Dolphin Square, Pimlico
in the City of Westminster

planning report GLA/4447/02
15 July 2019

Strategic planning application stage II referral

The proposal
Part redevelopment and refurbishment of Dolphin Square, including the reconfiguration of existing residential apartments; demolition and reconstruction of Rodney House to provide a new ten storey building comprising residential serviced apartments, retail and leisure floorspace; single storey rooftop extensions to the retained and refurbished Residential Houses to provide additional residential units; and a new row of townhouses to the Western Carriageway, in addition to landscaping and enabling works. The proposals will deliver an additional 189 residential units and 81 additional serviced apartments resulting in a total of 1,295 residential units and 205 serviced apartments.

The applicant
The applicant is Westbrook Partners and the architect is Eric Parry Architects.

Key dates
- Pre-application meeting: November 2017
- Stage 1 report: 9 July 2018
- Committee meeting: 4 June 2019

Strategic issues
Westminster City Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council’s draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

The Council’s decision
In this instance Westminster City Council has resolved to refuse permission.

Recommendation
That Westminster City Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.
On 4 June 2018, the Mayor of London received documents from Westminster City Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following Categories of the Schedule to the Order:

- 1A – “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”
- 1B(c) – “Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside of Central London and with a total floorspace of more than 15,000 square metres.”

On 9 July 2018 the Mayor considered planning report GLA/4447/01, and subsequently advised Westminster City Council that the application did not comply with the London Plan, for the reasons set out in paragraph 57 of the above-mentioned report.

A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 4 June 2019, Westminster City Council, resolved to refuse planning permission for the application and on 25 June 2019 advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 8 July 2019 to notify the City Council of his decision and to issue any direction.

The City Council’s draft decision notice includes the following reasons for refusal:

1) The demolition of Rodney House and the proposed replacement building, along with the rooftop extensions to the retained and refurbished houses, would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Dolphin Square Conservation Area. This would not meet S25 and S28 of Westminster’s City Plan (November 2016) and DES 1, DES 5, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. The public benefits which the proposals would secure would not outweigh the harm which it would cause and therefore the proposals would also be contrary to Paragraph 196 of the National Planning Policy Framework.

2) Your development would have insufficient family sized units and does not provide the appropriate mix of housing required to retain families in Westminster. This would not meet S15 of Westminster’s City Plan (November 2016) and H5 of our Unitary Development Plan that we adopted in January 2007. We do not consider that the circumstances of your case justify an exception to our policy.

3) Your development would lead to an intensification of short-term let residential property (occupation for less than 90 consecutive nights) which is likely to negatively impact on the amenity of local residents. This would not meet H2 of our Unitary Development Plan that we adopted in January 2007.

The Mayor’s decision on this case, and the reasons, will be made available on the GLA’s website www.london.gov.uk.
Article 7: Direction that the Mayor is to be the local planning authority

6 The initial statutory test regarding the Mayor’s power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

7 The test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

a) significant impact on the implementation of the London Plan;

b) significant effects on more than one borough; and

c) sound planning reasons for his intervention.

8 Parts (a) and (b) of the test identify the impact an application would have on the Mayor’s policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor’s intervention, having regard to the Council’s draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

9 This report considers the extent to which the statutory tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008. In this instance the second test (b) does not apply (see paragraph 7(4) of the Order).

10 Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant London Borough is achieving and has achieved its targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the London Borough is achieving and has achieved any other relevant development plan targets.

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

11 The provision of 189 residential units with an element of affordable housing would contribute towards London’s strategic housing needs identified in the London Plan and draft London Plan. The scale and nature of the proposal means it would have a significant impact on the implementation of the London Plan and the realisation of the housing targets identified in the London and draft London Plan.

Policy test 7(1)(c): Sound planning reasons for intervening

12 Part (c) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers there to be sound planning reasons to exercise his power to become local planning authority in respect of the application. As discussed above, this site, and the development proposed, is considered to be of strategic as well as Borough importance for housing delivery, and the redevelopment proposed has the potential to make a significant contribution to strategic housing and affordable housing targets. The proposed development would also provide new public realm, commercial and community space. It therefore would have significant impacts on the implementation of the London Plan and draft London Plan.

13 The Council’s officer report demonstrates appropriate understanding of relevant London Plan policies, the benefits that would result from the development and concludes that the principle of development was acceptable and complied with relevant strategic policies. The draft decision
notice sets out a substantive list of Council officer concerns which include; harm to the appearance of the building and consideration that the proposals would fail to maintain or improve (preserve or enhance) the character and appearance of the Dolphin Square Conservation Area, insufficient family sized units, inappropriate mix of housing (with specific reference to a lack of family sized homes) and the intensification of short-term let residential properties.

14 Having regard to all these matters, the details of the proposal, the Council’s (June 2019) Planning Board report, its draft reasons for refusal, the City Council’s performance against the development plan targets as set out in paragraph below and the outstanding issues from Stage 1 also set out below; on balance, it is concluded that there are no sound planning reasons to intervene in this case.

Matters the Mayor must take into account

15 As set out in paragraph 7(3) of the Order, the Mayor must take account of the Council’s current and past performance against relevant housing and development plan targets in his decision. In this instance the targets that are applicable are contained within London Plan Policy 3.3. Table 3.1 of the London Plan establishes an annual average housing supply monitoring target for the City of Westminster of 1,068. Draft London Plan Policy H1 which proposes an annualised target for net housing completions for the City of Westminster of 1,010.

16 The following table sets out the number of homes and affordable homes granted planning permission between 2015 and 2017 by Westminster City Council, relative to London Plan targets:

<table>
<thead>
<tr>
<th>planning permissions</th>
<th>2014-2015</th>
<th>2015-2016</th>
<th>2016-2017</th>
<th>total</th>
<th>net delivery %</th>
</tr>
</thead>
<tbody>
<tr>
<td>homes target</td>
<td>1,068</td>
<td>1,068</td>
<td>1,068</td>
<td>3,204</td>
<td>260% of target</td>
</tr>
<tr>
<td>homes approved</td>
<td>2,893</td>
<td>3,251</td>
<td>2,189</td>
<td>8,333</td>
<td></td>
</tr>
<tr>
<td>affordable homes target</td>
<td>427</td>
<td>427</td>
<td>427</td>
<td>1,281</td>
<td>100% of target</td>
</tr>
<tr>
<td>affordable homes approved</td>
<td>435</td>
<td>570</td>
<td>277</td>
<td>1,282</td>
<td></td>
</tr>
</tbody>
</table>

Table 1: total housing approvals for City of Westminster (source: London Development Database)

17 The following table sets out the number of homes and affordable homes delivered in Westminster in the same years:

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>homes target</td>
<td>1,068</td>
<td>1,068</td>
<td>1,068</td>
<td>3,204</td>
<td>100.4% of target</td>
</tr>
<tr>
<td>homes delivered</td>
<td>916</td>
<td>1,522</td>
<td>779</td>
<td>3,217</td>
<td></td>
</tr>
<tr>
<td>affordable homes target</td>
<td>427</td>
<td>427</td>
<td>427</td>
<td>1,281</td>
<td>32.6% of target</td>
</tr>
<tr>
<td>affordable homes delivered</td>
<td>180</td>
<td>156</td>
<td>82</td>
<td>418</td>
<td></td>
</tr>
</tbody>
</table>

Table 2: total housing delivery for City of Westminster (source: London Development Database)

18 The above tables demonstrate that, whilst Westminster City Council is performing well against the London Plan targets for approval of housing and homes delivered, the City Council is under-delivering in terms of affordable housing.
Conclusion

19 For the Mayor to issue a direction that he is to be the local planning authority, all relevant statutory tests must be met. As the tests have not been met, there is no basis to issue a direction under Section 2A of the Town and Country Planning Act 1990.

Outstanding issues

20 GLA officers acknowledge that in the interim between the Mayor’s Stage 1 report and the Mayor receiving the Stage 2 referral the applicant has undertaken amendments to respond to the concerns raised by GLA officers. These revisions include but are not limited to: affordable housing, sustainable development and transport. These changes are welcomed and represent the positive engagement from the application team.

21 Should the scheme be considered at appeal or a revised application submitted, the applicant should have regard to the following matters considered in this report and the comments set out within the Mayor’s Stage 1 planning reports of 9 July 2018 (attached, ref: GLA/4447/01).

Housing

22 At Stage 1 it was concluded that, all of the private rented units must be covered by a minimum fifteen-year covenant to retain the homes as build to rent, in addition to a clawback mechanism to secure any difference in the total value of the market rent units and their value on a for sale basis should the covenant be broken. The applicant was requested to provide further information demonstrating that the units will address the criteria in Part B of Policy H13 and the Mayor’s Affordable Housing and Viability SPG. GLA officers also sought a child yield calculation and play space strategy. GLA officers maintain the position that the above should be addressed as part of any appeal or future planning submission. The appropriate amount of playspace should be robustly secured, with any on-site shortfall mitigated by a contribution to off-site facilities in the area.

Affordable housing

23 At consultation stage it was noted that the absence of an affordable housing offer was wholly unacceptable. Since then the applicant worked with Westminster City Council officers and the GLA to increase the affordable housing offer. The Applicant proposed 24.5% affordable housing (by habitable room) at a tenure split of 60/40 in favour of intermediate rent. The City Council’s independent review confirms that this is the maximum reasonable amount which could be delivered by the scheme even when excluding refurbishment costs (which apply to the pre-existing buildings). Early implementation and late stage review mechanisms would need to be secured as part of any future planning permission should the scheme not reach the relevant ‘Fast Track’ threshold. In the event of a revised application, the applicant is advised to discuss the affordable housing offer at an early stage with GLA officers.

Residential quality

24 At consultation stage the applicant was advised to provide further justification on the rationale behind the Rodney House residential layouts for assessment. Any future application should; take the opportunity to improve on the existing layouts by introducing ‘through units’, allow corridors to be separated into unit clusters and increase the proportion of dual aspect units.
Urban design

25 At Stage 1 the applicant was advised that the proposed refurbishment and redevelopment was supported in strategic urban design terms and would 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 was also supported and does not raise any strategic concerns with regards to heritage impact.

Density

26 Paragraphs 122 and 123 of the NPPF provide national guidance on achieving appropriate densities, stating that development should make efficient use of land, taking into account: need for housing; local market conditions; availability and capabilities of existing and proposed infrastructure; area’s character as well as promoting regeneration; and good design. London Plan Policy 3.4 and draft London Plan Policy D6 seek to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services. The higher the density of a development, the greater the level of design scrutiny that is required, particularly qualitative aspects of the development design, as described in draft London Plan Policy D2 and Policy D4.

27 At present, the site has a PTAL of 3–5. The London Plan states that urban sites with a PTAL of 4 – 6 should optimise sites with densities of 200-700 habitable rooms per hectare. The draft London Plan Policy states that extra design scrutiny will be required where density exceeds 405 units per hectare in areas of PTAL 4 - 6. In all metrics of measurement, the proposed density exceeds the London Plan’s density matrix; and the need for additional design scrutiny, in the draft London Plan.

28 It is considered that the site is suitable for high density development; it is accessible by public transport and located within the Central Activities Zone. Subject to exemplary standards of design, residential quality, an appropriate mix of housing and affordable housing and appropriate levels of play and amenity space high density redevelopment of this site would be supported. Any future application should appropriately acknowledge the above.

Sustainable development

29 At consultation stage the applicant was advised it must provide further information and justification in respect to; the overheating analysis and efficiency modelling, potential connection to the Pimlico district heat, combined heat and power and the maximisation of renewable technologies. Following the Stage 1 response the applicant prepared a revised energy statement. Notwithstanding this, many of the energy issues raised at Stage 1 remained outstanding. As part of any appeal or future planning submission the applicant must address the extant energy issues as outlined in GLA/4447/01. An energy statement which appropriately responds to the London Plan requirements should be robustly secured, with any carbon saving shortfall mitigated by a contribution.

Transport

30 At consultation stage the applicant was advised it must; increase cycle parking provision, reduce car parking provision and make the appropriate provision of disabled parking. As part of any appeal or future planning submission a Transport statement which appropriately responds to the London Plan and draft London Plan requirements should be robustly secured.
Response to consultation

31 Westminster City Council sent consultation letters to nearby owners/occupiers by post (2,357) and issued press and site notices. The City Council received over 190 representations objecting to the scheme and a petition which (at the time of writing) has been signed by over 2,600 people. The Mayor has received 62 representations directly. Objections received by both the City Council and the Mayor included concerns over:

- Lack of affordable housing,
- Increase in short term lets and impacts to existing residents,
- Reduction in family sized units,
- Density,
- Loss of existing retail provision,
- Use of serviced apartments as hotels,
- Environmental and social impacts,
- Use of the existing gardens as public space,
- Removal of balconies,
- Community impacts/impacts to existing residents/displacement,
- Inclusion of children’s playspace in gardens,
- Fast food/takeaways should not be permitted opposite Pimlico Academy,
- Impact on conservation area, gardens and character and surrounds,
- Demolition of Rodney House and design of redevelopment,
- Contrary to conservation area audit/guidance,
- Design merit of additional storey, height and massing of proposals,
- Loss of existing shopping arcade and quality of reprovision,
- Inclusion of townhouses the design and impact on conservation area/key routes,
- Loss of central garden,
- Removal of existing swimming pool,
- Loss of views, daylight/sunlight impacts, overshadowing, overlooking and loss of privacy,
- New routes through the site being used by cyclists,
- Lack of affordable housing/schemes viability,
- Inadequate transport infrastructure,
- Water capacity/sewage/supporting infrastructure and servicing,
- Management of the estate,
- Development/construction impacts,
- Loss of family housing,
- Misleading application documents,
- Transport impacts and increased vehicular movements (particularly during construction),
- Access for emergency vehicles,
- Impact on biodiversity/animals,
- Sustainable development, pollution, climate change,
- Lack of social/community benefit,
- Motives of developer/applicant,
- Impacts (including health implications) on Pimlico Academy and its students.

32 Councillor Adam Hug submitted a representation of objection to the scheme, the grounds of objection can be summarised as follows:

- Damage to Dolphin Square conservation area by demolishing Rodney House
- Damage to Grade 2 listed gardens
• Increase the number of units short-term let in the Dolphin Square Hotel
• Reduction in the overall number of family units
• Impact on daylight and sense of enclosure to the residents of Claverton Street

33 Paul O’Brien – Chair Cities of London and Westminster CLP submitted a representation of objection to the scheme, the grounds of objection can be summarised as follows:

• The shortage of social housing in the proposed plans, a miniscule 23 apartments in the new development of a further 230 apartments within the Dolphin Square complex.
• The loss of family-size homes in favour of studio and one bed units.
• The expansion of short term lettings and the Dolphin House hotel, using the classification of the C3 residential development rather than a C1 hotel development.
• The increase in density of a building which already has much greater density than the adjoining council estates of Churchill Gardens and Lillington and Longmoore Gardens which are regarded as models of high density post-war housing.
• The damage which the proposed changes will do the three linked Conservation areas of which Dolphin Square is the central part.
• The destruction of the listed Grade ii gardens around which Dolphin Square centres.

Statutory and non-statutory comments

34 Representations were also received from the following statutory organisations and amenity groups:

• **Historic England – Archaeology:** conditions requested to safeguard archaeological interests,
• **Historic England –** called for application to be determined in accordance with Policy guidance and Council specialists advice,
• **Environment agency** – no objection,
• **Thames Water** – Recommend conditions and informatives in relation to waste water and water supply infrastructure needs,
• **Natural England** – no comment,
• **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,
• **Westminster Society** – no objection in principle but several design and delivery concerns including; uncertainty for residents, reconfiguration of existing infrastructure, privacy and harm to amenity,
• **Twentieth Century Society** – objects – concerns raised regarding; impact on conservation area, impact on historic and architectural significance of existing estate, demolition of Rodney House, the loss of the existing; shopping parade, recreation facilities and gardens. The loss of non-designated heritage assets,
• **Canal and River Trust** – no comment,
• **Pimlico Freda** – approve of works to the upper storeys, seek the reinstatement of balconies to the southern elevations, approve of works to demolish and rebuild Rodney House. Seek restrictions on tenants obtaining parking permits, seek maximum affordable housing contribution, request tree replanting, seek retail provision to off-set the loss of the existing arcade, seek the protection of the existing garden and amenity space from development, object to the fenestration arrangement for the 10th storey.
• **The Dolphin Square Preservation Society** – object – concerns raised regarding; effect on the character and appearance of Dolphin Square and the wider conservation area, density, scale and visual impact, the proposed extensions and architectural merit, daylight/sunlight, increase in short term tenancies, loss of shopping arcade, alterations to
the garden, extensions impact on the gardens/public amenity, removal of wells and expansion of basement, inclusion of mews properties and impact of these, servicing and delivery impacts, access and parking, quantum of affordable housing, traffic, noise, disruption (including to existing tenants), presence of bats and possible disruption,

- **The Blue Dolphin Tenants Association** – objects – raised concerns regarding; overdevelopment, impact on character of Dolphin Square, impact on conservation area, demolition and redevelopment of Rodney House out of keeping with surrounds, daylight/sunlight, loss of existing shopping arcade, security concerns, public access to gardens, reduction in community spirit, revised waste disposal plans, disturbance of construction period.

35 Issues raised by those consulted have been considered in this report, the Mayor’s Stage I report, and the City Council’s committee report. Having had regard to this, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or consultation stage report GLA/4447/01.

**Legal considerations**

36 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

**Financial considerations**

37 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

**Conclusion**

38 Having regard to the details of the application, the matters set out in the committee report and the City Council’s draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

39 Should the scheme be considered at appeal or a revised application submitted the applicant should have regard to the issues discussed in this report and GLA/4447/01.

40 Having regard to the details of the application, the matters set out in the committee report and the City Council’s draft decision notice the development has a significant impact on the implementation of the London Plan, and has a significant effect on more than one borough. However, on balance, there are no sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order 2008. It is therefore recommended that Westminster City Council be advised that the Mayor is content for the City to determine the case itself.
for further information, contact the GLA Planning Team:

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