping arcade, however appreciate this from of shopping is dated. The applicant should be encouraged to provide flexible retail spaces for some of the existing trader to be rehoused.
- The existing balconies on the southern elevation should be reinstated.
- The games and garden space to the south of Grosvenor Road should remain undeveloped. The proposals to recreate the gardens within the square are an advantage.
- The fenestration proposed to the additional 10th storey is incongruous and does not conform to the rhythm and solid to void ratio of the floors below.

CHURCHILL GARDENS NEIGHBOURHOOD FORUM

No response received to date.

THE DOLPHIN SQUARE PRESERVATION SOCIETY

- Strongly object to the excessive plans which would destroy the ethos, character and fabric of Dolphin Square, built in neo-Georgian style with high quality materials in the 1930s and with 1,236 flats. It is an iconic and unique building, with its community facilities and the long-held tradition of providing flats at moderate rents for those on middle and lower incomes who work unsocial hours in London.
- Dolphin Square is itself a conservation Area. It is already a massive building with a very high density of flats. The proposed extensions will make the Square completely out of scale with other buildings and would have an adverse visual impact on the character of the surrounding area and obstruct the panoramic view from the north east side of St George's Square as well as the skyline of other buildings.
- The large plate glass windows for the penthouses are not in keeping with the architecture of Dolphin Square. The extensions will deprive the courtyard garden and flats of sunshine and light and overshadow Pimlico Academy and Primary School.
- The Dolphin Square Conservation Area Audit 2008 identifies the whole development as an unlisted building of merit. Their demolition or unsympathetic alteration will normally be resisted. The proposal will also be contrary to Policies DES9 B and DES6. Dolphin Square is already considerably larger than surrounding buildings and not suitable for upward roof extension. The new central entrance to Rodney House will create a wind tunnel.
- The serviced apartments are short stay hotel rooms. The proposed increase is contrary to Policy H2 which precludes the use of housing by non- permanent residents.
- The demolition of Rodney House would cause the loss of the noted 1930s shopping arcade, an important part of the character of the Square which was designed to include facilities for the community.
- The plans for the garden are against the spirit of the garden square concept.
- The large extension from Rodney House would overshadow the gardens and new entrance.
- Object to the removal of the four artesian wells and the proposed deep excavations to form a new basement.
- The proposed mews houses will be very intrusive and unacceptable to residents in Claverton Street.
- The changes to the east and west service road would create problems for deliveries, disabled residents and access for emergency vehicles. More residents and fewer parking spaces will increase pressure on parking in the surrounding streets.
- Affordable Housing needs to be provided.
- Traffic, noise and disruption caused during construction works will harm residents and the school's opposite. Impact on protected tenants of the Square who can remain until 2034 and will have to be moved during building works.
- Bats have been observed in Dolphin Square which are a protected species. The Bat Survey does not appear to have taken account of the fact that the garden will be a building site for at least five years and there would be nothing for bats to forage. The tall mature trees beside the Spanish/Mexican garden will be lost. Their roosts would be destroyed during the building of the roof extensions.

- The large number of plans and documents are difficult to access on the portal.

THE BLUE DOLPHIN TENANTS ASSOCIATION

Objections raised on the following grounds

- The plans are excessive and would destroy the character of this iconic and well-built Square.
- Dolphin Square is a conservation area. The Conservation Area Audit of 2008 lists Dolphin Square as "a building of unlisted merit" and Policy DES9 B precludes the demolition of buildings which contribute positively to the character and appearance of the conservation area.
- Complete demolition and rebuilding of Rodney House and adding new floors and with windows not in keeping with the rest of the square, and the addition of a large building jutting out into the garden in unacceptable and will result in a loss of light to Duncan and Keyes House.
- Loss of the noted shopping arcade and the Moroccan garden a rare and original 1930's garden design.
- The three new archways on Chichester Street giving public access to the garden will cause security issues. The archways should be gated and the garden kept private.
- Locked doors in corridors between each house will ruin the community spirit.
- The proposal for each flat to take their waste to a shoot on the first floor will be difficult for elderly and disabled residents.
- Disturbance during the 5 year construction programme will make life unbearable for residents.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2357

Total No. of replies: 98

Land use

- The building was originally dedicated to affordable homes for Londoners. No provision for affordable housing has been made which is desperately needed in this part on London.
- It is likely that the new housing will mirror the current letting policy, for short term tenants who can afford high rents.
- Increasing the size of the hotel will cause a nuisance to local residents and is contrary to Council policy of hotel development.
- Reduction in family sized housing.
- Dolphin Square already has a very densely populated building. The population density proposed is excessive which may result in environmental and social issues.
- The replacement of the internal shopping arcade which comprises small successful retailers serving the local community with large public shops will deprive residents of valuable local services.

- The serviced apartments are used as a hotel. The proposal is contrary to policy H2 which opposes the development of short term let residential property.
- Dolphin Square Gardens are not a designated public open space, they are for use by residents and it should remain a private garden square and not turned into a public space.
- Removal of balconies.
- The existing community will be replaced with a transient population with no stake in the neighbourhood.
- A children's play area should not be allowed in the gardens. The lease prevents noise in the garden if it causes annoyance or inconvenience to any other person.
- Take-aways should not be allowed opposite Pimlico Academy.

Design

- Dolphin Square is an iconic landmark building in a prominent location.
- Dolphin Square itself is a large part of the Dolphin Square Conservation Area. The Dolphin Square Conservation Area Audit 2008 identifies the whole development as an 'unlisted building of merit'.
- The demolition of Rodney House is contrary to policy DES 9 of the UDP which resists the demolition of buildings which contribute positively to a conservation area.
- The plans will destroy the character of the building and original 1930's garden design.
- The plans will adversely change the character and appearance of the Dolphin Square Conservation Area and will have a visually overbearing impact on the surrounding locality.
- Rodney House will be an imposing block out of scale with its surroundings and interfere with the easterly view of the impressive listed Regency terrace of St Georges Square and St Saviours church.
- The rebuilt Rodney House will look fake, anachronistic and stand out from the rest of the development. The characterful different types of windows and quirky concrete features are lost in favour of modernist, uniform rows of windows, out of keeping with an integrated 1930's block.
- The demolition and replacement of Rodney House with a 10 storey building of greater density faced with large modern retail units is out of keeping with the existing architecture and adversely affect the character and appearance of the conservation area.
- The Conservation Area Audit states that the development represents the type of building where roof extensions would be difficult to accommodate and that it is unlikely it would be suitable for upward roof extension. The proposal is contrary to this.
- The additional floor is disproportionate and gives the building a top heavy appearance. It is out of keeping with the area's building heights and will negatively change the character and feel of the local area.
- The loss of the art deco shopping arcade will be a loss in heritage terms. Their replacement will not be in keeping with the surrounding area.
- The townhouse will fall within the Pimlico Conservation Area. The western Carriageway is identified as a secondary route within the Pimlico Conservation Area Audit. The town houses will negatively impact on this route and will disrupt the existing relationship of built form to open space.

- The townhouses are completely out of character with the rest of the building. They have little architectural or design merit with no relationship to the existing Victorian terrace or original 1930's dolphin square building.
- The central garden designed by Richard Sudell will be lost. There will be little appreciable increase in the size of the garden.
- Destruction of the Art Deco swimming pool.

Amenity

- Loss of light to flats within Dolphin Square and to the gardens.
- The proposed townhouses and roof extensions will result in a loss of light and overlooking/loss of privacy to residents in Claverton Street.
- Loss of light and overlooking to residents in St George's Square.
- The plans to open up the gardens to the public will result in noise and a loss of privacy and security to residents.
- The gardens will provide a short cut for cyclists if the new Thames crossing goes ahead.
- Loss of view to residents from the increase in height of Rodney House.

Highways and servicing

- The number of car parking spaces is being reduced at the same time that the number of residents is being increased.
- The reduction in car parking will impact on local on-street car parking.
- Question why the Dolphin Square car park is under used. Dolphin Square residents should be refused Respark permits so that they park on their own estate.
- Loss of parking bays on the Western carriageway.
- Moving the car park entrance to the east side will cause additional traffic, noise and pollution.
- Shortage of car parking for guests.
- Impact on car parking caused by the hotel use.
- Increase in traffic congestion.
- Impact of taxi drop offs and pressure on public transport from hotel/service apartments.
- Rubbish chutes will be inconvenient and have hygiene, smell and noise implications.

Trees and Landscaping

- The proposal will destroy the garden and result in the loss of trees.
- Loss of foliage which cascades down from the wall adjoining the Western Carriageway.

Environment

- Bats can be seen in the gardens. Bats are a protected species and roosts should not be destroyed by the redevelopment.

Other

- The development is unnecessary. The existing building should be refurbished without the need for a 5 year building program.
- Impact of noise, dust, disturbance, congestion and air pollution during construction works on residents and Pimlico school.

- Residents will have to live through a major demolition, excavation and construction site for a long time which will cause a major upheaval and impact on their lives.
- Loss of use of the garden, shopping arcade and communal facilities (swimming pool and gym) during construction work.
- The impact on the Dolphin Square community will be devastating. The applicant's pursuit of profit is at the expense of resident's lives.
- Written assurance from Dolphin Square Trust and the Council was given during the sale of Dolphin Square that tenants would only be moved out of flats when necessary repairs were required.
- The scheme must cater for the needs of option B tenants. There is a significant proportion of elderly and vulnerable residents in Dolphin Square. Little provision has been made for these people living in Dolphin Square who will be displaced during building works. Such evictions should not be allowed. A risk assessment of the effects the redevelopment will have on the health and wellbeing of its tenants should be undertaken.
- Option B tenants have been assured that they can return to their flats, but the plans show internal reconfiguration and balconies removed.
- A demolition and construction working group should be formed (similar to the Old War Office model)
- The Mayor of London or Secretary of State should call the application in.
- Risk of subsidence.
- The houses proposed to the western carriageway will block access for fire engines.
- The current arrangements for security, post, refuse disposal (currently collected from flats 6 days a week) and the ability to walk to the shopping arcade, health club, restaurant and main entrance undercover have been in place for over 40 years and should not be changed.
- The addition of security door between houses will be detrimental to community living and increase social isolation for elderly and vulnerable residents. Heavy doors will be difficult to negotiate.
- There has been an expansion of short term letting to many other parts of Dolphin Square away from the existing hotel in Rodney House.
- Loss of the Artesian wells.
- The water supply is to change on to the normal London water supply.
- Impact on water supply and sewage capacity.
- It is unclear if a mural of Edward Halliday is being preserved in a suitable location within the building.
- The owners show little interest in the well-being of their tenants, their goal is to maximise profits.
- Amount of documents on website is considerable without any clear summary of the proposals. Difficulty of assessing the documents and making comments on the website.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

REVISED APPLICATION

First revision: The application was amended to include the provision of 160 serviced apartments (studios) within Rodney House to provide temporary sleeping

accommodation (occupation for less than 90 nights) within Class C3; and amendments to the landscape design proposals following the listing of the Central Garden on the Register of Historic Parks and Gardens Grade II.

Second Revision: The application was amended to include the provision of 57 on-site affordable housing units.

WARD COUNCILLORS

COUNCILLOR GLEN AND COUNCILLOR SPENCER

Support the objections by residents living in and around Dolphin Square on the following grounds:

Demolition in a Conservation Area: The Conservation Area Audit (2008) lists Dolphin Square as "an unlisted building of merit". The proposals involve demolishing Rodney House which is contrary to Council Policy. Demolition should only be allowed if there is sufficient public benefit to the proposals which is not considered to be the case.

Increased Hotel Use: It is a nonsense to consider the activity in Rodney House as anything but a hotel. Residential amenity is already compromised by the existing hotel use due to frequent comings and goings, the strain on weekend parking and large numbers of short-term visitors to this residential area. The increased hotel activity in this area of London is against the current City Plan Policy S23, S10 and S14.

The proposal is contrary to policy H2 which opposes the development of short term let accommodation. This is not the residential accommodation for people who live and work in London which is desperately needed in Westminster and wider London.

Reduction in Family Sized Units: The plans propose 284 more studio flats, 21 fewer 1-bedroom flats and 33 fewer 2-bedroom or larger flats. This is not the mix of housing needed to keep families in Westminster, contrary to Policies S15 and H5.

Height, light and sense of enclosure: The replacement building will be four stories higher than it currently stands. Pimlico is almost entirely low-rise, characterised by Victorian terraces. The proposals would increase the dominance of the building within the three conservation areas which are the setting for many listed buildings. Rodney House was built lower so it would not over shadow the houses opposite which have since been replaced by the schools. The new building would tower over the school playground by 12 stories over the whole width of the school site.

The proposal will also cause a loss of light and sense of enclosure to many of the windows in the lower floors of Keyes and Duncan Houses facing into the square. The increase in height is contrary to Council policy and the conservation area audit (2008) which states that Dolphin Square is unlikely to be suitable for upward roof extension.

Density: Dolphin Square already has far more density than any of its surrounding neighbours. To propose increasing the density, in one of the most densely built urban schemes in Westminster, in one of the most densely built areas of the London is worrying and will cause a strain on the public realm and infrastructure around, including parking.

This is exacerbated by the use of a large portion of Dolphin Square as short term lets, with all the problems that come with a high turnover of a transient population. Thames Water have questioned whether the current sewage and mains water infrastructure will be sufficient to cope with an even higher density of people.

Affordable Housing: Welcome the proposal to provide 57 'affordable' units, however, disappointed that only 23 units are social housing and the remaining 'intermediate' units are all one-bedroom, which is not the affordable housing residents need. The 57 units

are based purely as a percentage of the new build. Significantly more affordable housing should be required from the developer. Council policy also requires affordable housing and floorspace that is used or was last used as affordable housing to be protected. This should apply to all the 'Option B' flats.

Destruction of a Listed Garden: The gardens were recently listed as grade II. The garden is only original once. The currently proposed scheme would tear up Sudell's rare and protected original design entirely and replace it with a twenty first century garden. However faithful to 'Sudell's vision', it will no longer be his original work. This would be a terrible loss and contrary to Council policy (S25 Heritage)

Protection for existing Residents including 'option B' tenants: Should the application be granted the many promises to the residents of Dolphin Square should be secured by a strong section 106 agreement, especially the 'option B' tenants. This is necessary to guard against the possibility of the applicant selling their interest to a less reputable developer.

COUNCILLOR HARVEY

Detailed response received which includes the background to Dolphin Square, this is included in the background papers. The main planning considerations can be summarised as follows:

- As the application is recommended for approval, seek to ensure that the best deal for residents, primarily in Dolphin Square, and also more widely locally is secured through planning conditions.
- Sympathetic for the residents who face a long refurbishment and part-build project. Seek to secure mitigations during the move and after for all their tenants, especially the long-standing, protected tenants, known as Option B.
- The GLA has agreed to 57 affordable housing units and, as the units (23 social/34 intermediate) are nesting within Dolphin Square itself, it is essential that these units are in perpetuity to be rented to people only with Pimlico residential history, particularly given the lack of affordable and social housing in Pimlico. This will improve community stability.
- Regret the reconfiguration of flats, reducing the number of family units and increasing studios and one-bedroom flats. The average tenancy stay at Dolphin Square is 24 months meaning that a block which used to have significant stability as families grew up here is now a much more transient population.
- Welcome the improvement in the sustainability of Dolphin Square which is currently very energy inefficient.
- Welcome the applicant's commitment to the provision of temporary pop-up shops for the long-standing community retailers who will be displaced and the promise of new tenancies in the new retail units.
- Regret the loss of the high-level long balcony on the south frontage, as many flats will lose access to direct outdoor space.
- Welcome the tidying of the roofline which, although a floor lower than the application, is currently very messy.
- Welcome the waste management proposals which will reduce disturbance to residents.
- Welcome the design which improves direct visibility into the Garden for the public and will be completely accessible for people in wheelchairs and buggies.
- Welcome the provision of public cycle parking in the garage.

- Welcome the inclusion of the River path extension through the Dolphin Square games area on the river, a long held Westminster ambition.
- Rodney House, facing Chichester Street, is out of step with the other three sides of Dolphin Square in terms of height and design. At the time Dolphin Square was built there was a terrace of Thomas Cubitt houses on the north side of the street and Rodney House was restricted to a lower height than the rest of the Square. Its design does not have the nuanced rhythm of the rest of the Square, the windows are dreadful, and it offers a blank façade to the street.
- Welcome that the applicant's response to representations that they will maintain individual flat's letter boxes, keep open the internal doors between houses and that rubbish will continue to be collected from frail residents.
- Careful consideration should be given to Construction and Management Plans and environmental issues such as air pollution, noise and vehicle movements.

GREATER LONDON AUTHORITY

The GLA Viability Team has reviewed the applicant's affordable housing offer as well as the draft independent viability review undertaken by Avison Young (formerly GVA) and that the scheme can't afford to deliver more affordable housing than that currently proposed. Seek to secure early and late stage review mechanisms that exclude refurbishment costs from the viability base position.

TRANSPORT FOR LONDON

Initial comments remain applicable.

HISTORIC ENGLAND

Do not wish to offer any comments.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions

TWENTIETH CENTURY SOCIETY

No further comments received. Initial comments remain applicable.

THE GARDENS TRUST

The gardens were laid out by Richard Sudell. Since the application was submitted, Dolphin Square Gardens have been listed Grade II by Historic England on their Register of Parks and Gardens and their importance as a rare survival of an interwar landscape scheme for a private housing estate recognised. Any new scheme needs to respect and enhance the significance of this nationally important garden. The demolition of the Spanish/Mexican roof garden and loggia, will impact on the completeness of the design and significance of the designated landscape.

The plans have respected Sudell's design and is a high quality scheme. Welcome the reuse of many features of the garden including the morrocan lamps and the reconfiguration of the Dolphin fountain and mosaic. It is hoped that the gardens will be opened up for the public for a minimum of 5 weeks a year.

ENVIRONMENT AGENCY

No objection subject to condition.

THAMES WATER

Following initial investigations, Thames water have identified an inability of the existing combined water infrastructure to accommodate the needs of the development. Recommend conditions and informatives in relation to waste water and water supply infrastructure needs.

NATURAL ENGLAND

No comment.

CANAL & RIVER TRUST

Confirmation that there is no requirement to be notified.

LONDON RIVERS ASSOCIATION

Any response to be reported verbally

METROPOLITAN POLICE SERVICE

No further comments received.

DESIGNING OUT CRIME

Initial comments remain applicable.

HIGHWAYS PLANNING MANAGER

No further comments received. Initial comments remain applicable.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

Conditions recommended.

ARBORICULTURAL MANAGER

No objection subject to conditions and informatives.

AFFORDABLE HOUSING SUPPLY MANAGER

Welcomes the provision for 57 affordable housing units. The affordable homes will be pepper potted across the Dolphin Square Estate and will include a mixture of affordable tenures with 23 made available to households that are eligible for social housing under the Council's allocations scheme and the remaining 34 let to households eligible for intermediate housing in Westminster.

Support for the affordable housing proposals therein and the retention of the ownership of these affordable homes by Dolphin Square Ltd is conditional upon:

- The rent levels as set out which will apply to the social housing and intermediate housing units at first letting are set out in the planning agreement and that these rent levels are restricted to an annual increase of CPI+1% thereafter.
- Those 23 affordable housing units designated as social housing to be let to Westminster referrals according to the Council's allocation's scheme and where the council will retain 100% nomination rights to first lets and subsequent relets to voids arising.

- Those 34 intermediate rented units will be let to Westminster eligible intermediate households and where Westminster will retain 100% nomination rights to first lets and subsequent relets to voids arising
- Westminster and Dolphin to agree appropriate tenancy terms for those units that are to be used as social housing (a specimen tenancy agreement to be included within the planning agreement) plus supporting tenancy policies dealing with the right to renewal of tenancies in these social housing units and where these renewable tenancies should be no less than 5 years per period or with a 1 year introductory tenancy followed by a 5 year Assured Short hold tenancy
- That Dolphin has an adopted policy for dealing with disputes with tenants should they arise and that Dolphin signs up to the Housing Ombudsman service

BUILDING CONTROL

Any response to be reported verbally.

WESTMINSTER SOCIETY

No further comments received. Initial comments remain applicable.

CHURCHILL GARDENS NEIGHBOURHOOD FORUM

Any response to be reported verbally.

PIMLICO FREDA

Initial comments remain applicable. Further objections have been made in relation to the following:

- The Dolphin Square Conservation Area consists solely of Dolphin Square. The existing building is a large urban development but sits comfortably with the surrounding area. This would cease to be the case if Rodney House is demolished and rebuilt to the height proposed. The conservation area would not be preserved or enhanced.
- The proposal offers very little gain for Pimlico as a whole, the net effect will be negative.
- The proposal will result in significant densification which the area is ill equipped to support.
- The proposal will increase the hotel element. The proposal will not attract families to the area.
- The replacement garden will not have the significance of the existing garden.
- The arcade of shops are not only of historical interest, but are local shops important to the community.

PROTECT OUR PIMLICO

- Permitting demolitions and extensions to buildings within the Dolphin Square Conservation Area will have serious, negative, precedent setting consequences, throughout Pimlico and Westminster. The ethos and fabric of this well built and iconic building will be destroyed.
- The building is recognised as an unlisted building of merit and heritage asset as it forms the majority of the conservation area. It also forms part of the rivers heritage and character of the wider Pimlico area.
- Damage through alterations of this historic, iconic, building's façade, riverside, will have a negative impact on the north side of the Thames.

- The listed courtyard garden is a special oasis in the heart of London. The gardens, trees, and wildlife are under threat.
- Westbrooks track record does not inspire confidence in the community. Its operations as a hotel have grown. There are short lets throughout the houses. It is contrary to the needs for affordable, residential housing for key working Londoners, which has been a long held tradition in the building.
- The plans escalate the hotel usage. Short term visitors have a very different set of requirements from long term residents. Does Pimlico need a build to rent scheme.
- The social, mixed tenure of Dolphin Square should be protected.
- The option B tenants need to be protected.
- The increase in density will negatively impact local resident's quality of life.
- The loss suffered to the communities character, ambience and economic viability will be far greater than any public benefit from the proposed 57 affordable housing units.
- The proposed 'intermediate' units are not affordable by most working Londoners.
- The affordable units won't last.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2357

Total No. of replies: 41 (revision 1)

51 (revision 2)

Change Petition containing 2225 signatures

All objections raised to the original application as set out above are maintained in relation to the revised schemes and remain applicable. Additional points raised to the revised schemes on the following grounds:

Land use

- The proposal will result in the expansion of short-term lettings and the Dolphin Square hotel. New hotels are contrary to Council policy in this location.
- The expansion of the hotel without a C1 hotel use is an abuse of the process.
- The proposal confirms the intentions of the applicant to reduce long term lettings in favour of short term lets and the expansion of the hotel. This does not conform with Dolphins Square's long held tradition of affordable homes for those who work in London.
- The increase in hotel type accommodation will impact adversely on the community which is residential in character. The area will become full of transient visitors with an increase in anti-social behaviour, litter, taxi drop offs and pressure on public transport and parking.
- The provision of short-term serviced apartments is contrary to policy H2 of the UDP.
- Short stay flats rather than affordable housing is unacceptable.
- The need is for long term lettings and affordable housing in the area.
- There is a bigger need for flats to buy not rent.
- Lack of affordable housing.
- Insufficient social housing which is much needed in the area. There will only be 23 units for social rent available to tenants nominated by the council.
- The affordable housing will not be given to a registered social provider.
- The bulk of the proposed affordable housing (34 intermediate 1-bed units) are not affordable to all and will preclude families.

- The intermediate affordable housing will not be affordable to key workers. Westminster needs affordable housing for those needing to work locally to support the 24 hour economy.
- The applicant may sell the affordable housing units on payment of a penalty to the local authority.
- The intermediate units are likely to be available for short term lets.
- The provision of affordable housing is insufficient to compensate for the destruction of an iconic building, damage to the conservation areas, disruption to the gardens, the vast increase in short term lettings and the over development of this already high density development.

Design

- The proposal will destroy an historic and iconic building with its listed gardens.
- The application does not take into account the listing of the gardens which are Grade II and still seeks to continue to demolish the Spanish garden.
- The gardens are unique and to sacrifice them for a commercial imperative is vandalism.
- The plans will destroy the tranquillity of the gardens.
- The gardens do not need renovating. The entire architectural setting should be kept unaltered, including the landscape in which it is sitting.
- Loss of trees.

Other

- No photovoltaics are provided which could reduce carbon emissions by 4%.
- It is likely that environmental policies will be strengthened in the coming years, and the estate will no longer be policy compliant by the time it is built.

6. BACKGROUND INFORMATION

6.1 The Application Site

The Dolphin Square Estate is in a riverside location within Pimlico. It was built in the 1930's and completed in 1938. It is a rectangular/quadrangle building comprising 13 houses arranged around a central courtyard garden. It is bounded by Chichester Street to the north with Pimlico Academy and primary school opposite; Grosvenor Road and the Thames to the south with the eastern and western carriageways either side, with the mid-19th century townhouses on St George's Square (a grade II listed terrace) and Claverton Street beyond, respectively.

The Dolphin Square Estate forms the majority of the Dolphin Square Conservation Area. The building is locally listed, identified as an unlisted building of merit in the Dolphin Square Conservation Area Audit. Parts of the Eastern and Western Carriageways fall within the Pimlico Conservation Area. The site also falls within the Pimlico Central Activities Zone.

The estate is the largest private rented residential block of flats in the UK with 1225 residential units, 1,182 in permanent residential use located in the buildings on the east, west and southern sides and 143 serviced apartments in the northern block fronting

Chichester Street, known as Rodney House. The serviced apartments fall within Class C3 residential (dwelling houses).

The houses are ten storeys (including ground) in height with the exception of Rodney House, which is seven storeys. They are perceived as joined buildings but are organised internally with individual entrances and cores. The site includes an inward facing retail arcade located at ground floor level within Rodney House; a leisure club including spa, gym, swimming pool and squash courts; restaurant and estate management facilities. A podium building containing the leisure club and restaurant protrudes into the garden at its northern end, accessed from Chichester Street through Rodney House.

The central courtyard comprises a landscaped garden designed by Richard Sudell, (president of the Institute of Landscape Gardens at the time), with a further garden located above the podium building. Historic England added Dolphin Square Gardens to the Register of Parks and Gardens of Special Historic Interest in England in July 2018 and they are now listed Grade II.

Beneath the garden is a basement car park for 153 cars and servicing area accessed from the eastern and western carriageways, where a further 98 car parking spaces are provided at street level (251 spaces in total).

To the south beyond Grosvenor Road are tennis courts and a bowling green facing the Thames. These form part of the Dolphin Square estate, but do not form part of the application site.

The Estate is owned and managed by Dolphin Square Estate Limited, controlled by Westbrook Partners, a US real estate investment management company who acquired the Site in 2006. It is operated on a solely rental basis, with no individually owned apartments. Dolphin Square is managed by the applicant's dedicated on-site team of over 120 people who look after all aspects of the Estate including security, lettings, serviced apartments, spa, gym, restaurant and shops as well as providing maintenance and cleaning services for the residents. There are 192 Option B Tenancies, which are protected tenancies guaranteeing occupation to the incumbent tenants until to 2034.

6.2 Recent Relevant History

A Certificate of Lawful Proposed Use was granted for the use of part first and second to sixth floors of Rodney House, Dolphin Square as 148 permanent residential dwellings (Class C3) in December 2005. This included 143 of the flats being used as temporary sleeping accommodation. The certificate stated:

The Council considers that the existing lawful use of the application premises in respect of 143 flats is temporary sleeping accommodation as defined by the Greater London Council (General Powers) Act 1973, and with respect to 5 flats on the first floor as permanent residential use. Both uses are considered to fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987. The proposed use is also within Class C3. Article 3 of that Order and s55(f) of the Town and Country Planning Act 1990 provide that a change to another use within that same use class is not development

requiring planning permission. The Greater London Council (General Powers) Act 1973 does not prescribe that a change back from temporary sleeping accommodation to permanent residential use constitutes development. On this basis no planning permission is required to use each of the 148 existing flats as permanently occupied flats within Class C3.

Planning permission was granted for the removal of the existing glazed facade, entrance doors and canopy and installation of new windows, doors, canopy and paving at front ground floor level (Chichester Street frontage) of Rodney house in September 2006.

Planning permission was refused for the erection of a canopy to the front entrance of Rodney House in February 2008 on design grounds.

7. THE PROPOSAL

The application proposes the comprehensive refurbishment and reconfiguration of the existing buildings, and new build elements to increase the overall number of residential units across the estate by 230 from 1225 to 1455 (this includes the serviced apartments which will be increased from 143 to 160). Following extensive discussions and viability testing during the course of the application, this now includes 57 new on-site affordable housing units.

The proposed new build elements comprise:

- The demolition and reconstruction of Rodney House to provide a new building of two basements, ground, plus 9 upper floors (to the same height as the rest of the estate) comprising 160 serviced apartments and 78 residential units.
- Single storey rooftop extension to the remainder of the estate comprising 68 new residential units.
- Erection of 16 3-bed townhouses comprising basement, ground and two upper floors on the Western Carriageway.

The existing blocks will be refurbished including the installation of new windows. The units will be reconfigured to provide 51 additional residential units (1082 existing/1133 proposed). The existing podium building which extends into the garden will be removed to open up the north end of the gardens which are to be newly landscaped and provide a publicly accessible open space.

The application includes new retail frontage to Chichester Street within the rebuilt Rodney House to provide flexible retail and restaurant/café uses. Replacement leisure facilities including a new gym, swimming pool, squash courts and a restaurant and estate management facilities are to be located within the basement levels of Rodney House.

The existing basement car park and access ramps are proposed to be reconfigured. Vehicular access is proposed from the eastern carriageway with the introduction of a one-way system with separate entrance and exit ramps. The access ramps on the western carriageway will be removed. Parking for 240 cars and 450 cycles will be provided with new servicing arrangements on the carriageways.

The Applicant has confirmed that it is their intention to manage and operate the estate as it is today, on a solely rental basis, with no individually owned apartments. Option B tenants have Protected Tenancies to 2034. Their lease and the landlord's obligations run with the land irrespective of ownership.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses can be summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential	78,491	94,359	+15,868
Serviced apartments	11,412	11,399	-13
Residential total (class C3)	89,903	105,758	+15,855
Retail (class A1-A3)	968	1,352	+384
Leisure (class D2)	2,961 (including 275sqm restaurant)	3,286 (including 377sqm restaurant)	+325
Office (class B1)	108	0	-108
Car Park	4,542	4,677	+135
Total	98,482	115,073	+16,591

Applicant's calculations

Residential Use

Policy S10 'Pimlico' of the City Plan states that this area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision. Retail and other appropriate town centre uses will be directed to the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres. Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone.

Policy S14 'Optimising Housing Delivery' of the City Plan and H3 'To Encourage the Provision of More Housing' of the UDP seek to maximise the amount of land or buildings in residential use.

Dolphin Square currently comprises 1225 private rented residential units including 143 serviced apartments (temporary sleeping accommodation where the accommodation is let on a short-term basis for less than 90 consecutive nights) (class C3). This is to be increased to 1455 units (including 160 serviced apartments let on a short-term basis) through comprehensive refurbishment and extension:

	Existing No. units	Proposed No. units	Uplift
Existing main building refurbished/ reconfigured	1082	1133	+51
Rooftop extensions	0	68	+68
Townhouse	0	16	+16
Rodney house residential flats (floors 6-8)	0	78	+78
Rodney House serviced apartments (floors 1-5)	143	160	+17
Total residential (Class C3)	1225	1455	230

The proposal will result in 230 additional residential units on the site, making a significant contribution towards meeting Westminster's Housing target and is considered acceptable in principle. It is the applicant's intention to continue to be managed and operate the estate on a solely rental basis, with no individually owned apartments. The rental occupation will be for a combination of open market tenancies, option B tenancies, the serviced apartments business in Rodney House and the 57 affordable homes proposed as part of this application (see below).

Serviced Apartments

Policy H2 of the UDP aims to prevent the use of housing by non-permanent residents and states that planning permission will not be granted for the use of housing as temporary sleeping accommodation.

There are currently 143 flats in Rodney House in use as serviced apartments/ temporary sleeping accommodation. The lawful use of these units was established under a Certificate of Lawful Proposed Use granted in December 2005. The certificate confirmed that these units fell within Class C3 (dwelling houses).

The proposal includes 160 studio sized serviced apartments/temporary sleeping accommodation units to replace the 143 existing larger units:

	Existing	Proposed
studio	29	160
1-bed	79	0
2-bed	27	0
3-bed	8	0
	143	160

The applicant states that they intend to continue to operate the Dolphin Square short lets business on the basis of occupation for less than 90 consecutive nights in accordance with the existing lawful use of Rodney House. These units will continue to fall within class C3 residential and will therefore be subject to the Council's affordable housing policy requirements (see Affordable Housing section below).

There will be an increase in 17 units, however, the floor area will be slightly reduced by approximately 13sqm. These units will continue to be located together in the rebuilt Rodney House on floors one to five. All of the serviced apartments are studios and will meet the minimum residential space standards set out in the London Plan and draft London Plan. They are proposed to have the flexibility to link to adjacent units to create family friendly accommodation.

Strong objections have been received on the basis that the serviced apartments are used as a hotel which compromises residential amenity due to frequent comings and goings and the large numbers of short-term visitors to this residential area, which is contrary to policy H2 of the UDP which opposes the use of housing as temporary sleeping accommodation.

It is regrettable that these units will not be available for permanent residents and contribute to Westminster's permanent housing stock. It is also acknowledged that temporary sleeping accommodation can affect the quality of life of nearby residents, for example, people on holiday are more likely to keep late hours and require a high level of services, which can lead to noise and activity at unsocial hours. However, given that it is proposed to operate in the same manner as existing, the lawful use of which was established to fall within Class C3 (dwelling houses) in the CLEUD granted in December 2005, and there will only be small increase in the number of the units (+17) with a slight reduction in floorspace (-13sqm), it is not considered that the use will be intensified to such a degree that it could reasonably be resisted in land use/amenity terms.

Residential mix and size

Policy S15 'Meeting Housing Needs' of the City Plan and H5 'Providing a Range of Housing Sizes' of the UDP seek to ensure an appropriate mix of unit sizes is achieved in all housing developments. Policy H5 aims to secure 33% of units to be family sized.

The proposed mix of units can be summarised as follows:

	Existing permanent residential	Existing including serviced apartments	Proposed permanent residential	Proposed including serviced apartments
studio	222 (20.5%)	251 (21%)	375 (29%)	535 (36.7%)
1-bed	547 (50.5 %)	626 (51%)	605 (47%)	605 (41.6%)
2-bed	257 (23.7%)	284 (23%)	233 (18%)	233 (16%)
3-bed	41 (3+bed 5.3%)	49 (3+bed 5%)	78 (3+bed 6%)	78 (3+bed 5.7%)
4-bed	12	12	2	2
5-bed	3	3	2	2
Total	1082	1225	1295	1455

Councillor Glen and Councillor Spencer have raised an objection to the mix of residential units proposed on the basis that there will be 284 more studios with fewer one and two-bedroom and larger flats, which is not the mix of housing needed to keep families in Westminster.

Overall, eighty two units (6%) are proposed to be family sized distributed across the estate (5.7% when the serviced apartments are included). This is considerably lower than the Council's policy of 33%.

The applicant states that they have increased the number of studios and one bed units to meet the demand in the local rental market based on their existing business model for Dolphin Square which runs at more than 90% occupancy with 60% of tenants being singles, sharers and young professionals attracted by the single ownership, sense of community, 24-hour security, financially accessible rents, central location and onsite amenities. The average stay is two years, though some have lived at the Square for over 40 years. They have confirmed that the larger family-sized units are far more difficult to let. Their lettings statistics show that 4-bed apartments are twice as difficult to let as studio apartments. Demand for 1-bed apartments is so high that the Estate office operates a waiting list for prospective tenants. By comparison, on average over the last 27 months the 5-bed apartments have been vacant for longer than they have been let.

The lack of family sized accommodation is regrettable, however, given that the level provided overall will be broadly similar to that which currently exists on the site (5.3%), it is not considered that a refusal on the grounds of insufficient family housing could be sustained. The Council has no policy which protects one and two-bed units.

All of the new build residential accommodation, including the 160 serviced apartments and the existing units to be reconfigured will meet or exceed the minimum residential space standards set out in the London Plan and draft London Plan. These units will also be accessible and adaptable with 10% configured or easily adapted for wheelchair use in accordance with part M of the building regulations. These will be located in the existing estate at ground floor level and within Rodney House where fully compliant wheelchair access is provided. The applicant has confirmed that due to the existing structure, access and corridors, the refurbished units will remain as currently planned, with access improved where possible.

The proposed new residential units have an expectation of light. The applicant's consultants Point 2 Surveyors, have carried out daylight tests using the Average Daylight Factor (ADF), the methodology set out in the BRE guidelines for new properties. ADF advises on a minimum standard of internal illuminance for habitable rooms in new developments that should be achieved: 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. A target value of 1.5 has been used for studios. They have considered a representative sample of habitable rooms on the first to eight floors (541 rooms), consisting of living rooms, kitchens, diners and bedrooms and a selection of studio flats.

The results demonstrate that 504 out of 541 (93%) of the rooms assessed will meet and exceed the recommended ADF targets set out in the BRE. Rooms on the upper floors will see greater levels of light due to less local obstruction from neighbouring buildings. Where there are rooms that do not meet the target value, these are a combination of

studios (31) bedrooms (4) and living rooms (2). Given the central London location the standards of internal daylight achieved is considered acceptable.

Affordable housing

Policy S16 of the City Plan states that housing developments of either 10 or more additional units or more than 1,000m² of additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. The quantum of affordable housing required in each case is set out in the Council's Affordable Housing Interim Guidance Note. In this case the additional 15,855 sqm (GIA) of residential floorspace proposed (including the serviced apartments) would require the provision of 5,549.25m² (35% of floorspace) of on-site affordable housing.

Following extensive discussions and viability testing during the course of the application, the development now includes 57 on-site affordable units with a tenure split of 60% intermediate (34 units) and 40% social rented (23 units) which will be pepper potted across the existing estate. This constitutes 5,289 sqm (33.4%) (24.5% of the residential development on a habitable room basis (138 / 563)). The applicant maintains that this is the maximum reasonable affordable housing provision that the development can support.

All of the proposed affordable homes will meet or exceed the minimum residential space standards set out in the London Plan and draft London Plan. The unit mix can be summarised as follows:

	Social rented	intermediate
studio	0	0
1-bed	7	34
2-bed	8 (3 person)	0
3-bed	8 (4 person)	0
Total	23	34

Whilst the proposed tenure split is not compliant with the Council's existing policy, it is compliant with the emerging policy. The Council is currently completing a review of its existing City Plan and the emerging policy will include a requirement that 35% of all new homes in the borough will be 'affordable' with a new tenure split requirement of 60% intermediate and 40% social.

The Council has employed independent consultants, Avison Young (formerly GVA), to review the applicant's financial viability assessment. They have concluded that the affordable housing proposal from the Applicant is the maximum reasonable quantum that the scheme can provide. At the request of the GLA the applicant has carried out a further appraisal to consider the viability of the new build components of the scheme only, without taking account of the refurbishment works, in order to assess whether the refurbished element distorts the viability of the scheme and the affordable housing offer that has been made.

Avison Young have reviewed the updated appraisal and have concluded that viewing the new build residential element in isolation as a theoretical standalone scheme does not

distort the appraisal with the refurbished units. The appraisal confirms that the scheme cannot deliver any additional affordable housing and that the affordable housing offer made by the Applicant is the maximum reasonable amount that can be provided. The GLA have also carried out their own separate review of the financial viability of the proposed development and have reached the same conclusion.

The Council's head of Affordable Housing and Strategy welcomes the provision of 57 affordable housing units. Generally, the Council requires affordable housing delivered as part of a planning consent to be transferred to a Registered Provider, approved by the Director of Housing. However, as a consequences of recent changes brought about in 2018 to the National Planning Policy Framework (NPPF), affordable homes that are provided within a development that is classed as a Build to Rent scheme can be retained by the landowner and are not required to be transferred to a Registered Provider. In this context, affordable homes for rent are classed as Affordable Private Rent. In this case Dolphin Square Ltd seek to retain ownership and management of the 57 affordable homes.

The applicant has agreed that the 23 social rented homes will be made available to households that are eligible for social housing under the Council's allocations scheme. The weekly rents charged at first letting will be at affordable rent levels that are inclusive of service charges ranging from 20% to 43% of the local market rent equivalent and are within the benefit cap for housing benefit purposes. After first letting, these rents will be restricted to annual increases of Consumer Price index (CPI)+1%. The remaining 34 x 1-bed units will be let to households eligible for intermediate housing in Westminster (13 x 1beds let at weekly rents of £221.15 inclusive of service charges anticipated to be affordable to Westminster intermediate households with incomes between £35k and £41k and 14 x 1beds let at weekly rents of £296.15 inclusive of service charge anticipated to be affordable to intermediate households with incomes between £46k and £55k).

The Council's head of Affordable Housing and Strategy supports the affordable housing proposal and the retention of the ownership of the affordable homes by Dolphin Square Ltd provided the following are met:

- The rent levels agreed will apply to the social housing and intermediate housing units at first letting and that these rent levels are restricted to an annual increase of CPI+1% thereafter.
- The 23 affordable housing units designated as social housing to be let to Westminster referrals according to the Council's allocation's scheme and the council to retain 100% nomination rights to first and subsequent relets.
- The 34 intermediate rented units will be let to Westminster eligible intermediate households and Westminster will retain 100% nomination rights to first lets and subsequent relets.
- Westminster and Dolphin Square Ltd to agree appropriate tenancy terms for those units that are to be used as social housing plus supporting tenancy policies dealing with the right to renewal of tenancies.
- That Dolphin Square Ltd has an adopted policy for dealing with disputes with tenants should they arise and that Dolphin signs up to the Housing Ombudsman service.

It is recommended that the 57 affordable units and the requirements outlined above are secured through the S106 legal agreement, as well as early and late stage viability

review mechanisms (that exclude refurbishment costs from the viability base position) in accordance with the Mayor's Supplementary Planning Guidance, Homes for Londoners (August 2017).

Density

The City Plan does not contain a policy on housing density, however, policy H11 of the UDP 'Controlling Housing Density' is still relevant. This policy aims to control the density of housing developments to achieve a balance between the need to make the most use of housing land and to make sure that new housing provides a satisfactory residential environment.

The policy text states that density standards can be a useful tool for housing development to assist developers in preparing their proposals. However, density will be of secondary importance after taking account of the individual requirements of each site and the merits of each scheme.

Dolphin Square falls within Zone 2 which sets out a density range of 250-500 habitable rooms per hectare (hrh). The policy goes on to state that proposed housing developments that are above the density ranges may be granted permission if they are close to public transport facilities, open space and meet complimentary policies in relation to townscape and design; residential amenity; off street parking, mix of housing units and affordable housing; and the desirability of maintaining any special feature of the urban fabric in any area.

The London Plan (2016) is also relevant. Policy 3.4 'Optimising Housing Potential', states that appropriate density ranges are related to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). The setting can be defined as:

- Central – areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre.
- Urban – areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes.
- Suburban – areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.

Dolphin Square falls within the 'urban' category with a PATL rating of 4 to 6 which sets out a density range of 200–700 hr/ha.

The Draft New London Plan is also relevant and no longer sets out density limits. Policy D6 'Optimising housing density' states that development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to the site context; its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL); and the capacity of surrounding infrastructure. Proposed residential

development that does not demonstrably optimise the housing density of the site in accordance with this policy should be refused.

The existing and proposed density of Dolphin Square is as follows:

	Habitable Rooms (including served apartments)	Site Area (hectares)	Habitable rooms per hectare
Existing	2,769	2.85	971.58
Proposed	2,821	2.85	989.82

(applicants' calculations)

Objections have been received from Councillor Glen, Councillor Spencer and residents to the proposed increase in density on the site on the basis that it is already one of the most densely built urban schemes in Westminster, in one of the most densely built areas of London and that it will cause strain on public realm, parking and local infrastructure.

It is acknowledged that Dolphin Square already has a high residential density for the area, far exceeding the target set out in the UDP and the adopted London Plan. The proposal will increase the residential density further from 971.58 to 989.82 hrh. However, the UDP is clear that density will be of secondary importance after taking account of the individual requirements of each site and the merits of each scheme; and the draft new London Plan seeks to optimise housing density.

The site benefits from a substantial amenity space, complimentary leisure and retail facilities and good public transport accessibility which support high density living. The increase in density will support the provision of 230 new homes, 57 of which will be affordable and improvements to the public realm including improved public access to the central gardens and the proposed extension to the Thames Path (see section 8.7). It is not therefore considered that the application could reasonably be refused on the grounds of increased residential density.

Children's Play Space/Community Facilities

Policy H10 of the UDP relates to gardens and community facilities in relation to housing developments. Policy H10 (A) states that as parts of housing developments the City Council will normally expect the provision of amenity space. Policy H10 (B) of the UDP requires the provision of a community facility as part of a housing development of 50 or more units.

Policy SOC 6 of the UDP requires children's play space and facilities to be provided as part of new housing developments which include 25 or more family sized units.

Policy S34 of the City Plan and SOC1 and SOC7 of the UDP relate to social and community infrastructure and encourage new social and community facilities. These policies support the provision of community facilities, which includes private gym and leisure uses and states that community facilities will be required to be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and be safe and easy to reach on foot, by cycle and by public transport.

The central courtyard garden is currently open to the public but given the poor access and visibility into the garden it is not well known. The removal of the existing podium building will open up the north of the gardens and provide 0.4 hectares of additional landscaping and gardens at grade. This will allow level access into the gardens through a new 'grand' entrance on Chichester Street and will create unobstructed views from Chichester Street to the river. It is intended to encourage the wider community to use the gardens and improve access through the site linking the Thames/Grosvenor Road and Chichester Street.

Objections have been raised to the plans to encourage the use of the gardens for public use on the grounds of noise, loss of privacy and security to residents and that it will provide a short cut for cyclists.

The applicant has confirmed that access to the gardens is currently managed by their on-site Estate team and that they will continue the same arrangements. The gates are opened at first light and shut at 10pm. The security team will continue to control access outside of these opening times. Cycling is not allowed through the gardens and this restriction will continue to be enforced by the in-house security team.

Improved access and visibility to encourage public use of the gardens is welcomed. It is recommended that a walkways agreement to secure public access and ensure that the amenity of residents will not be negatively impacted upon be secured through a S.106 legal agreement.

The applicant has used the GLA's play space calculator (Shaping Neighbourhoods: Play and Informal Recreation SPG) which requires a minimum of 348.9sqm for play and informal recreation to be provided based on the expected child population generated by the scheme. The applicant has identified three areas within the central garden (in west pavilion gardens and the south lawn) to provide up to 348.9sqm for children's play space (184.9sqm for children aged 5 years and below, 90.7sqm for aged 5-11 years and 73.3sqm for 12+ years). It is recommended that the details be secured by condition.

The application includes replacement leisure facilities which are to be relocated within the basement levels of the rebuilt Rodney House. An additional 325sqm of leisure floorspace (2961sqm existing/3286sqm proposed) will be provided. The leisure facilities will be arranged around a sunken courtyard and lightwell to provide natural light to the basement and a visual connection from the gardens. The facility includes a 20m swimming pool, gymnasium, four studios for fitness classes and two squash courts. A restaurant and conference facilities are proposed at basement level 1 which will also be operated and managed as part of the leisure club offer.

The leisure club is a membership club open to all residents of Dolphin Square as well as non-residents. Residents of the square can join the club on a corporate rate. Non-residents can join at variable rates depending on the membership type required. The leisure club currently has approximately 2,500 members, the majority of whom live outside the Estate. The re-provision and enhancement of the leisure facilities are welcomed in land use terms. The restaurant can be used by non-members of the leisure club and is considered separately below.

A condition is recommended to secure an operational management plan for the leisure facility, including hours of operation and numbers of staff and customers, to ensure that neighbouring residential amenity will not be negatively impacted upon.

Retail/restaurant/café uses

Policy S10 of the City Plan identifies Pimlico as an area primarily for residential use with supporting retail, social and community provision. The site falls outside of the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres and new commercial uses should therefore provide services to support the local residential community. Policy S21 of the City Plan protects existing A1 retail throughout Westminster.

Policy S24 of the City Plan relates to entertainment uses and states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The Policy also states that new large-scale late-night entertainment uses over 500 sq. m floorspace will not generally be appropriate within Westminster.

Policies TACE 8 and TACE 9 (Entertainment uses) of the UDP relate to restaurant/café uses outside Core CAZ with a gross floorspace of up to 150sqm and between 150sqm and 500sqm respectively. These policies aim to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area.

The existing retail units (968sqm) are located within an internal arcade on the ground floor of the eastern part of Rodney House with no street frontage. They provide a mixture of local convenience shops including a supermarket, dry cleaners, hairdressers, travel agent and café. There is also an existing restaurant (275sqm) located within the leisure club.

Objections have been received to the loss of the art deco shopping arcade and the replacement of small local convenience shops with larger retail units which will deprive residents of valuable local services.

The proposed development includes the provision of 1352sqm (an additional 384sqm) of floorspace for flexible uses including retail (Class A1), financial and professional services (class A2) and restaurant/café (class A3) uses within Rodney House with shopfronts to Chichester Street and within the internal garden.

The applicant has confirmed that they are committed to providing local convenience retail uses to serve local residents and support the community. The applicant has agreed to a condition to secure a minimum of 916sqm for retail use (Class A1) only, in order to ensure that an equivalent amount of retail floorspace to that which currently exists is re-provided. The internal layout and external shopfronts will provide flexibility in terms of configuration and the number of units with the potential to be sub-divided to between

3 and 8 separate retail units. The provision of shopfronts to Chichester Street will activate the street frontage and increase passive surveillance.

The remainder of the floorspace would allow a maximum of 436 sqm for financial and professional services (class A2) and/or restaurant/café (Class A3) uses to complement the retail offer. The applicant originally sought the flexibility to provide a bar use (class A4), however this no longer forms part of the application. It is considered that the provision of class A2 and A3 floorspace will complement the retail offer. The application also includes a replacement restaurant of 377sqm located within the leisure club which will be open to both members and non-members of the club.

Conditions are recommended requiring details to be submitted of each A1, A2 and A3 use including hours of operation and servicing to be submitted before the relevant use commences; and to control internal noise to prevent noise outbreak from the units in order to protect the amenity of surrounding residents.

As part of an application for restaurant uses the City Council requires the applicant to submit details of ventilation and ducting equipment required, in order to ensure that the proposal would not result in a smell/cooking odour or noise and vibration nuisance. The applicant has made provision for full height kitchen extract ducts from the restaurant and flexible retail units, and it is recommended that full details of plant serving the retail/restaurant uses be secured by condition.

Objections have also been received to the loss of the shops during construction works. The applicant has advised that they are investigating the potential to provide temporary pop-up retail shops to maintain the on-site convenience retail offer during construction. It is recommended that this provision be included in the strategy to protect the option B tenants outlined in section 8.14 of this report (below).

8.2 Townscape and Design

Legislation, policy and guidance:

When determining applications affecting the setting of a listed building, or for development within a conservation area, the decision-maker is required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard / attention to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 12 and 16 of the NPPF (2018) require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 195 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 196 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable' harm.

Together the above statutory and national policy basis equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and

demonstrably outweighed by public benefits which could only be achieved through allowing that harm.

Locally, UDP Policies DES 1 (urban design/conservation principles), DES 5 (alterations and extensions), DES 6 (roof alterations / extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan (2016) Policies include 7.4 (Local Character), 7.6 (Architecture), and 7.8 (Heritage assets and archaeology).

Dolphin Square Conservation Area was designated in 3 July 1990. Under section 69 the Planning (Listed Buildings and Conservation Areas) Act 1990 the City Council is obliged to review its conservation areas, as part of this process, the City Council published and adopted the Dolphin Square Conservation Area Audit (SPD), 23 October 2008, which describes the area's historic development and character and appearance.

Also, of relevance is the Pimlico Conservation Area, which was designated in 1968 (and successively reviewed in 1973, 1990 and 2006). The City Council Published and adopted the Pimlico Conservation Area Audit (SPD) 10 April 2006, and describes the area's historic development and those components which contribute to its character and appearance.

In addition, relevant local guidance exists within the Council's 'Design Matters in Westminster' Supplementary Planning Guidance (SPG) (2001), and 'Development and Demolition in Conservation Areas' SPG (1996).

Design, Townscape and Heritage

Background

Dolphin Square was built between 1935 and 1937 to provide accommodation for workers within central London, at the time the estate was the largest private residential block of flats in the UK and it remains largely untouched, bar a renovation in 2008 of the swimming pool, gym and restaurant. Dolphin Square itself is a continuous, mostly ten-storey block, constructed in a neo Georgian style in red/ brown brick over a concrete frame with stone dressings notably around the window reveals, the material palette is simple and repetitive. It includes a parade of shops on the ground floor of Rodney House. The site was put forward for listing, but this was declined by the Secretary of State and a certificate of immunity against listing was issued on 28 June 2018. The entire building is identified as an unlisted building of merit in the Conservation Area Audit and forms the vast majority of the Dolphin Square Conservation Area (designated in 1990). The Dolphin Square Conservation Area Audit goes on to state under paragraph 4.1, '*The most striking aspect of the character of Dolphin Square is its monumental scale. The complex dominates its immediate surroundings and is a highly visible landmark on this part of the Thames*'.

There are four key design elements of the proposals, the demolition and reconstruction of Rodney House, erection of single storey rooftop extensions located over the remaining wings (east, south and west), alterations to the internal gardens and the erection of a terrace of mews houses.

Rodney House

The works seek to demolish the existing Rodney House and the podium buildings and erect a new ground plus nine storey building with two basement levels with a new open entrance leading through to the revamped central garden.

Rodney House contributes significantly to the overall aesthetic of the conservation area. Policy DES 9 (B, 1) states that '*buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition*'.

Being the last block to be completed within the estate, Rodney House possesses considerably less design quality than the other blocks. The building is void of the characterful architectural details such as decorative brick work and stone finishes which articulate the neighbouring facades. As a result, Rodney House conveys a more utilitarian appearance. Surprisingly, as one of the primary street frontages of the estate, Rodney House exhibits mediocre details, including a mean entrance and an acutely inactive and impermeable frontage which fails to address the street. What's more, the podium buildings at the northern end of the courtyard are considered to make a modest contribution to the Conservation Area but their loss is considered to cause less than substantial harm which is balanced by the benefits of the scheme.

The demolition of Rodney House will result in the loss of the art deco shopping arcade, swimming pool and some other features of interest. Whilst regrettable, these elements could be removed without the benefit of consent as the building is not listed.

The NPPF Planning Practice Guide (2018) (NPPF PPG) states that when assessing the level of harm arising from the demolition of unlisted buildings within Conservation Areas, it is important to consider if the building is integral to the character and appearance of the Conservation Area. If not deemed integral, its demolition is likely to amount to less than substantial harm. Additionally, justification for its demolition should be proportionate to its relative significance and contribution to the significance of the Conservation Area. Consistent with the NPPF PPG and para 196 of the NPPF, it is considered that owing to its lesser design quality, and because a greater part of the conservation area will remain substantially unaltered, the demolition of Rodney House will result in 'less than substantial harm' to the Conservation Area.

The replacement building increases the height and massing over that of the existing Rodney House to the same height of the remaining blocks. This increase further emphasises the dominance of Dolphin Square but is not considered to be harmful to the character or appearance of the conservation area. Whilst the new building will be taller than its surroundings this is not dissimilar to the existing situation. The new Rodney House will appear as a standalone building, which dominates the skyline, reminiscent of the existing building and preserving the character of the Dolphin Square Conservation Area.

In design terms the new building reuses the architectural style and materials of the current Rodney House, which aligns it visually with the character of the conservation

area and Dolphin Square's remaining three wings. The simplicity of the proposed architecture reflects a thorough understanding of the area's existing character and creates a scheme that retains the iconic character of Dolphin Square.

The views of the new building will generally be similar to existing. From Lupus Street the building will be visible over the playground of Pimlico Academy, but will not be visible over the Academy's main building. Where the massing may be most evident is when it is compared to the Pimlico Academy opposite Chichester Street. When walking along Chichester Street it will be possible to compare the 3 storey Academy against the 9 storey rebuilt Rodney House. In these limited views the scale of the proposal may be considered adverse, however the set back of the upper storeys will minimise the feeling of enclosure.

Whilst Rodney House is of importance within the conservation area, its demolition is required in order to provide the public benefits listed elsewhere in this report. The retention of the existing structure would not allow for these public benefits and therefore, with regard to NPPF paragraph 194 the presumption in favour of its retention is considered to have been outweighed.

Providing improved public access to the central garden is a benefit of the scheme, which is achieved by remodelling the front entrance to Rodney House. However, the arched entrances which lead to a covered colonnade and garden beyond, are somewhat compromised by the vaulted ceiling of the colonnade, which obstructs the top of the arches. A condition is recommended in order to resolve the design to the ceiling profile. The ground floor facing Chichester Street is also to be revamped allowing a greater retail frontage, in keeping with the existing parade of shops.

Roof Level Extensions

The extensions to the other three wings increase the height of the buildings, which aligns them with the new Rodney House. Whilst these wings would generally not be considered suitable for extension, as noted within the conservation area audit, the increase in height of Rodney House, allows for an increase elsewhere to maintain the relationship between the various built forms of the Dolphin Square development. These extensions follows the design of the existing building, in terms of materiality and form, though with a modern window style. The enlarged proportions and contemporary window design is considered to draw undue attention to the roofscape, as such the windows are subject to an amending condition seeking a reduction in their height and introduction of articulation to reflect more successfully the fenestration of the lower floors.

There are some views taken from Chichester Street where the extensions will appear visible over the houses of St Georges Square (grade II listed). These are considered harmful to the setting of these listed buildings and the conservation area character, but these views are limited in frequency and do not appear from with St Georges Square itself. It is not unusual to see larger buildings projecting over an existing roof line within a central London context. These views are considered harmful to the character of the conservation area, albeit limited. This limited harm needs to be considered in light of the public benefits provided by the overall scheme.

Internal Garden

The works seek to alter the internal gardens designed by Richard Sudell (president of the Institute of Landscape Gardens at the time), which, during the consideration of the application, have been added to the 'Register of Parks and Gardens of Special Historic Interest' (added on 18 June 2018) listed as Grade II.

The listing of the gardens has prompted a thorough review of the proposals to ensure that they are sympathetic to the original intentions of the landscape architect, Richard Sudell. Sudell's design provided strong axial geometry clearly defining an open, central space, which was bounded by smaller courtyard gardens at the perimeter, but has been much altered since the 1930s. These themed gardens included a Dutch, English, Italian and Chinese aesthetic. The proposed scheme (as revised in August 2018) seeks to reinstate these feature gardens within the landscape as part of the proposed development.

Roughly half the area of the existing central courtyard gardens will retain its current character. By opening up the northern side of the courtyard the scheme presents the opportunity to create a new layer in the garden, one which is sympathetic and complementary to Suddell's original design principles and layout. The proposals will reinstate the fountain basin to the original 1930s size and design as well as the raised beds and the rose beds that will be reconfigured to the approximate original layout. The memorial trees planted within the quadripartite beds will be conserved, and original rose beds reinstated.

The Gardens Trust are Statutory Consultees to proposed development affecting a site included by Historic England on their Register of Parks & Gardens. They have raised no objection and feel that the plans have respected Sudell's design.

The principle of retaining the garden and extending it, would preserve the existing and add further external space for the existing and new residents to enjoy. The new entrance to the site will also encourage openness and a sense that all are allowed to walk through the gardens.

Townhouses

The works propose the erection of a row of 16 townhouses to the Western Carriageway, which are to provide additional housing. The houses take their design from traditional 'mews' houses but are clearly modern in appearance. They are to be located against the boundary wall of the properties on Claverton Street, part of the site which falls within the boundary of the Pimlico Conservation Area. The redundant 1930s petrol filling station will be retained.

The townhouses will maintain enough of a gap between themselves and Dolphin Square to enable Dolphin Square to be read as a set piece. The houses have an asymmetric appearance that creates a juxtaposition with Dolphin Square, without competing for attention and are of a scale that is suitable to this location.

In terms of the impact upon the Pimlico Conservation Area, the townhouses are architecturally distinguishable from the Victorian Stucco fronted Terraces of Pimlico and to an extent the 1930s style of Dolphin Square. Their design and scale are considered appropriate given their location within the immediate setting of Dolphin Square. Given they will not be regarded in conjunction with the Victorian Terrace of Claverton Street,

the mews houses are not considered to detract from the character and appearance of the Pimlico Conservation Area.

Representations:

Objections to the design aspects of the proposals are numerous and wide reaching. The 20th Century Society consider that the proposals represent the demolition of a substantial amount of the conservation area, which therefore represents 'substantial harm' under paragraph 195 of the NPPF. However, the amount of demolition will leave the majority of the conservation area standing and therefore it is considered that the loss is "less than substantial". They also consider the loss of the shopping parade, the recreational centre and the garden as '*serious impact on the integrity of the ... conservation area*'. These areas are important in terms of vitality and are to be replaced and/or retained within the new scheme, so it is not considered that there would be a "serious impact" on the conservation area's character. The objection also states paragraph 135 of the NPPF (2012). The NPPF was revised in July 2018 and paragraph 135 is now 197. It requires '*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*'. Whilst the works do cause harm it is not considered substantial and the harm is to be weighed against the wider public benefits.

Objections have also been raised in relation to the impact upon the neighbouring Pimlico Conservation Area, which wraps around the site and is immediately adjacent to the Dolphin Square Conservation Area, including West and East Carriageways. The additional height and bulk of Rodney House as well as the additional height across the site, is principally of concern.

As previously discussed, it is acknowledged that the proposals would increase the prominence of Dolphin Square. However, this is already a prominent and iconic building set within an intensely smaller scaled Victorian townscape. The additional scale and height are considered proportionate, and not so significant to diminish the character and appearance of the neighbouring conservation area.

Conclusions

Dolphin Square is a large, dominant development that stands above its neighbours. It is clearly visible from the Thames and other neighbouring streets. These works will increase its height, but its existing level of dominance within the street will be maintained and the architectural character of the conservation area preserved. The works represent 'less than substantial harm' as defined under paragraph 196 of the NPPF, however this harm is considered to be sufficiently outweighed by the benefits that are provided, notably the increase in housing on the site, with 230 additional residential units, of which 57 are affordable.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings and educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

A single storey roof top extension is proposed to the east, south and west blocks (raising the height of the building by approximately 4m). The rebuilt Rodney House will have a larger footprint than existing and will match the height of the remainder of the estate with setbacks to each end at fifth and seventh floor level (above ground).

The eastern and western carriageways separate Dolphin Square from the rear of the residential houses fronting St George's Square and Claverton Street respectively. Sixteen 4-storey townhouses are proposed to be built up against the high boundary wall with the Claverton Street properties, with only the top storey rising above the height of the boundary wall with a mansard form to the rear.

Objections have been received from residents of Dolphin Square, Claverton Street and St Georges Square on amenity grounds, principally loss of light, loss of privacy/overlooking and overbearing impact.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultants Point 2 Surveyors, have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at Nos 54-108 (even) St George's Square, 28-88 (even) Claverton Street and 92, 93, 94, 130, 132, 135 and 136 Grosvenor Road, as well as Pimlico Academy. It also considers the retained daylight levels within Dolphin Square.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5%

of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Claverton Street, St George's Square and Grosvenor Road

Of the 1275 windows tested (serving 910 rooms), using the VSC method of daylight assessment, 1234 windows will comply with BRE guidelines (a compliance rate of 97%). The NSL method of daylight assessment indicates a compliance rate of 71% with 649 out of the 910 rooms tested complaint with BRE guidelines, however, the internal arrangements are not known.

With regards to daylight, of the windows tested 27 within twelve properties along Claverton Street (Nos. 40-46, 50-58, 62, 68 and 72), 7 windows within six properties along St George's Square and 7 windows within Pimlico Academy will experience some transgressions in VSC outside the BRE guidelines (beyond 20%). Given that the internal arrangements of the neighbouring residential buildings are largely unknown the assessment focuses primarily on the VSC test for daylight.

It would appear that all properties tested along Claverton Street, St Georges Square and Grosvenor Road are divided into flats. It is regrettable that the exact use and internal layout of each room is unknown, however, from the sample of properties visited, it would appear that the majority have their main living room windows facing the street and will not be affected by the application proposals. The windows to the rear (facing the application site) appear to predominantly serve kitchens, bedrooms, hallways/stairs, and bathrooms.

BRE guidance does not require hallways, stairs and bathrooms to be tested and bedrooms are not considered to be main habitable rooms and are therefore less important. Thus a large proportion of windows and rooms within properties to Claverton Street, St Georges Square and Grosvenor Place which breach BRE guidelines with regards to daylight are likely to be non-habitable rooms or bedrooms.

Generally, any kitchens located to the rear appear to be small (without dining rooms) or are open plan with the front living room served by further windows to the street. Three conservatories to the rear of Nos. 42, 56 and 68 Claverton Street serve kitchen, dining and living rooms and will breach BRE guidelines with regards to VSC (the glazed roofs will be unaffected). All affected windows in terms of VSC in St Georges Square are located at lower ground and ground floor level within the lightwell area and are beneath an overhang at first floor level so lighting levels are already very low. The results of the VSC assessment for these windows are shown in the table below.

Property	Existing VSC	Proposed VSC	% loss VSC
42 Claverton Street Conservatory (ground floor kitchen/dinner, rear wall contains 8 panes of glass, result for centre pane)	7.18	5.38	25.07
56 Claverton Street Conservatory and window (lower ground floor living room)	6.38 7.41	4.58 5.56	28.21 24.97
68 Claverton Street Conservatory and window (Lower ground kitchen/dining and bedroom)	5.27 11.08	3.55 7.56	32.64 31.77
St George's Square (Effected windows at lower ground (G) and ground level (LG) beneath overhang – use unknown			
62 St George's Square (LG)	3.46	2.09	39.60
86 St George's Square (LG)	0.22	0.14	36.36
88 St George's Square (LG)	0.43	0.34	20.93
90 St George's Square (LG)	0.24	0.13	45.83
92 St George's Square (LG)	0.30	0.21	30.00
94 St George's Square (LG)	0.39	0.00	100
(G)	0.71	0.54	23.94

The affected windows outlined above are located at lower ground and ground floor level and already receive very low levels of daylight (VSC) caused by existing obstructions, such as high boundary walls (Claverton Street) and overhangs (St George's Square), thus a small change can give a high percentage alteration. Any loss of daylight to kitchen and living rooms windows is regrettable, however, given that the lighting levels are already poor it is not considered that a refusal on the grounds of loss of daylight to these rooms could be sustained. The retained VSC daylight levels to the upper floors of these properties will generally remain good for a close urban environment.

In respect of sunlight, the assessment demonstrates that 453 out of the 467 windows which face within 90 degrees of due south which need to be tested will meet BRE guidelines (97%).

Fourteen rooms within nine properties in St Georges Square (Nos. 56, 60,62, 68, 72-74, 76, 78, 82 and 88) will experience some losses in winter or annual sunlight in excess of BRE guidelines. Whilst the alterations exceed the strict 20% advised by the BRE Guidelines, the annual APSH reductions are either less or fall within 7.5% of the permissible 20% set by the BRE in every instance. Five rooms retain annual APSH

values ranging from 25%-30% which are in accordance with the BRE target and only experience small reductions in winter sun. Further two rooms experience reductions in their annual APSH of less than 20% (in accordance with the BRE) and only breach the BRE guidelines due to small reduction in their winter APSH. It is recognised that a larger than normal loss of winter sunlight is not unusual for developments in urban environments because of the sun's low position in the sky. The overall sunlight effects to the neighbouring residential properties is therefore considered acceptable.

Dolphin Square

The applicant has also carried out daylight tests using the VSC method of daylight assessment, on all windows which fall within the 'retained' structure of Dolphin Square. Of the 3570 windows tested, 217 (6%) will experience some transgressions in VSC outside the BRE guidelines. The windows which experience changes beyond the BRE, are located at low level, within areas that are blinkered by the extent of the existing building massing.

The applicant has confirmed that 25 of the 192 Option B tenants will have their daylight adversely affected by the proposed development. However, all the affected tenants will be offered the right to trial their existing refurbished apartments for 6 months, and if they are not satisfied within this period, they will retain the option to move, at the Applicant's expense, to an equivalent available apartment within Dolphin Square. It is recommended that the protection of the Option B tenants be secured through the s.106 agreement (see section 8.14).

Pimlico Academy

The school includes a car park and sports hall opposite Dolphin Square, however, there are a series of classroom windows facing south to the western end of Chichester Street. Six windows which serving three classrooms will breach BRE guidelines with regards to VSC. However, retained VSC levels will be between 9.71 to 19.01 and these classrooms will remain BRE complaint with regards to the daylight distribution test (NSL). The sunlight assessment (APSH) also shows full BRE compliance. It is not therefore considered that the proposal will result in a loss of amenity to Pimlico Academy.

Overshadowing

The overshadowing impacts to amenity spaces have been assessed using the 'Sun Hours on Ground' test, as set out in the BRE guidelines. It is recommended that at least half of the amenity area should receive at least two hours of sunlight on the 21 March or experience no greater than a 20% change where the amenity space already exists. Consideration has also been given to the sunlight potential on the 21 June to demonstrate the summer sunlight potential.

The sun-on-ground assessment considers twelve amenity spaces within the internal courtyard garden and three outside of the Site boundary within St George's Square and Pimlico Academy. The results of the assessment show that the proposed scheme will result in very little change to the sun reaching the ground surface for the amenity areas surrounding the site on 21 March. Only two areas within the internal courtyard garden will not meet the BRE target.

A shadow plan has also been plotted to illustrate the location of shadows at different times of the day and year (21 March, 21 June and 21 December). The results of this assessment indicate that there will be some additional shadow although it is an extension of what is already observed rather than creating new shadows and will fall within the tolerances set out within the BRE guidelines.

Privacy

The top floor of the four storey townhouses on the western carriageway will extend one storey above the boundary wall with properties on Claverton Street, however, no windows are proposed in the rear elevation at this level.

Existing outward facing balconies/terraces to the eastern and western blocks at eighth and ninth floor level will be retained. New terraces are proposed at either end of Rodney House at fifth, seventh and ninth floor roof level; and at ninth and tenth floor level to the south block fronting Grosvenor Road, all set behind a solid 1.1m high parapet wall.

All terraces will be for use by the adjacent residential units with the exception of part of the ninth floor terrace to Rodney house which will be for communal use. The terraces at fifth floor level on Rodney House are the closest to residential windows in properties on St George's Square and Claverton Street and a condition is therefore recommended to secure planters to the perimeter of these two terraces to provide a planting buffer to protect the privacy of residents.

The remaining terraces at seventh floor level and above are considered to be at a height and a sufficient distance away from properties on St George's Square and Claverton Street to not cause any significant overlooking/loss of privacy to residents within these properties.

8.4 Transportation/Parking

The applicant has submitted a Transport Assessment in support of their application.

Car Parking

Policy TRANS 23 of the UDP sets out the Council's policy on off-street parking for residential development which is based on a maximum standard of one off-street parking space per residential unit of two bedrooms or less; and 1.5 off-street parking spaces per residential unit of three bedrooms or more. The City Council encourages the provision of parking up to the maximum standard.

There is an existing car park at basement level for 153 cars with a further 98 car parking spaces at grade on the eastern and western carriageways providing a total of 251 spaces, including one accessible space. The existing basement car park and access ramps are proposed to be reconfigured. Vehicular access is proposed from the eastern carriageway with the introduction of a one-way system with separate entrance and exit ramps. The access ramps on the western carriageway will be removed. The number of car parking spaces will be reduced to 240, including 13 accessible spaces.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. This includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays.

The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 250 metre radius of the centre of the overall Dolphin Square development site is 72.7% (consisting of 424 Residents' and 45 Shared Use Bays, 313 and 28 of which were occupied respectively). A further 34 vehicles could therefore be accommodated on-street before the 80% threshold would be breached. Overnight the pressure on Residents' and Shared Use Bays increases still further, to 82.1% although residents can also park free of charge on metered parking bays or single yellow line in the area. The inclusion of these bays reduces the pressure to 68.6%.

The applicant has also undertaken their own survey, covering a broadly similar area which found that at 1.30am on 19/10/17 pressure on residents' bays was 87% and at 2.00am on 20/10/17 it was at 89% but including single yellow lines this reduced to 71%. The applicant has also surveyed the 251 off-street parking spaces within the development and found that, at the same times, only 89 and 95 were occupied.

Census data from 2011 shows that in Tachbrook Ward as a whole 35% of households had access to one or more cars, but the applicant notes that this figure reduces to 22.8% for properties with less than three habitable rooms, which make up a large proportion of the Estate. The figures suggest that an additional 230 flats would lead to an expectation that there might be a need to accommodate between 43 and 66 extra vehicles. The applicant argues that these could easily be accommodated within the proposed off-street car parking spaces

Council records show that there are currently 130 residents' parking permits issued to residents of Dolphin Square. The Highways Planning Manager has raised concern that if a similar proportion of residents of the additional dwellings obtain residents parking permits, it would increase pressure to on-street facilities to more than the 80% threshold. The applicant argues that if residents of the new apartments take up resident parking permits at a similar rate to existing this would result in a further 26 resident permits being issued which could be accommodated on street. However, they maintain that the upgrade to the carriageways and basement car park as well as the provision of electric vehicle charging points is more likely to encourage residents to park on site.

Whilst the reduction in car parking is regrettable, the site has a good level of public transport accessibility and given that there is currently a large amount of empty space in the existing car park, the Councils Highways Planning Manager does not consider that a refusal on the grounds of insufficient car parking could be sustained. Furthermore, the draft new London Plan promotes car free development (except for disabled parking) on well connected sites. The GLA and TFL therefore request that the reconfigured and new residential units be car free.

The London Plan requires at least 20% active and 20% passive electric vehicle charging points which is recommended be secured by condition

Cycle parking

It is proposed to increase the number of cycle parking spaces from 114 to 450 located on the carriageways and at basement level. This falls short of London Plan standards which would require 1913 cycle parking spaces to serve the overall number of dwellings on the site. However, an additional 336 spaces (16 of which are for retail and leisure use) are proposed, which is significantly more than that required for the additional 230 residential units. It is recommended that the cycle parking provision be secured by condition.

Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing provision.

The proposed development includes off-street servicing facilities. Refuse collection will remain as existing, from the basement car park exit ramp. Loading bays are proposed at the northern end of both the Eastern and Western carriageways. The Highways Planning Manager is satisfied that all servicing will be able to be accommodated within the site. It is recommended that a Servicing Management Plan be secured by condition.

8.5 Economic Considerations

The economic benefits of the development are welcomed

8.6 Access

All of the new and reconfigured flats will be designed to be accessible and adaptable in accordance with the Building Regulations Part M4 (2) with 10% designed to be suitable for occupation by a wheelchair user or easily adapted for occupation in accordance with Building Regulation standard M4(3).

It is acknowledged that the refurbished units will not be modified to meet current standards, however, all existing units will benefit from improved access and circulation arrangements around the estate and amenity space.

Step-free access will be provided to all of the public parts of the building.

8.7 Other UDP/Westminster Policy Considerations**Noise and Plant**

Plant is proposed at basement level with extract ducts to main roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

Conditions are recommended to control noise outbreak from the leisure facilities and commercial units to ensure that they do not cause noise and vibration nuisance to the residential units above.

Archaeology

The site lies in an area of archaeological interest. An archaeological desk-based historic environment assessment report has been submitted which states that there is potential for archaeological remains. Historic England raise no objection subject to a condition requiring a written scheme of investigation for a programme of archaeological work prior to the commencement of the development

Flood Risk

The applicant has submitted a Flood Risk Assessment. The site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences. The risk of flooding from fluvial and tidal sources is therefore low. In the event that the defences fail details have been provided outlining how residents could safely egress the buildings in the unlikely event of flooding. The Environment Agency raise no objection to the application.

Air Quality

The applicant has submitted an Air Quality Assessment which concludes that the building and transport related emissions associated with the proposed development are below the relevant benchmarks and the development therefore complies with the requirement that all new developments in London should be at least air quality neutral.

The Council's Environmental Health officer has requested that a detailed assessment for road traffic emissions be carried out on the basis of existing poor air quality and the location of sensitive receptors including residential and the school. It is recommended that this be secured by condition.

Refuse /Recycling

The applicant has submitted a Waste Management Strategy in support of their application. The Council's Waste Project Officer is satisfied that the storage arrangements for waste and recyclable materials are in line with the requirements of the City Council.

Trees/Planting/Biodiversity

The applicant has submitted an Arboricultural Survey and Landscape Design Proposal. Nineteen individual trees and one tree group are proposed to be removed. The majority of the tree removals are around the existing podium building which is to be removed. The Council's Arboricultural Manager has confirmed that most of these trees are young specimens which, although good quality, can be easily replaced and therefore raises no objection to their loss. The applicant proposes to lift and store a Magnolia tree which was planted as a memorial tree for replanting during the landscaping phase. It is recommended that tree protection measures for the retained trees be secured by condition to ensure that they are not harmed during construction works.

The various gardens within the central courtyard are designed to have different characteristics with hard landscaping and planting, in keeping with Sudell's original

landscape design. It is recommended that full details of a hard and soft planting scheme for the site be secured by condition.

The development includes a new communal terrace, but no details of planting, soil volume or water irrigation have been provided. It is recommended that these details be secured by condition.

An Ecology Report has been submitted which suggests opportunities for ecological enhancement, including a biodiverse roof, wildlife planting in the courtyard garden, species rich lawn turf, native tree planting and provision of bat tubes, bird boxes and log piles. It is recommended that the ecology enhancements be secured by condition.

Bats

The applicant carried out a Preliminary Roost Assessment (PRA) in January 2018 which identified the building as having moderate potential to support bats. A second PRA and bat emergence/re-entry surveys were therefore conducted in August and September 2018 to determine the level of roosting activity at the site. During the surveys, seven common pipistrelles day roosts were recorded within the western and eastern elevations of the building, each in use by a single bat. No bats were recorded emerging/re-entering from the northern or southern elevations. Soprano pipistrelle (*Pipistrellus pygmaeus*), common pipistrelle (*Pipistrellus pipistrellus*) and noctule (*Nyctalus noctula*) were all recorded commuting across the site with foraging within the central courtyard. The building has a cavity wall and a hibernation roost cannot be ruled out.

The PRA has outlined mitigation which can be carried out to ensure that the proposed works do not impact on the bats and enhancements that can be made for the local bat population. The proposed construction work will impact on the seven day roosts identified and the report recommends that the day roosts be temporarily closed during the works. Bat boxes are proposed to be provided on existing trees as mitigation. Following the completion of the works, the existing roosts will be reopened to allow bats to use the original roosting features and the report recommends that six bat boxes are added to the mature trees in the courtyard to provide enhanced roosting opportunities and the landscaping should include nectar rich native planting to enhance the site for invertebrates providing increased foraging opportunities for bats. It is recommended that these measures be secured by condition.

Bats are protected by European legislation and it is illegal to disturb or damage bat roosts. A Natural England licence will be required before works commence.

Thames Path/Riverside Walkway

Policy RIV 9 of the UDP requires development sites adjacent to the River Thames to provide a public riverside walkway. The applicant has agreed to provide a riverside walkway to secure the extension of the Thames Path adjacent to the riverside on the land in its control to the south of Grosvenor Road (the tennis court site). This extension of the Thames Path is considered to provide a significant public benefit delivered by the proposed development. It is recommended that this be secured through the section 106 legal agreement

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

Not applicable to this site.

8.10 London Plan

The application has been referred to the Mayor of London and the stage 1 referral letter has been received. The Mayor considers that the proposed refurbishment and residential intensification of the existing Dolphin Square estate in this highly accessible location within the Central Activity Zone is supported in principle and complies with London Plan and draft London Plan policy in land use terms.

A number of deficiencies need to be addressed:

- Affordable housing: the provision of no affordable housing is wholly unacceptable.
- Transport: cycle parking for all land uses should be increased to meet London Plan standards and car parking reduced. The new build and refurbished units should be car-free. The overall level of disabled car parking should be increased to meet minimum London Plan and draft London Plan standards.
- Revisions are also required to address housing, play space, urban design, inclusive design, energy and transport concerns.

The Mayor of London has been re-consulted on the affordable housing proposal. They have carried out their own viability testing and have concluded that the affordable housing offer made by the applicant is the maximum reasonable amount that can be secured at this time. Early and late stage review mechanisms that exclude refurbishment costs from the viability base position should be secured.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which

must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; details of the action to be taken to protect bats in the area around the development; tree protection measures; revised energy strategy; a written scheme of investigation for a programme of archaeological work and site investigation to find out if the building or land are contaminated with dangerous material. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms (that exclude refurbishment costs from the viability base position) in accordance with the Mayor's 'Affordable Housing and Viability'.
- Walkways agreement to secure public access to the internal courtyard garden.
- Extension of the Thames Path prior to first occupation of the new residential units.
- Strategy to secure the measures to protect the option B tenants during and after the building works
- Carbon offset payment (index linked and payable on commencement of development) (amount to be confirmed subject to revised energy strategy).
- A financial contribution towards employment, training and skills of £100,351.09 (index linked) payable on commencement of development.
- Monitoring costs.

The estimated CIL payment is : £4,619,828.83. (£789,410.22 Mayor's CIL and £3,830,418.61 Westminster CIL).

8.13 Environmental Impact Assessment and Sustainability

The City Council issued a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 on 1 November 2016 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA).

The applicant has submitted an Energy Statement in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

In accordance the GLA guidance, the carbon emissions savings have been assessed for the three parts of the development: 1) non-domestic, 2) newly built residential and 3) existing refurbished residential.

It is proposed to deliver a 51.16% improvement in carbon emissions for the new non-domestic parts of the development, 32.5% improvement for the new domestic part of the development, with an overall improvement of 43.97% based on the current Building Regulations (2013). The existing refurbished residential part of the development will achieve an improvement of 46.6%. The development achieves this through a mix of energy saving measures including high insulation standards, high performance glazing, highly efficient building services, and the use of a gas-fired CHP along with renewable energy in the form of a ground source heat pump system.

Dolphin Square was connected to the Pimlico District Heating Undertaking (PDHU) until 2000. The applicant has discounted the option of reconnection to the PDHU on the basis that it is not currently technically performing from a carbon reduction perspective. The GLA have requested that the applicant seek to prioritise a connection to the PDHU in accordance with the strategic policy hierarchy. Discussions about connection to PDHU are ongoing and a condition is therefore recommended requiring a revised Energy Strategy to be submitted, which prioritises connection to PDHU. Only if they can satisfactorily demonstrate that it is not feasible to connect to PDHU will an alternative proposal for an on-site energy centre be considered acceptable. In this scenario the revised Energy Strategy will need to demonstrate how the proposed development will be designed to allow future connection to the PDHU or an alternative district heating network should one become available.

The new non-domestic parts of the development meet the minimum onsite carbon reduction target of 35% as set out in the London Plan and the draft new London Plan. The applicant has agreed to a carbon offset payment for the shortfall in carbon savings below the zero carbon target for the domestic element of the scheme. The carbon offset payment will be calculated when the final energy strategy is agreed. It is recommended that this be secured through the section 106 legal agreement.

8.14 Other Issues

Construction impact

Strong objections have been received on the grounds of noise, dust, air pollution and disruption caused during the demolition, excavation and construction work.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

Statement of Community Involvement

A Statement of Community Involvement (SCI) has been submitted with this application. The engagement and consultation targeted Westminster City Council officers, local ward councillors, local amenity groups and resident associations, residents of Dolphin Square, neighbouring residents, local residents and businesses within the wider Pimlico community and those who use the public facilities at Dolphin Square. Resident meetings and public exhibitions were conducted over a nine-month period between May 2017 and January 2018.

Option B Tenants

The Applicant has confirmed that they are committed to minimising the disruption to the 192 existing Option B tenants, all of whom will be relocated to comparable accommodation within the Estate for the period of the construction works, before returning to their current flat once it has been refurbished. It is intended to phase the work to provide the least possible disruption to residents.

The applicant has made the following commitments:

- For the period of relocation all Option B tenants will benefit from a 50% rent reduction.
- All Option B tenants will return to their homes once the refurbishment is completed. The Applicant has offered Option B tenants the option to downsize/upsized to available apartments following completion of the refurbishment.
- The twenty-five Option B tenants whose apartments will have their light adversely affected by the proposed development will be offered the right to trial their existing refurbished apartments for 6 months, and if they are not satisfied within this period, retain the option to move (at the Applicant's expense) to an equivalent available apartment within Dolphin Square.
- There are twelve apartments which are reconfigured. Two increase in size and ten reduce in size. As above, all the affected tenants will be offered the right to trial their existing refurbished apartments for 6 months, and if they are not satisfied within the period, retain the option to move (at the Applicant's expense) to an equivalent available apartment within Dolphin Square.
- The Applicant will support residents needs through the on-site management team. This includes making all the arrangements and covering all the costs including insurance involved in the temporary relocation during the works, postal forwarding, as well as continuing to support elderly or infirm residents who require assistance including disposal of their refuse and recycling in the future.

It is recommended that a strategy for the protection offered by the applicant to the option B tenants be secured through the s.106 legal agreement. It is recommended that this also includes the provision of temporary pop-up retail shops to maintain the on-site convenience retail offer during construction.

Strong objections have been raised about the replacement of the current arrangements for post and refuse disposal (currently delivered/collected from each individual flat six days a week) with centralised services and the addition of security doors between houses on the grounds that it will result in increased security concerns, be detrimental to community living and increase social isolation.

The applicant has confirmed that the proposed development has benefited from the advice of the Metropolitan Police in relation to designing out crime. The applicant has incorporated the advice received in relation to postal services, refuse collection and security doors into the proposed plans, but recognises that existing residents are concerned to ensure that postal services continue to individual flats and Houses remain open for tenants and visitors to pass through. The existing Estate benefits from very high levels of passive and active security and experiences very little crime as a result. The Applicant has therefore confirmed that they wish to continue operating the Estate in the same way as today.

The way in which the estate is managed in the future in terms of access between blocks, postal services and waste collection from individual flats is not a planning consideration.

Infrastructure requirements

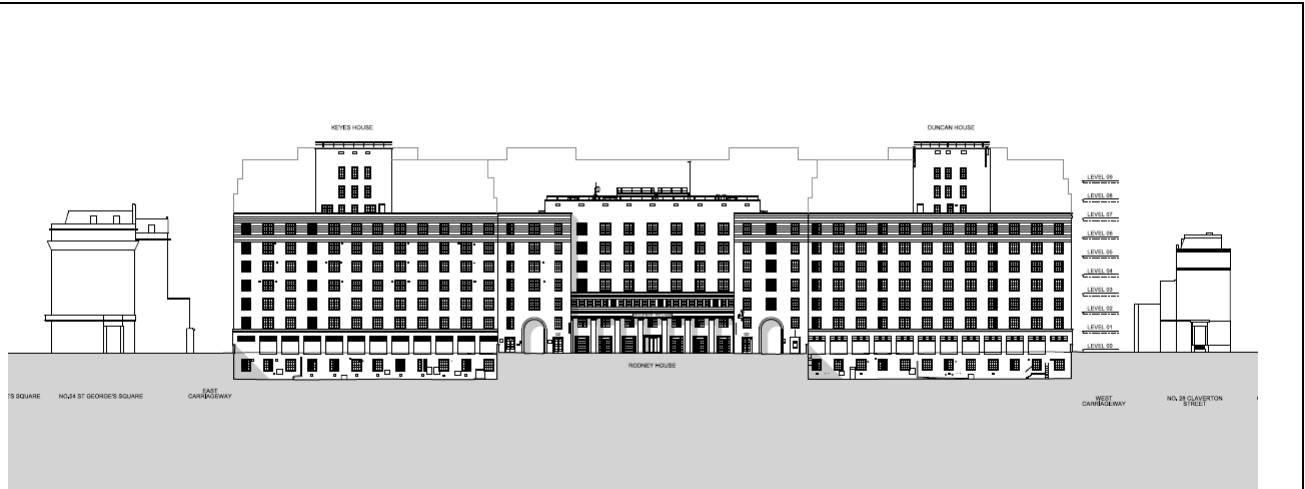
Objections have been received on the grounds that the existing sewage and mains water infrastructure will be insufficient to cope with the additional demand from the increase in residential units.

Thames Water have confirmed that they are currently working with the applicant to identify and deliver the off-site water infrastructure needs to serve the development. It has been identified that the existing combined water infrastructure will not be able to accommodate the needs of the development. Thames Water have therefore recommended conditions to secure all combined water network upgrades required are made prior to occupation of the new units to ensure that sufficient capacity is made to accommodate the additional flows anticipated and to avoid sewer flooding and/or potential pollution incidents. These conditions are attached to the draft decision notice.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT: jasghar@westminster.gov.uk

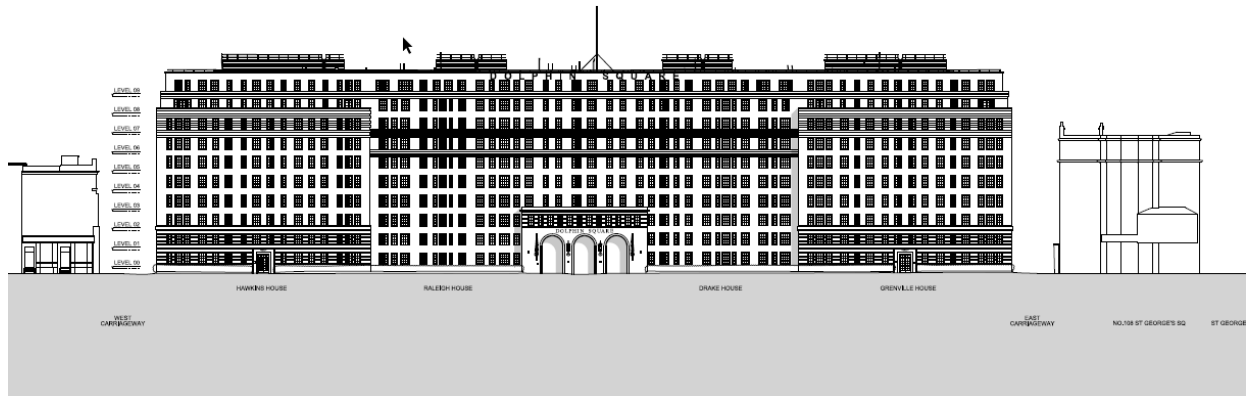
9. KEY DRAWINGS



Existing Chichester Street



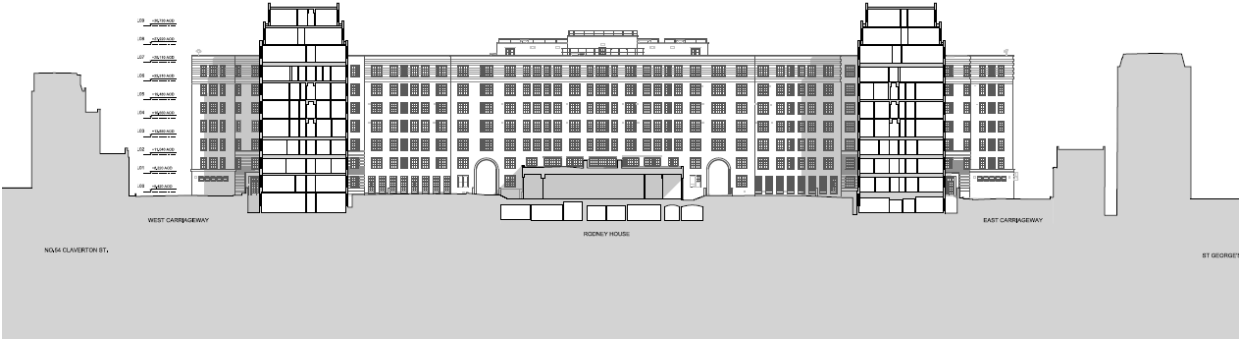
Existing Eastern Carriageway



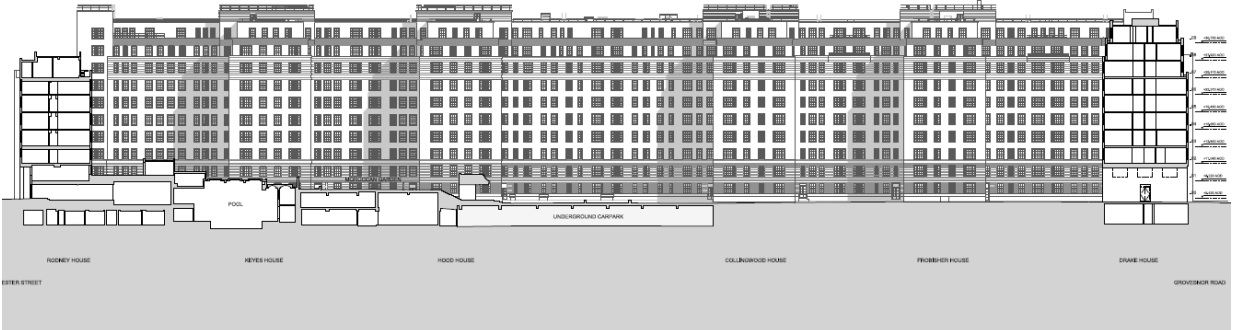
Existing Grosvenor Road



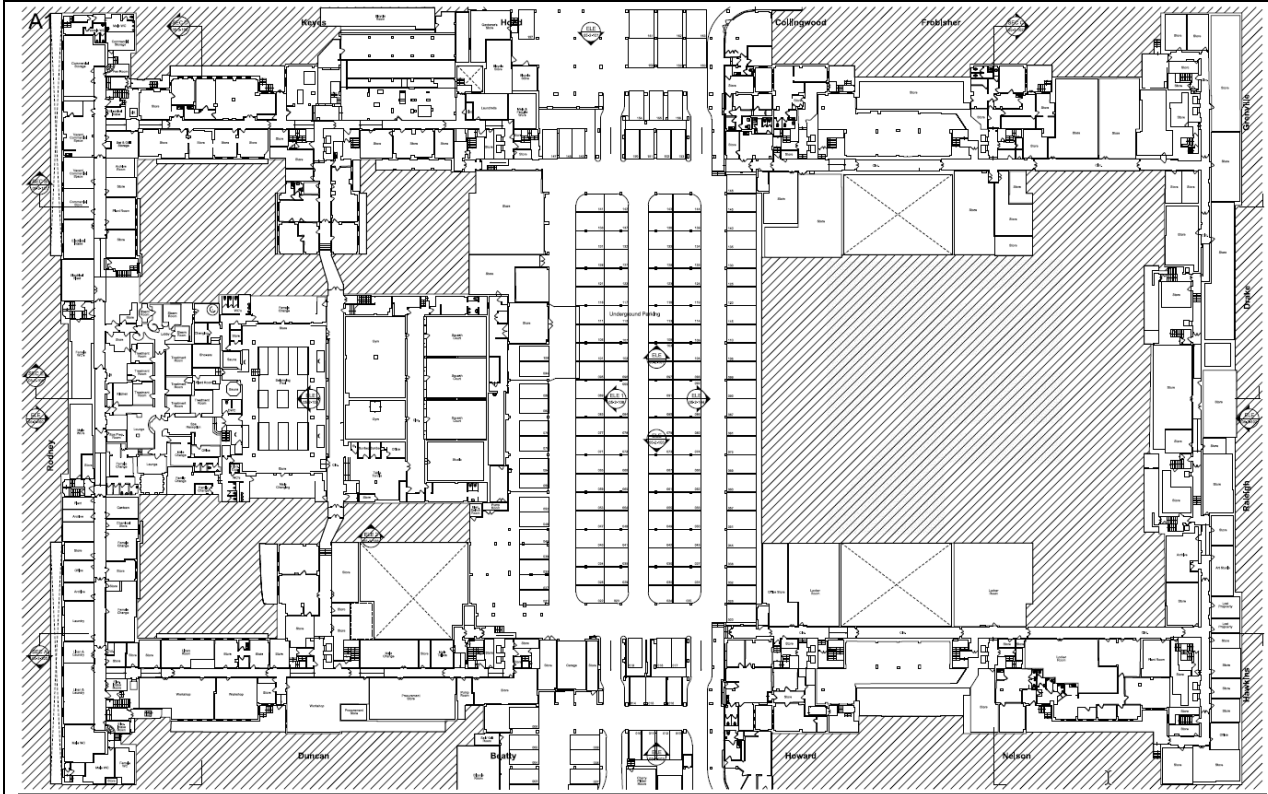
Existing Western Carriageway



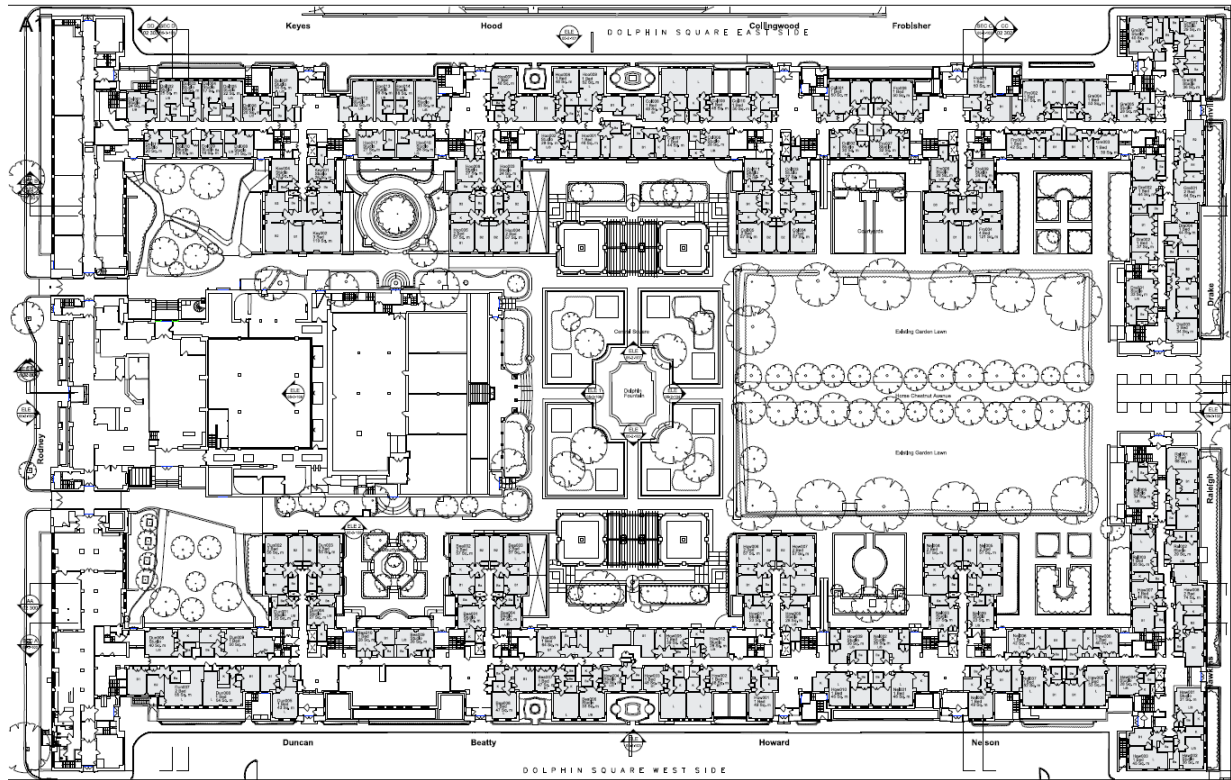
Existing section east-west



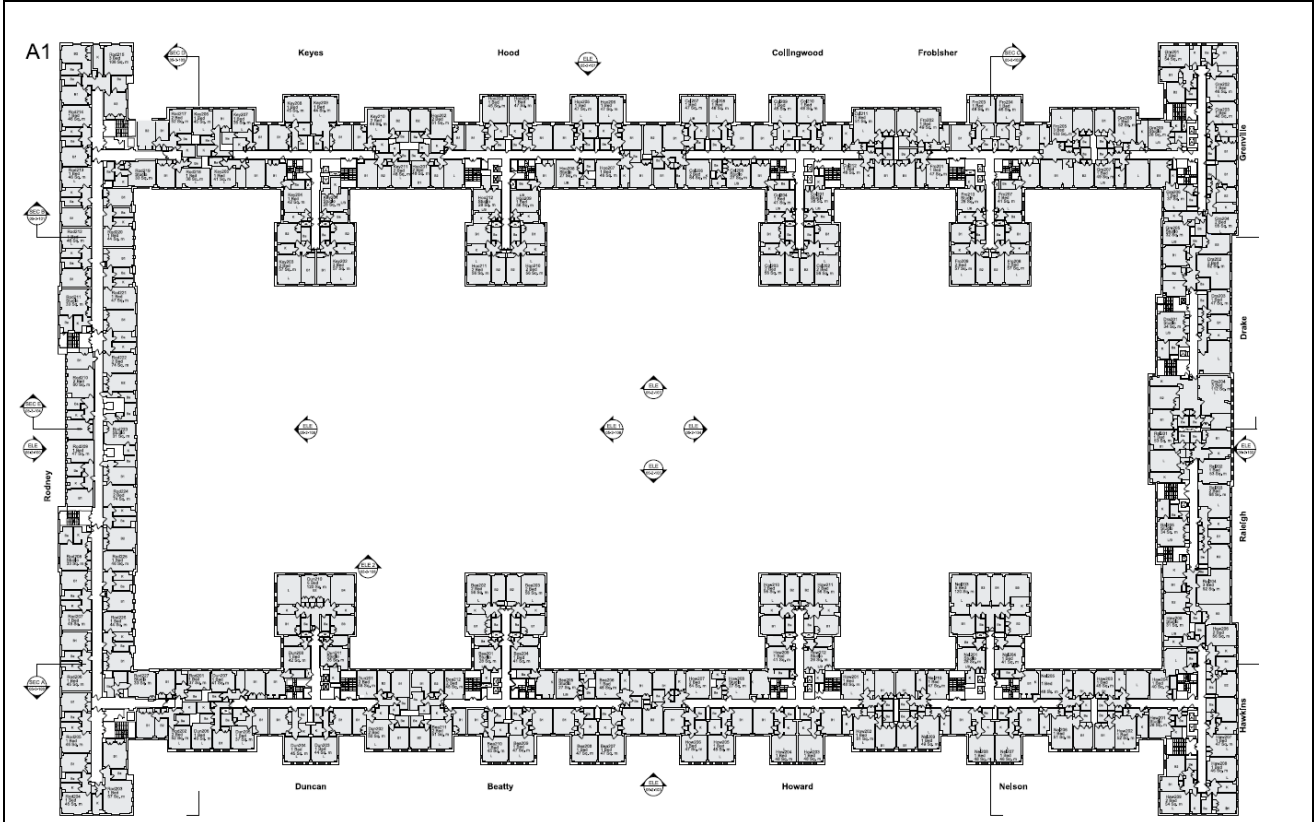
Existing section north-south



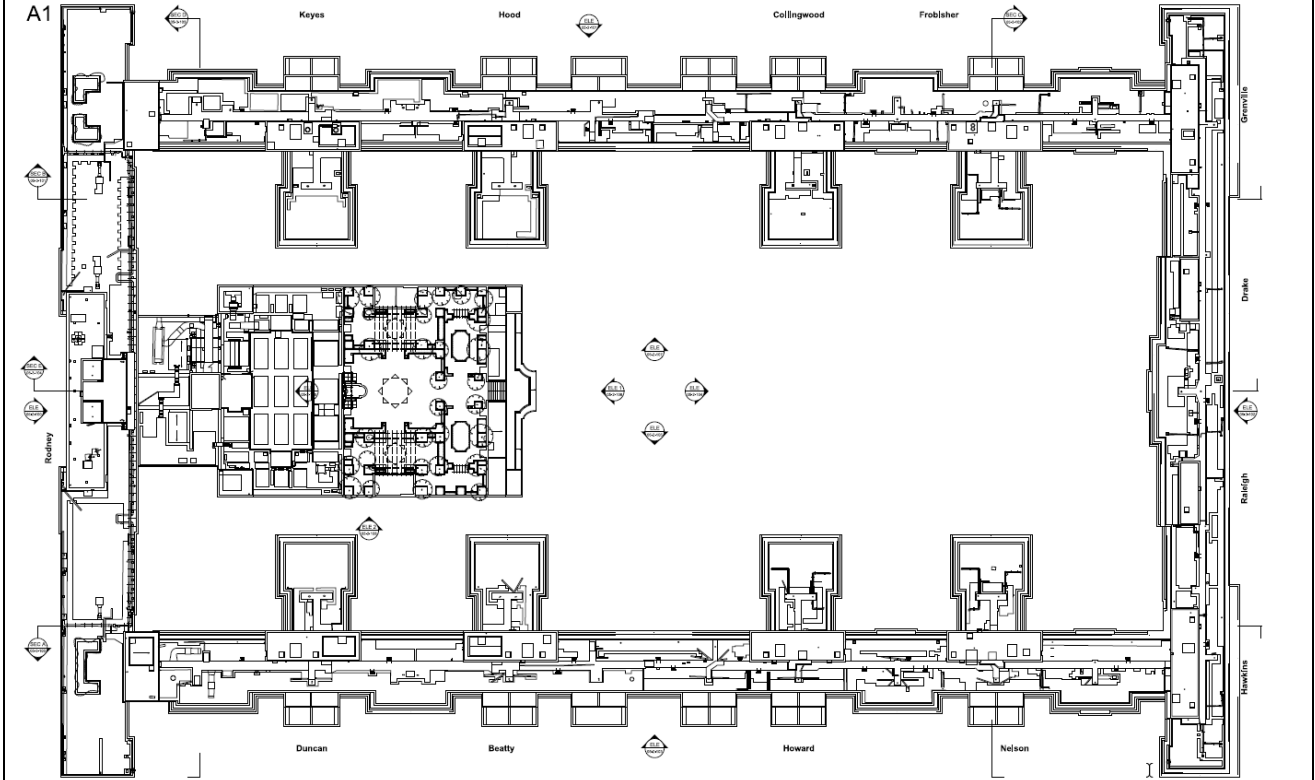
Existing Basement



Existing Ground



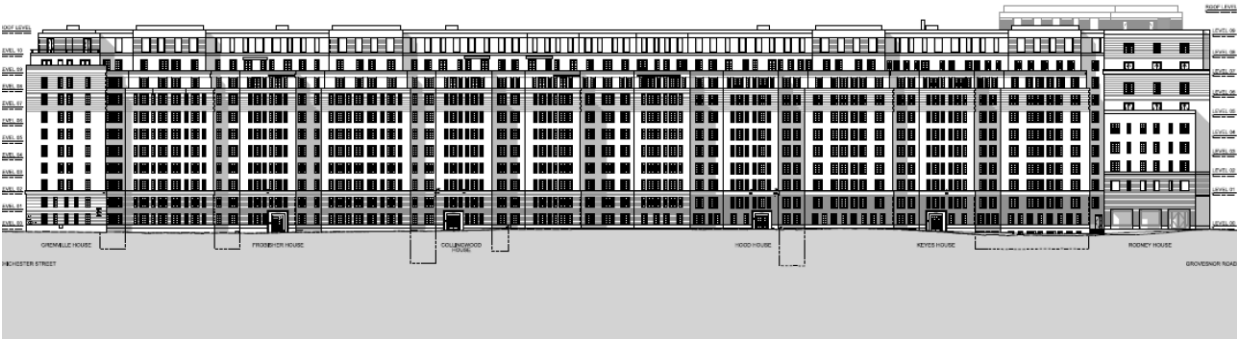
Existing typical floor plan



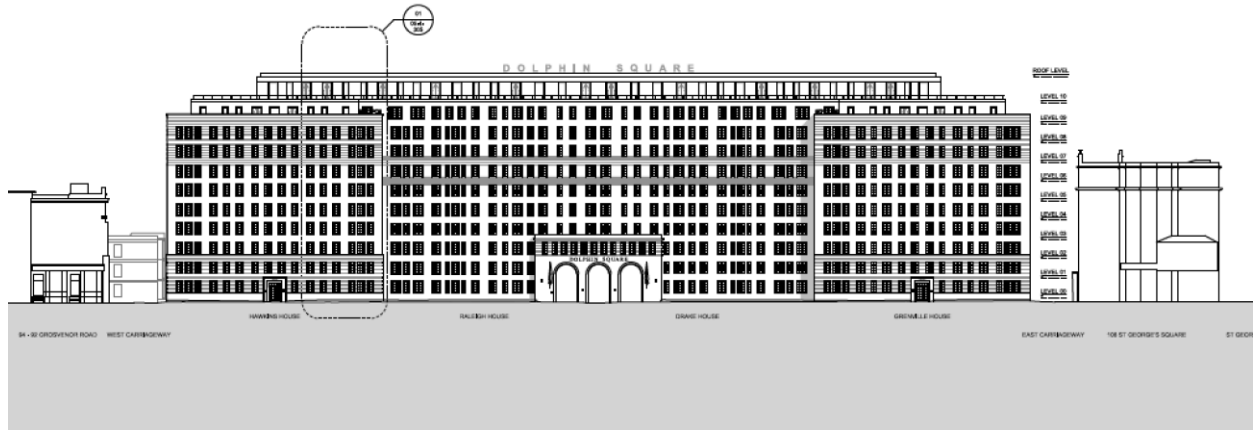
Existing roof plan



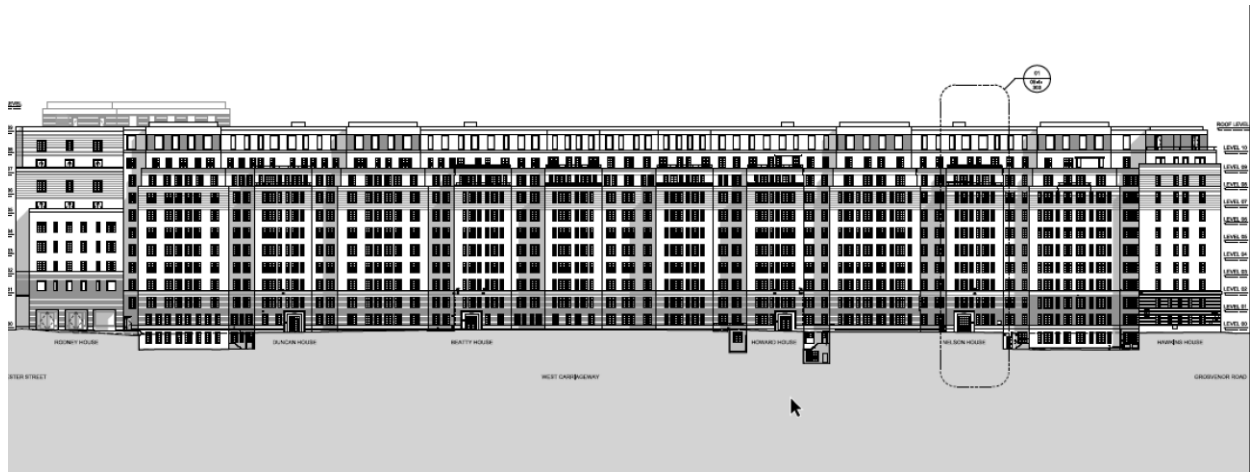
Proposed Chichester Street (Rodney House)



Proposed Eastern Carriageway



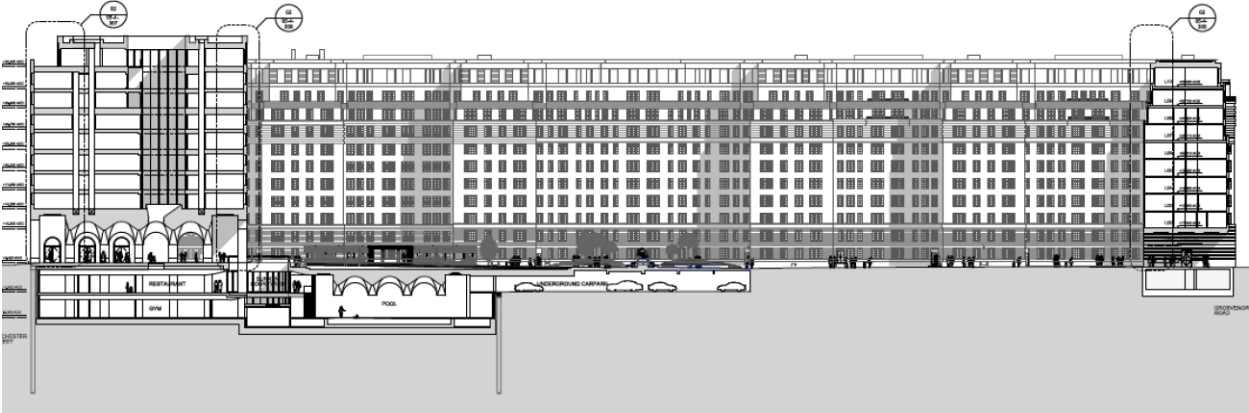
Proposed Grosvenor Road



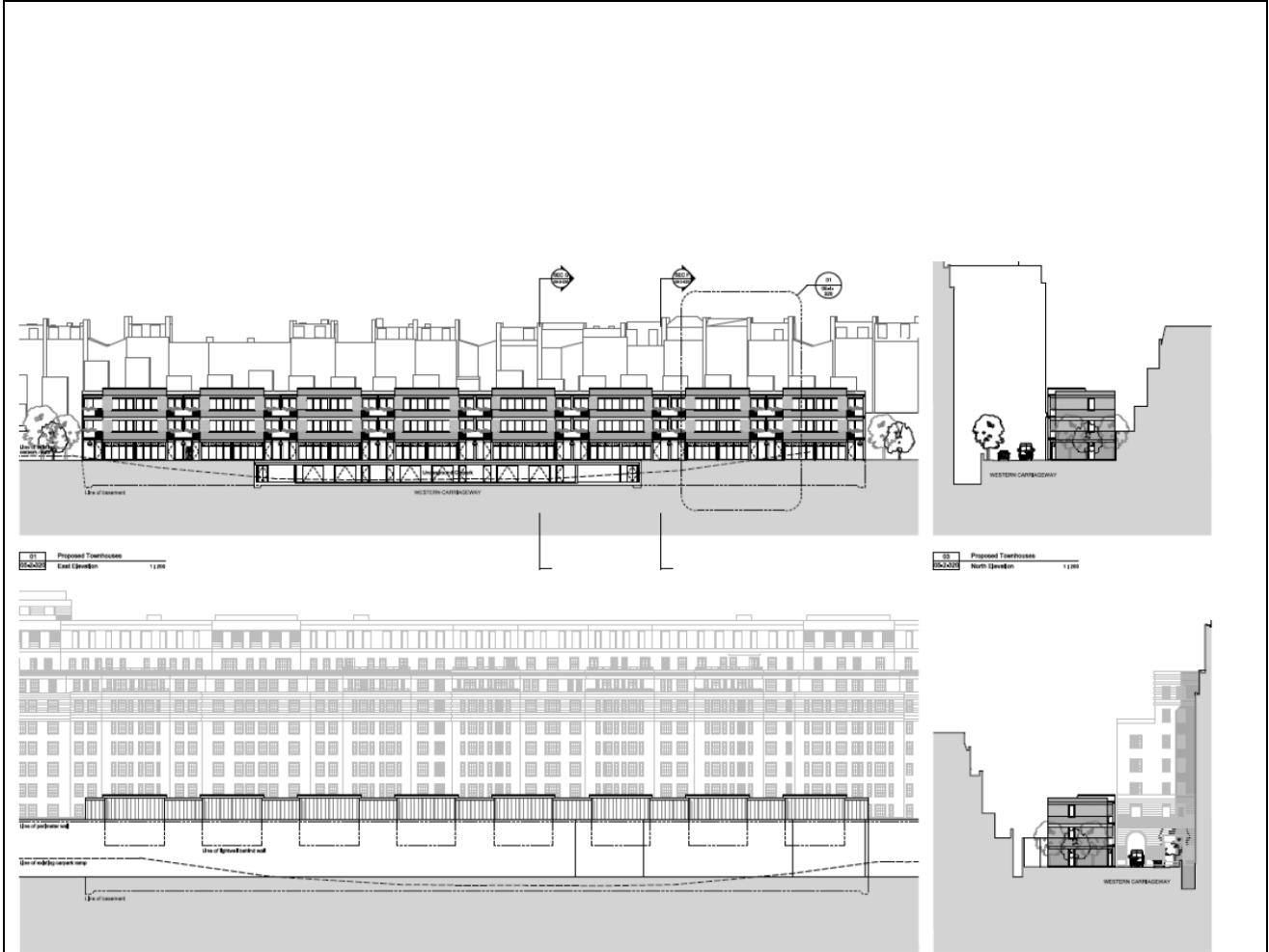
Proposed Western Carriageway



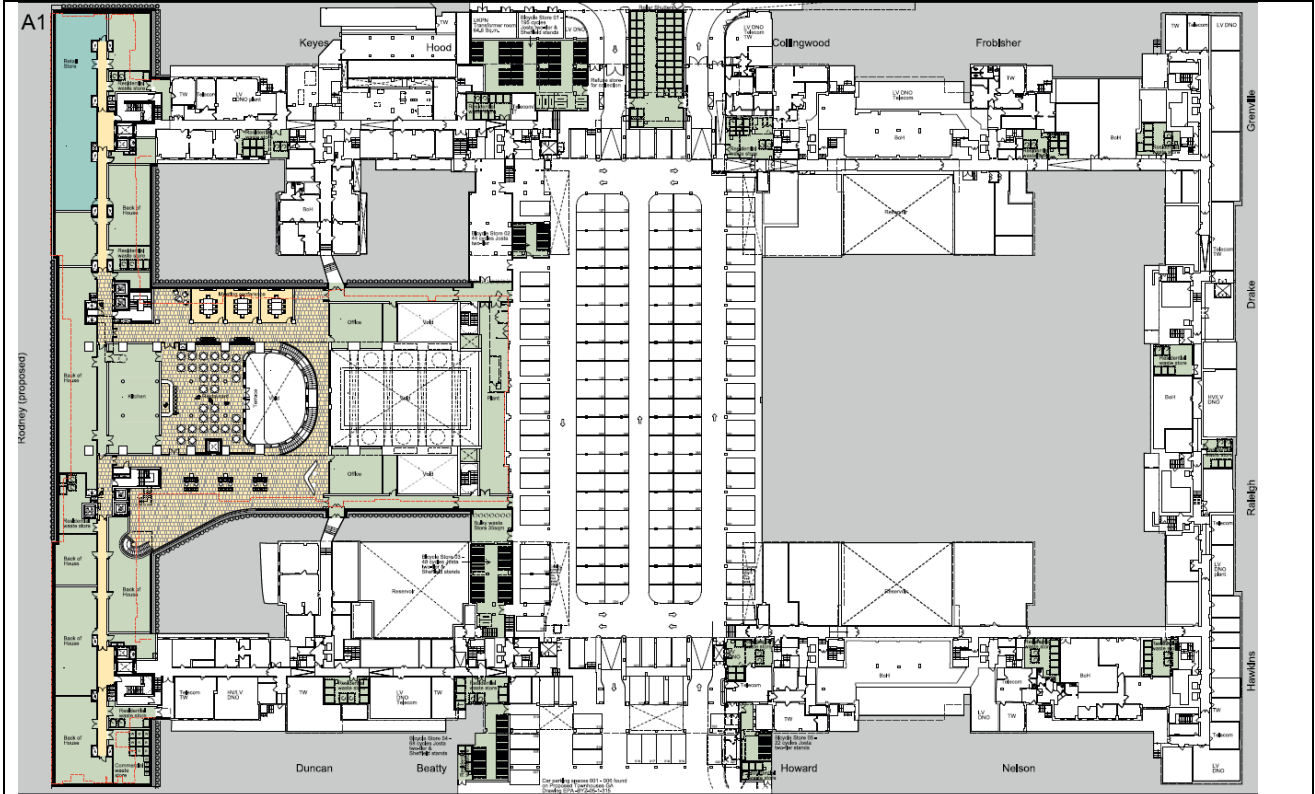
Proposed Section east-west



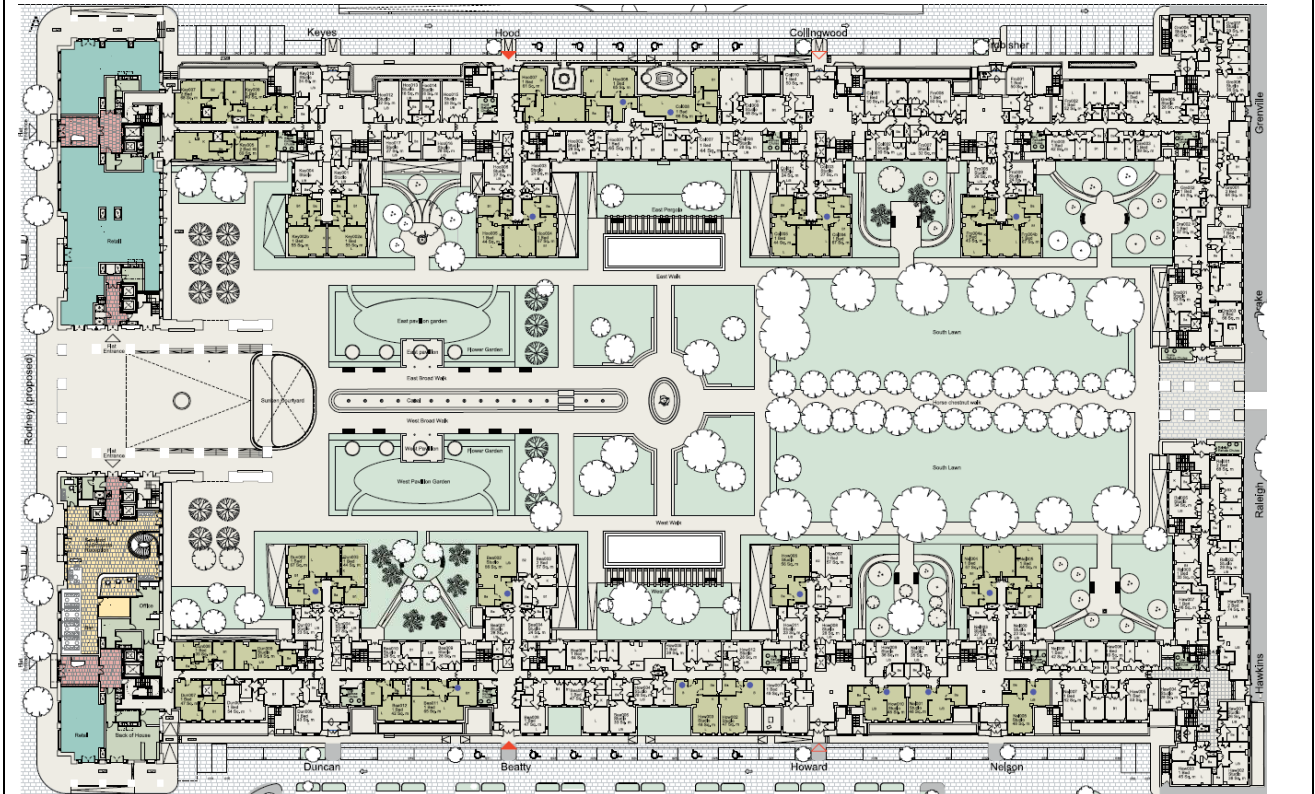
Proposed Section north-south



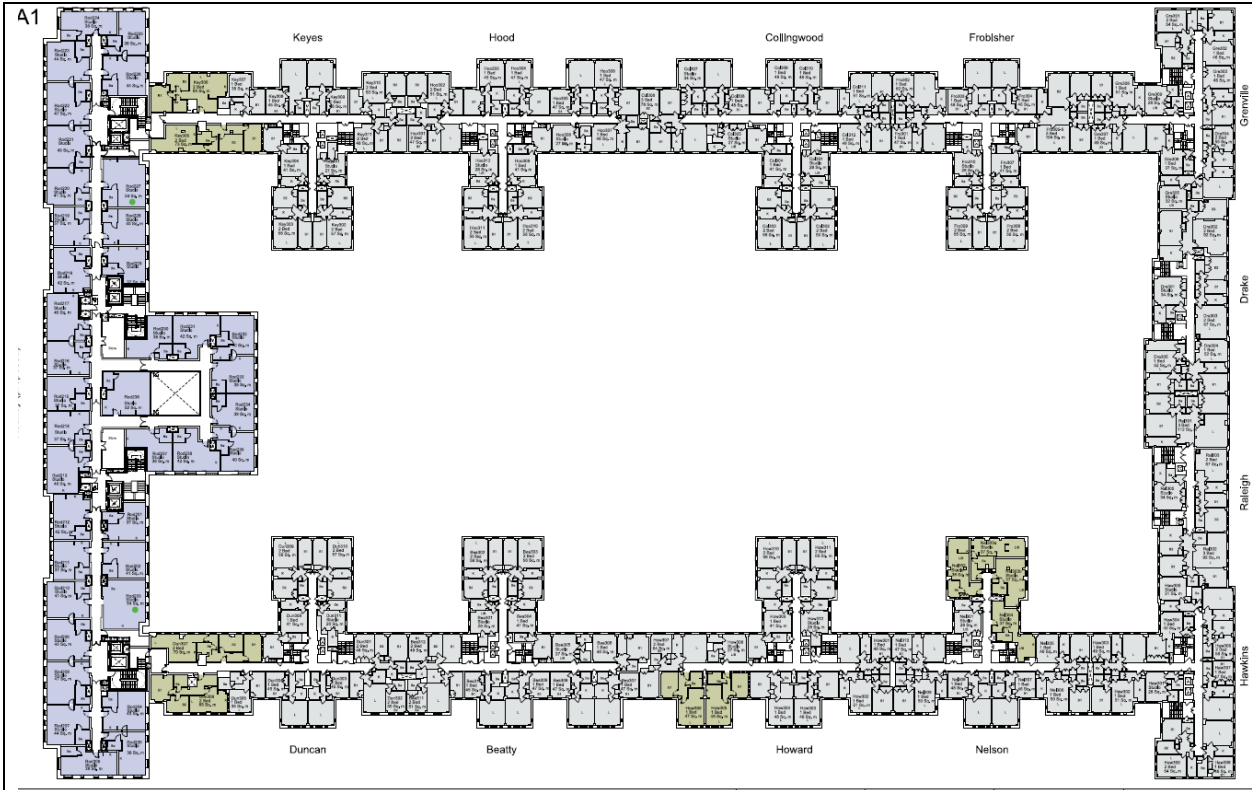
Proposed townhouses



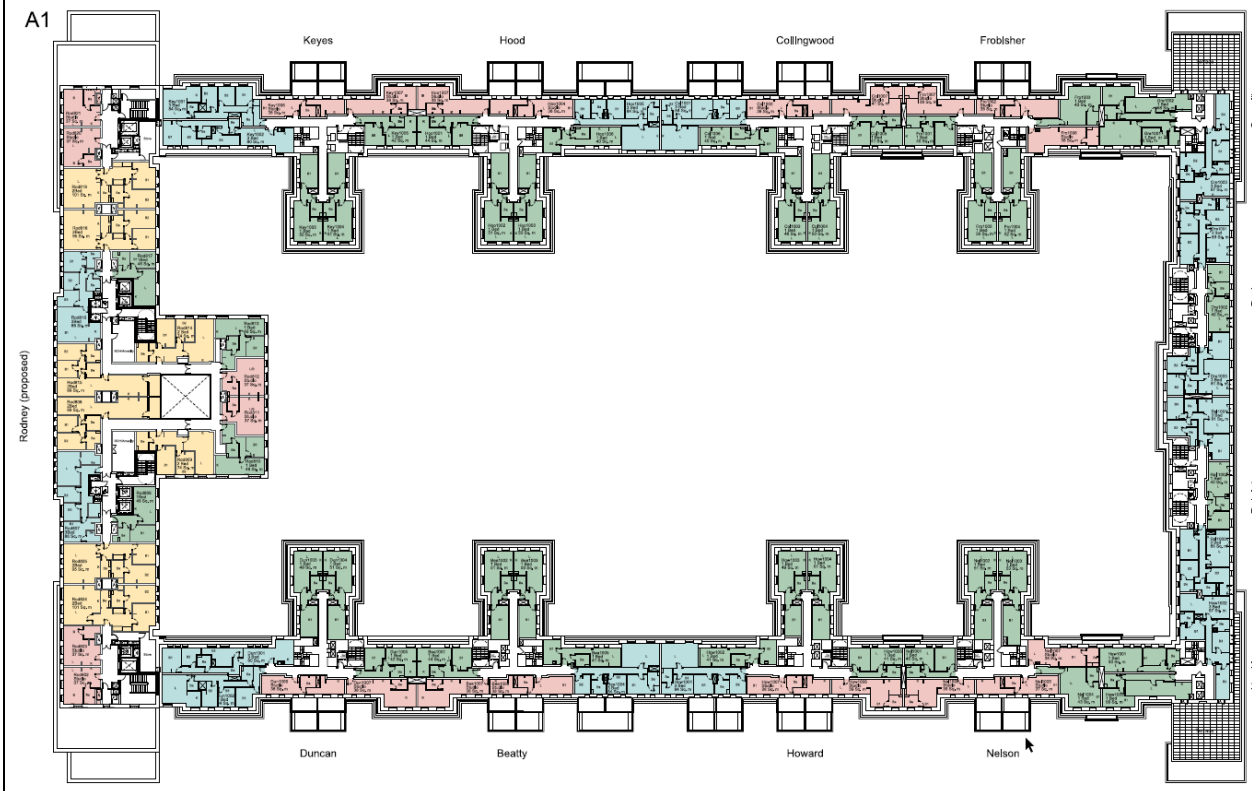
Proposed Basement



Proposed Ground



Typical proposed floorplan



Proposed 8th floor (Rodney House) and 10th floor (estate)



3D Visual



View from Lupus Street



Proposed entrance to Chichester Street



Proposed additional storey



Proposed Townhouses

DRAFT DECISION LETTER

Address: Dolphin Square, London, ,

Proposal: Part redevelopment and refurbishment of Dolphin Square including the reconfiguration of existing residential (Class C3) apartments; demolition and reconstruction of Rodney House to provide a new ground plus 9 storey building with 2 basement levels to provide residential (Class C3), serviced apartments (Class C3 temporary sleeping accommodation) , retail (Class A1-A4), leisure (Class D2); single storey rooftop extensions to the retained and refurbished Houses to provide additional residential (Class C3); new row of townhouses (Class C3) to the Western Carriageway; landscaping and new publicly accessible open space; new and reconfigured access points; and all necessary enabling works. (The application now includes 57 on-site affordable and intermediate rented units).

Plan Nos: Existing Drawings
EPA-BYZ-05-1-001; EPA-BYZ-05-1-002; EPA-BYZ-05-1-003; EPA-BYZ-05-1-098
Existing Basement 2 Plan 250; EPA-BYZ-05-1-099; EPA-BYZ-05-1-100; EPA-BYZ-05-1-101; EPA-BYZ-05-1-102 EPA-BYZ-05-1-103; EPA-BYZ-05-1-104; EPA-BYZ-05-1-105; EPA-BYZ-05-1-106; EPA-BYZ-05-1-107; EPA-BYZ-05-1-108; EPA-BYZ-05-1-109 EPA-BYZ-05-1-110; EPA-BYZ-05-1-111; EPA-BYZ-05-2-100; EPA-BYZ-05-2-101; EPA-BYZ-05-2-102; EPA-BYZ-05-2-103; EPA-BYZ-05-2-104; EPA-BYZ-05-2-105; EPA-BYZ-05-2-106; EPA-BYZ-05-2-107; EPA-BYZ-05-2-108; EPA-BYZ-05-3-100; EPA-BYZ-05-3-101; EPA-BYZ-05-3-102; EPA-BYZ-05-3-103; EPA-BYZ-05-3-104
Demolition Drawings
EPA-BYZ-05-1-198; EPA-BYZ-05-1-199; EPA-BYZ-05-1-200; EPA-BYZ-05-1-201; EPA-BYZ-05-1-202; EPA-BYZ-05-1-203; EPA-BYZ-05-1-204; EPA-BYZ-05-1-205; EPA-BYZ-05-1-206; EPA-BYZ-05-1-207; EPA-BYZ-05-1-208; EPA-BYZ-05-1-209; EPA-BYZ-05-1-210; EPA-BYZ-05-1-211; EPA-BYZ-05-2-200; EPA-BYZ-05-2-201; EPA-BYZ-05-2-202; EPA-BYZ-05-2-203; EPA-BYZ-05-2-204; EPA-BYZ-05-2-205; EPA-BYZ-05-2-206; EPA-BYZ-05-2-207; EPA-BYZ-05-2-208; EPA-BYZ-05-3-200; EPA-BYZ-05-3-201; EPA-BYZ-05-3-202; EPA-BYZ-05-3-203; EPA-BYZ-05-3-204
Proposed Site Drawings
EPA-BYZ-05-1-010; EPA-BYZ-05-1-011; EPA-BYZ-05-1-012; EPA-BYZ-05-1-013
Revision P01; EPA-BYZ-05-1-298 Revision P01; EPA-BYZ-05-1-299 Revision P01; EPA-BYZ-05-1-300 Revision P01; EPA-BYZ-05-1-301 Revision P00; EPA-BYZ-05-1-302 Revision P01; EPA-BYZ-05-1-303 Revision P01; EPA-BYZ-05-1-304
Revision P01; EPA-BYZ-05-1-305 Revision P01; EPA-BYZ-05-1-306 Revision P01; EPA-BYZ-05-1-307 Revision P01; EPA-BYZ-05-1-308 Revision P00; EPA-BYZ-05-1-309 Revision P01; EPA-BYZ-05-1-310 Revision P01; EPA-BYZ-05-1-311
Revision P00; EPA-BYZ-05-1-312 Revision P00; EPA-BYZ-05-1-607 Revision P01; EPA-BYZ-05-1-315; EPA-BYZ-05-1-316; EPA-BYZ-05-1-601; EPA-BYZ-05-1-602; EPA-BYZ-05-1-603; EPA-BYZ-05-1-604; EPA-BYZ-05-1-605; EPA-BYZ-05-1-606; EPA-BYZ-05-2-300; EPA-BYZ-05-2-301; EPA-BYZ-05-2-302; EPA-BYZ-05-2-303; EPA-BYZ-05-2-304; EPA-BYZ-05-2-305; EPA-BYZ-05-2-306; EPA-BYZ-05-2-307; EPA-BYZ-05-2-308; EPA-BYZ-05-2-320; EPA-BYZ-05-3-300; EPA-BYZ-05-3-301; EPA-BYZ-05-3-302; EPA-BYZ-05-3-303; EPA-BYZ-05-3-304; EPA-BYZ-05-3-320; EPA-BYZ-05-4-300; EPA-BYZ-05-4-301; EPA-BYZ-05-4-302; EPA-BYZ-05-4-303; EPA-BYZ-05-4-304; EPA-BYZ-05-4-305; EPA-BYZ-05-4-306; EPA-BYZ-05-4-307;

EPA-BYZ-05-4-308; and EPA-BYZ-05-4-320 Design and Access Statement, prepared by Eric Parry Architects; Design and Access Statement Addendum, prepared by Eric Parry Architects July 2018; Planning Summary Booklet, prepared by Eric Parry Architects; Planning and Affordable Housing Statement, prepared by DP9; Heritage, Townscape and Visual Assessment, prepared by City Designer; Air Quality Assessment, prepared by Air Quality Consultants; Demolition and Construction Logistics Plan, prepared by Royal Haskoning DHV; Delivery and Servicing Plan, prepared by Royal Haskoning DHV; Daylight and Sunlight Assessment, prepared by Point2Surveyors; Energy Statement, prepared by Thornton Reynolds; Drainage Strategy and Flood Risk Assessment, prepared by Heyne Tillett Steel; Foul Sewage and Utilities Statement, prepared by Thornton Reynolds; Landscape Design Report, prepared by Todd Longstaffe-Gowan Ltd; Landscape Design Report Addendum, prepared by Todd Longstaffe-Gowan Ltd August 2018; Noise Survey Report, prepared by Sandy Brown; Waste Management Strategy, prepared by WSP August 2018; Statement of Community Involvement, prepared by Kanda Consulting; Transport Assessment, prepared by Royal Haskoning DHV; Travel Plan, prepared by Royal Haskoning DHV; Arboricultural Survey, prepared by Ecology Consultancy; Preliminary Ecology Assessment, prepared by Ecology Consultancy; Structural Methodology Statement¹, prepared by Heyne Tillett Steel; Historic Environment Assessment, prepared by MOLA; and Childrens Playspace Strategy.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of details of the following parts of the development:

- i) All new window types, elevation and sections (scaled 1:10)
*sashes to match existing, including integral glazing bars.
- ii) Shopfront details, elevations and sections (scaled 1:10)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

6 You must apply to us for approval of details of the following parts of the development:

- i) A typical bay detail of the mews houses, sections and elevation.
- ii) Balustrading details (mews houses)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

Design changes to the vaulted ceiling profile of the new entrance colonnade to Rodney House, which should avoid obstructing the top of the entrance arches.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

A reduction in height of the windows to the new top floor with the addition of more articulation to reflect the scale and design of the existing fenestration below.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must apply to us for approval of a sample panel of brickwork and stone finishes which shows the colour, texture, face bond and pointing in relation to the mews houses. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must apply to us for approval of a signage strategy to ensure a consistent approach is applied to the shop fronts. You must not occupy the retail/A2/A3 units until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Dolphin Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Dolphin Square Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

14 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 15 You must apply to us for approval of full details of the following parts of the development:

Children's playspace within the internal courtyard garden.

You must not occupy the new residential units until we have approved what you have sent us. You must then carry out the work according to these details within 6 months of completing the development and the playspace shall thereafter be permanently retained.

Reason:

To ensure the provision of children's play space in accordance with policy SOC6 of our Unitary Development Plan and London Plan policy, Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance.

- 16 A minimum of 916sqm (GIA) shall be used as retail within Class A1 at any one time. No more than 436sqm (GIA) of floorspace shall be used flexibly within Classes A1 - A3.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS8, TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007 and S10, S21 and S24 of Westminster's City Plan (November 2016).

- 17 The accommodation described as 'retail' on the submitted drawings shall only be occupied by uses falling within Classes A1, A2 or A3 of the Town and Country Planning (Use Classes) Order 1987, as amended April 2005, (or any equivalent class in any order that may replace it), details of which, including a description of each use, its Use Class, hours of operation and hours of servicing shall be agreed in writing by us before the relevant use commences. The accommodation shall not be occupied other than in accordance with the details thus approved, unless otherwise agreed by us in writing.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS8, TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007 and S10, S21 and S24 of Westminster's City Plan (November 2016).

- 18 You must apply to us for approval of an operational management plan (OMP) for the leisure facility (Class D2) and restaurant at basement level. The OMP should include number of staff and customers, hours of operation, and show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy leisure facility or restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the leisure facility and restaurant are in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in SS10, S24 and S34 of Westminster's City Plan (November 2016) and TACE8, TACE 9, SOC1, SOC 7 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 19 No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development

Plan that we adopted in January 2007. (R13BC)

- 20 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the **** use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 21 The design and construction of the separating building fabric should be such that the received noise value in the residential habitable spaces, with music/entertainment occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LFMax in the octave bands of 63 Hz & 125 Hz. The limits of NR30 (day) , NR25 (night) and NR40 (LAFMax, night time) should be used to demonstrate that the intrusive noise would be effectively inaudible.

Where gym facilities or other similar uses will be part of a proposed development or included in a conversion or change of use the standards above shall be used along with a consideration of the impact sound transmission of weights and sports / training equipment and the following standard should apply:

Maximum noise levels generated by the proposed new development in terms of LAFmax should be demonstrated not to exceed the NR 15 curve inside the adjoining residential dwellings and other noise sensitive properties. This includes noise from all sources (including amplified sound, music, and impact noise from gym activities).

Lifts (including car lifts) within developments shall be designed to achieve the standards set out within BS8233 and where a new lift is installed within an existing residential use, there will be no increase of noise above existing levels within habitable spaces.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 22 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 23 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 24 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, for any restaurant/cafe uses, including details of how it will be built and how it will look. You must not begin any restaurant uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 25 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;

- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 26 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 27 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 28 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 25 and 26 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 29 You must provide the waste store shown on drawing EPA-BYZ-05- 1-299 Revision P00 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Waste management must be carried out in accordance with the Waste Management Strategy dated 03 August 2018.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 30 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 31 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 32 You must provide a minimum of 20% active and 20% passive electric vehicular charging points for the car parking spaces.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 33 You must provide each cycle parking space shown on the approved drawings prior to

occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 34 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 35 You must apply to us for approval of a Servicing Management Plan prior to occupation of the A1-A3 and D2 floorspace. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. All servicing must take place between 0800 and 2000. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 36 You must not form any windows or other openings (other than those shown on the plans) in the rear mansards of the mews houses without our permission. This is despite the provisions of Classes of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 37 You must apply to us for approval of detailed drawing (scale 1:20) of the following parts of the development:

* Fixed planters to the perimeter of the terraces at fifth floor level to Rodney House.

You must not occupy the new residential units with access to these terraces until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 38 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Dolphin Square Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 39 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 40 You must provide details of the soil build up over the basement and on the roof garden, including plan and section drawings showing the soil depth across each area and the drainage layer. You must include a specification for the soil in these areas and a methodology for importing and laying the soil. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the submitted details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

- 41 You must apply to us for approval of details of the planters on the roof terraces, to include construction method, dimensions, irrigation and planting scheme. You must not occupy the new residential units until we have approved what you have sent us. You must then install these features according to the details approved.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 42 You must apply to us for approval of the ways in which you will enhance the biodiversity of the site (ecological enhancement features) as recommended in your submitted Ecology Report. You must incorporate the ecological enhancement features into the building and landscape designs. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved details and you must then not remove any of these features.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 43 **Pre Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats in the area around the development. You must not start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)

Reason:

To make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43EB)

- 44 **Pre Commencement Condition.** Notwithstanding the information submitted, you must apply to us for approval of a revised Energy Strategy for the development which prioritises connection to the Pimlico District Heating Undertaking (PDHU). Only if you can satisfactorily demonstrate that it is not feasible to connect to PDHU will an alternative proposal for an on-site energy centre be considered acceptable. In this scenario the revised Energy Strategy should demonstrate how the proposed development will be designed to allow future connection to the PDHU or an alternative district heating network should one become available.

You must not start work, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before you occupy the new residential units; and you must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included

in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 45 You must apply to us for approval of the following parts of the development -

Confirmation that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

You must not occupy the new residential units until we, in consultation with Thames Water have approved what you have sent us. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. You must then carry out the work according to these details. (C26DB)

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 46 There shall be no occupation beyond 100 new residential units until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason:

Network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

- 47 No construction work shall take place within 5m of the water main. You must provide information detailing how you intend to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure. You must not start any work on these parts of the development until we, in consultation with Thames water, have approved what you have sent us. You must then carry out the work according to these details. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason:

The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility

infrastructure.

- 48 The proposed development is located within 15m of a strategic water main. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted and approved by us in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 49 Piling and ground source heating and cooling systems using penetrative methods shall not be carried out other than with the written consent of the local planning authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the proposed piling works and ground source heating/cooling system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement R of the 'The Environment Agency's approach to groundwater protection'.

- 50 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records (not required).

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and

what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

51 You must apply to us for approval of a detailed assessment for road traffic emissions. You must not occupy the new residential units until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To reduce the effect the development has on the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be

given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)

- 6 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 7 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 8 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 9 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 11 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 12 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 13 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or

persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 14 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 15 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.

- 16 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 17 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 18 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 19 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability

set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability'

- ii. Walkways agreement to secure public access to the internal courtyard garden prior to occupation of the new residential units.
- iii. Extension of the Thames Path.
- iv. Strategy to secure the measures to protect the option B tenants during and after the building works
- v. Carbon offset payment (index linked) payable on commencement of development.
- vi. A financial contribution towards employment, training and skills (index linked) payable on commencement of development.
- vii. Monitoring costs.

- 20 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 21 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the retail floorspace can change between the A1, A2 and A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 22 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 23 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)
- 24 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council

before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 25 When you apply to us for approval under condition 39 you must include the following:
- o A schedule of arboricultural supervision to be carried out by an arboricultural consultant who is approved by the Arboricultural Association, or who has the qualifications and experience to be approved by them, with provision for reporting back to the LPA in writing within 5 days of each site visit.
 - o Evidence that the recommended tree protection details accord with the Construction Management Plan.
- 26 With regards to condition 45 you can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.
- 27 A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes -toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ.
Telephone: 020 3577 9200.
- 28 Thames Water requests that you should incorporate protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise

groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

- 29 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near their mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read Thames Waters guide working near or diverting our pipes. [https://developers.thameswater.co.uk/Developing-a-largesite/ Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes)
- 30 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Waters guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
- 31 Thames Water expect surface water to be attenuated to Greenfield run-off rates." The London Plan - Policy 5.13 Sustainable Drainage' states that a development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off, 5l/s/ha, rates and ensure that surface water run-off is managed as close to its source as possible in line with the following drainage hierarchy.
1. Rainwater harvesting (including a combination of green and blue roofs)
 2. Infiltration techniques and green roofs
 3. Rainwater attenuation in open water features for gradual release
 4. Rainwater discharged direct to watercourse (unless not appropriate)
 5. Rainwater attenuation above ground (including blue roofs)
 6. Rainwater attenuation below ground
 7. Rainwater discharge to a surface water sewer or drain
 8. Rainwater discharge to a combined sewer
- 32 With regard to condition 47, please read Thames Waters guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're

considering working above or near their pipes or other structures.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

- 33 With regard to condition 48, please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water.
Email:developer.services@thameswater.co.uk
- 34 We currently take samples from the Dolphin Square abstractions as part of our regional groundwater quality monitoring network and all precautions should be taken to avoid damage to the boreholes on site.
- 35 Condition 50 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)