



PLANNING, DESIGN & ACCESS STATEMENT

74 & 75 FOUNTAIN HOUSE, PARK LANE, LONDON, W1K 7HG

December 2023

1.0 INTRODUCTION

1.1 This Planning, Design & Access Statement has been prepared by DARA on behalf of Fountain House Combined Limited (the 'Applicant') to support the submission of a full planning application submitted to Westminster City Council ('WCC') for the subdivision of the existing 12 x bedroom duplex apartment located on floors 7 and 8 of Fountain House, into two 3 x bedroom apartments.

1.2 The purpose of this Planning, Design & Access Statement is to introduce the site and the development proposals, outline the key planning policy and other material considerations and to draw conclusions in order for planning permission to be granted for the proposed development.

1.3 The following sections of this Planning Statement will assess the application:

- Section 2 – Site Context
- Section 3 – The Proposals
- Section 4 – Planning Policy Framework
- Section 5 – Planning Policy Assessment
- Section 6 – Conclusions

2.0 SITE CONTEXT

2.1 The site is located within the administrative area of Westminster City Council ('WCC'), who are the Local Planning Authority ('LPA') for both plan-making and decision-making purposes. The site is located within the area of Mayfair bound between Park Lane, Mount Street, Park Street and Aldford Street.

2.2 The building is not statutorily or locally listed but is located within the Mayfair Conservation area. The site has the following planning designations, as set out within the Westminster City Plan 2019-2040 Proposals Map:

- located within the West End ward
- located within the Central Activities Zone
- located within an Archaeological Priority Area (Great Estates)
- located within LAEI 2016 Focus Areas (Marble Arch to Hyde Park Corner)

2.3 Fountain House is a prominent residential apartment block located along Park Lane which faces out over Hyde Park. Designed by George Val Myer and F J Watson-Hart architects and built between 1935 – 1938 by contractors Sir Robert McAlpine and Sons. Fountain House remains one of the most well regarded and established residential buildings in Mayfair.

2.4 The application site comprises of a 12 x bedroom (10 x double bedroom and 2 x staff bedroom) duplex apartment (620 sqm) split over two floors (7th and 8th). It is believed, based on the existing layout, that the apartment may have historically been two separate apartment which were combined. However, there is no planning history records available on the LPA website to support this theory.

2.5 The Applicant wishes to split the existing apartment at each respective floor to create two separate 3 x bedroom apartments, comprising a 313 sqm unit 74 and a 311 sqm unit 75. This will result in an arrangement that is more reflective of the existing apartments within the building.

Access to Amenity

2.6 The site has excellent access to green amenity space with the 360 acres of Hyde Park located opposite from the site. Hyde Park is the largest Royal Park in London and offers the following amenities:

- Rowing & boating
- Horse riding areas
- Tennis courts
- Sports pitches
- Gardens
- Running circuit
- Bowls green

- Lido

Public Transport Connections

2.7 The site is centrally located with excellent access to public transport which is reflected in its PTAL rating of 6a and 6b. The site is in close proximity to bus and tube stations, including Hyde Park Corner (Piccadilly), Green Park (Jubilee and Piccadilly) and Marble Arch (Central).

Planning History

2.8 The planning history for Fountain House is extensive and relates predominately to works associated with the main building which do not directly impact apartment 74 & 75, and therefore have no bearing on the proposals.

3.0 THE PROPOSALS

3.1 Dimensions Architects have been commissioned to design the layout of the new apartments. To do this a desktop study of the building and the neighboring apartments has been undertaken to better understand the predominant layouts within the block. The key changes are summarised below:

- Separating the apartment from floors 7 and 8 to create two separate and self-contained apartments.
- Retaining the existing entrances from the communal corridor/lift core.
- Relocating the internal corridors to the back of the units allowing the use of the front rooms to be habitable space to maximise daylight and sunlight into the apartments.
- Rationalising the size of rooms to make them more appropriate but ensuring they are well served with separate storage space and en-suite bathrooms.
- Removing the small staff bedrooms and creating study/game/amenity space to reflect the needs of the current market and modern family life.
- Retaining external balcony / terrace space.
- Removal of internal stairs and lift (between floors 7 and 8).
- No external alterations are proposed to the building.

4.0 PLANNING POLICY FRAMEWORK

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination under the Planning Acts should be made in accordance with the Development Plans unless material consideration indicates otherwise.
- 4.2 The proposal has been tested against planning policy and guidance relevant to the site and the development at National, Regional and Local levels. A summary of the key policy documents are set out below.

The National Planning Policy (NPPF)

- 4.3 The National Planning Policy Framework (2023) ('NPPF'), published in March 2012 and revised in July 2018, February 2019, July 2021 and September 2023, sets out the Government's planning policies for England. It is a material planning consideration in the decision-making process. The NPPF requires LPAs to adopt a positive approach to decision taking and to apply a presumption in favor of sustainable development.
- 4.4 The presumption in favour of sustainable development lies at the heart of the NPPF. For decision taking, Paragraph 11 notes that this means expediently approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant policies or those policies are out of date, permission be granted unless the application of policies within the Framework which protect assets of importance provide a clear reason for refusing development, or any adverse impact.
- 4.5 Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.6 Paragraph 61 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

The National Planning Practice Guidance (NPPG)

- 4.7 The National Planning Practice Guidance documents were first published in March 2014 and provide further context to the National Planning Policy Framework. The NPPG highlights that good design is an integral part of sustainable development. New proposals should reflect this requirement for good design – as set out in national, regional, and local policy – while local planning authorities are advised to give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area.
- 4.8 The guidance further outlines that good design seeks to create places, buildings and spaces which work well for everyone and, most importantly, adapt to the needs of future generations.

The Development Plan

- 4.9 The Development Plan for the site consists of the London Plan (2021), the Westminster City Plan 2019-2040 and the supporting Policies Map. Currently Westminster has five adopted neighborhood plans, comprising of:
- The Knightsbridge Neighborhood Plan
 - The Mayfair Neighborhood Plan
 - The Soho Neighborhood Plan
 - The Fitzrovia West Neighborhood Plan
 - The Queens Park Neighborhood Plan; and
 - The Pimlico Neighborhood Plan.
- 4.10 The plans are used to determine planning applications in the respective neighborhood areas.

Westminster City Plan

- 4.11 Policy 1 ‘Westminster’s Spatial Strategy’ states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City by supporting intensification and optimising densities in high quality new developments that integrate with their surroundings and make the most efficient use of land. Delivering at least 20,685 homes, of which at least 35% will be affordable.
- 4.12 Policy 7 ‘Managing development for Westminster’s people’ states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.
- 4.13 Policy 8 ‘Housing Delivery’ promotes housing delivery and states that the number of new homes in Westminster will exceed 20,685 over the Plan period by optimising site densities, delivering a high number of homes on small sites, permitting appropriate upward extensions and planning positively for tall buildings

in certain locations. The policy also states that no new homes in Westminster will exceed 200sqm Gross Internal Area (GIA).

- 4.14 Policy 10 'Housing for Specific Groups' states that residential development will provide a mix of units in terms of size, type, and tenure to secure mixed and inclusive communities, and contribute towards meeting Westminster's housing needs for different groups. 25% of all new homes across Westminster will be family sized.
- 4.15 Policy 11 'Innovative Housing Delivery' states that the Council will welcome applications for innovative models of high-quality housing that contribute to providing a range of housing options to Westminster residents.
- 4.16 Policy 12 'Housing Quality' requires all new homes to be designed to be high quality; be accessible and adaptable; and provide external amenity space. Part 12C requires all new homes to meet or exceed the Nationally Described Space Standards.
- 4.17 Policy 24 'Sustainable Transport' states that the council will support a sustainable pattern of development which maximises trips made by sustainable modes, creates safer streets for all, reduces traffic and improves air quality.
- 4.18 Policy 25 'Walking and Cycling' states that development must promote sustainable transport by prioritising walking and cycling in the city.
- 4.19 Policy 27 'Parking' states that the parking standards in the London Plan will apply to all developments.
- 4.20 Policy 36 'Energy' states that the council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.
- 4.21 Policy 37 'Waste Management' states that all new developments (including extensions and change of use) must provide appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.
- 4.22 Policy 38 'Design Principles' states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

4.23 Policy 39 'Westminster's Heritage' states that development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability. Development will preserve or enhance the character and appearance of Westminster's conservation areas.

The London Plan (2021)

4.24 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework of how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Plan is the statutory development for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. The following policies are of relevance to the application.

4.25 Policy GG2 'Making the best use of land' seeks to create sustainable places which make the best use of land with particular focus on the development of brownfield land and sites which are well-connected by public transport.

4.26 Policy GG4 'Delivering the homes Londoners need' requires those in planning and development to ensure that more homes are delivered.

4.27 Policy D1 'London's form, character and capacity for growth' states that boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth.

4.28 Policy D3 'Optimising site capacity through the design-led approach' requires that all development makes the best use of land by following a design-led approach to determine the most appropriate form of development which responds to the site's context and capacity for growth. Development proposals are required to enhance local context, encourage active travel, be street-based and facilitate efficient servicing and maintenance. Proposals should also achieve safe, secure and inclusive environments, provide active frontages, deliver appropriate outlook, privacy and amenity as well as responding to existing character including enhancing heritage assets and providing high quality architecture.

4.29 Policy D4 'Delivering good design' sets out the requirement for development to deliver high quality design and place-making and that design quality should be retained through to completion.

4.30 Policy D5 'Inclusive design' requires proposals to achieve high standards of accessible and inclusive design by providing high quality people focused spaces which are designed to facilitate social interaction and inclusion and be convenient and welcoming for all.

4.31 Policy D6 'Housing quality and standards' states that housing development should be of high-quality design and provide adequately-sized rooms with comfortable and functional layouts. Housing development

should also seek to maximise the provision of dual aspect dwellings and should meet the internal and amenity standards set out.

- 4.32 Policy D7 'Accessible housing' sets out the requirement to provide suitable housing and genuine choice for London's population, including disabled people, older people and families with young children.
- 4.33 Policy D11 'Safety, security and resilience to emergency' states that development proposals should maximise building resilience and minimise potential physical risks, including those arising as a result of extreme weather, fire, flood and related hazards. Development should include measures to design out crime.
- 4.34 Policy D12 'Fire Safety' states that to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.
- 4.35 Policy H1 'Increasing Housing supply' sets the ten-year targets for net housing completions that each local planning authority should plan for. Westminster's ten-year target for net housing completions (2019/20 – 2028/29) is 9,850.
- 4.36 Policy H2 'Small sites' requires boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size).
- 4.37 Policy H9 'Ensuring the best use of stock' states that Boroughs should promote efficient use of existing housing stock to reduce the number of vacant and under occupied dwellings.
- 4.38 Policy H10 'Housing size mix' states that schemes should generally consist of a range of unit sizes.
- 4.39 Policy T5 'Cycling' requires proposals to secure the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.
- 4.40 Policy T6 'Car parking' Part D states that the maximum car parking standards as set out in Policy T6.1 should be applied to development proposals and used to set the local standards within Development Plans. Part E requires appropriate disabled persons parking for Blue Badge holders is provided. Part F states that provision is made for infrastructure for electric or other ultra-low emission vehicles. Part I notes that adequate provision should be made for efficient deliveries and servicing and emergency access.
- 4.41 Policy T6.1 'Residential Parking' states that new residential development should not exceed the maximum parking standards set out in Table 10.3 of the London Plan. The Policy also requires that all residential car parking spaces must provide infrastructure for electric or ultralow emission vehicles, and

that at least 20% of spaces should have active charging facilities, with passive provision for all remaining spaces.

5.0 PLANNING POLICY ASSESSMENT

5.1 This section of the statement assesses the proposals against the Development Plan policies.

Principle of Residential Development

- 5.2 Paragraph 11 of the NPPF notes the presumption in favor of sustainable development, which states that permission should be granted without delay, where proposals accord with the Development Plan.
- 5.3 The NPPF establishes the Government's objective of significantly boosting the supply of homes and recognises that it is important that suitable amounts and variety of land can come forward where it is needed. The NPPF also states that LPAs should promote the effective use of land in meeting the need for homes by making the best use of previously developed or 'brownfield' land.
- 5.4 The London Plan (Policy H1) supports the provision of residential developments in sustainable locations to meet housing need and sets a minimum ten-year target for WCC of 9,850 residential units which this proposal would help to achieve.
- 5.5 Policy 1 of the Westminster City Plan encourages development within the Central Activities Zone (CAZ) to be a mix of uses consistent with supporting its vitality, function and character, noting that it is the residential communities living within the CAZ, alongside the commercial uses, that make Westminster an attractive place to live, work and visit.
- 5.6 Policy 8 of the Westminster City Plan 2019-2040 promotes housing delivery with Part A encouraging new homes to be delivered by optimising site densities.
- 5.7 The application site comprises a 12 x bedroom duplex apartment located within a purpose-built residential apartment building known as Fountain House. The proposals seek to subdivide the existing apartment at the 7th and 8th floor into two 3 x bedroom self-contained apartments. The proposals seek to convert the apartment back to its originally intended form as it is believed that apartments 74 and 75 were historically combined to create the current apartment. The proposals would result in the creation of additional dwellings on a previously developed brownfield site in an accessible location in the CAZ.
- 5.8 It is considered that there is clear support for the principle of development within national, regional, and local planning policy, as it will enable the provision of additional family housing which is more reflective of its originally intended form, overall size, number of bedroom and position in market.

5.9 The Council has previously granted permission for similar applications, such as:

- Planning Permission ref. 21/05225/FULL. Subdivision of existing 4-bedroom flat to create two flats (Class C3), one three bedroom flat and one two bedroom flat. Flat 18-19 Clarewood Court Seymour Place London W1H 2NL. Granted permission in March 2022.
- Planning Permission ref. 21/01129/LBC. Subdivision of first floor into two flats (Class C3), erection of new dividing trellis and fencing, and internal works. Flat 6 And 16 Ellerton House 11 Bryanston Square London W1H 2DQ. Granted permission in May 2021.
- Planning Permission ref. 20/06150/FULL. Subdivision of existing single-family dwelling (Class C3) to create seven flats (4x 1-bedroom, 2x 2-bedroom and 1x 3-bedroom). 2-4 Old Pye Street London SW1P 2LE. Granted permission in March 2021.

5.10 It is therefore contended that the principle of residential development on this site should be considered acceptable.

Accommodation Quality and Housing Mix

5.11 Policy 8 Part A of the Westminster City Plan states that housing delivery should optimise site densities and aim to provide a greater number of homes on smaller sites. Part B sets out that no new homes in Westminster should exceed 200sqm (GIA) except where it is necessary to protect a heritage asset.

5.12 Policy 9 of the Westminster City Plan requires all residential proposals to provide a minimum of 35% of the total residential units as affordable housing onsite if ten or more new residential units are proposed or on developments that exceed 1,000sqm.

5.13 Policy 10 of the Westminster City Plan states that residential development will provide a mix of units in terms of size, type, and tenure to secure mixed and inclusive communities, and contribute towards meeting Westminster's housing needs for different groups. Noting that 25% of all new homes across Westminster will be family sized.

5.14 Policy 12 requires all new homes to be designed to be high quality; be accessible and adaptable; and provide external amenity space. Part 12C requires all new homes to meet or exceed the Nationally Described Space Standards. The proposals have been designed to a high standard with a layout that is more reflective of modern day living with more appropriately sized living and habitable spaces which are served by suitable storage and amenity spaces. The proposals meet the requisite National Space Standards.

- 5.15 The existing apartment is an oversized family unit (circa 620 sqm) split over the 7th and 8th floor of the building. The proposals seek to subdivide the units into two apartments of 313 sqm and 311 sqm, respectively. Although this is above the 200sqm threshold noted in policy it is a unique case in the sense that it is a significant (50%) reduction from the existing and is more reflective of the super prime nature of the building and market to which it is catered for.
- 5.16 The new apartments have been designed to minimise circulation space, reflecting an ‘open plan’ arrangement compared to that of the existing. Both apartments have been designed to benefit from dual aspects and natural light.
- 5.17 Overall, the proposed mix of units, which ensures that there is no loss of family-site accommodation on-site whilst optimising the number of residential units on site, is considered to comply with policies 8, 9, 10 and 12 of the City Plan.

Amenity Space

- 5.18 Policy 12D of the Westminster City Plan states that all new build homes will provide at least 5sqm of private external amenity space for each dwelling designed for 1-2 persons or more and, where practicable, a further 1sqm for each additional person the dwelling is designed to accommodate.
- 5.19 Given that the proposal involves the conversion of an existing building it is not possible to provide external amenity space for each of the residential units. The apartment on the 7th floor will benefit from the existing terraces which are not available on the 8th floor.
- 5.20 The development is located opposite Hyde Park, which is the largest Royal Park in London and offers various amenities. The apartments have been designed to exceed the Nationally Described Space Standards and provide more than sufficient internal space for the residents.
- 5.21 At present, the property is a single-family dwelling, and the residential use of the property is well established. Consequently, there are no noise concerns in terms of the impact of external noise on future occupiers of the units.
- 5.22 As there are no proposed extensions or alterations to existing windows there will be no amenity impacts on any neighbouring properties.

Energy

- 5.23 Policy 38D of the City Plan states that “development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including: 1. Use of high-quality durable materials and detail; 2. Providing flexible, high

quality floorspace; 3. Optimising resource and water efficiency; 4. Enabling the incorporation of, or connection to, future services or facilities; and 5. Minimising the need for plant and machinery”.

5.24 Given that the proposal involves the conversion of an existing building it is not possible to provide a new energy strategy. The existing central heating system will be retained. However, the proposed fit out of the units will seek to achieve energy improvements where possible through the use of higher quality and durable materials, improved insulation, water efficiency measured through upgraded existing plumbing hardware and the integration of higher-grade appliances.

Desing

5.25 The proposals seek to reconfigure and subdivide the internal layout of the existing apartment and does not seek any external alterations to the existing building. Consequently, there will be no impact to the character or appearance of the application property or surrounding conservation area.

Transport

5.26 Chapter 9 of the NPPF supports sustainable transport modes to reduce the needs for major transport infrastructure, and to avoid adverse transport impacts of proposed developments. Schemes which generate significant movement should be located where the need to travel will be minimised.

5.27 Policy 27 of the Westminster City Plan supports residential development without car parking provision. The site has a PTAL rating of 6a and 6b which is considered to be in a sustainable location with excellent accessibility, located within close proximity to both the local bus and London Underground networks. As such, no car parking spaces are proposed as part of the development.

5.28 London Plan Policy T5 requires 1.5 cycle spaces per 1 bedroom unit and 2 cycle spaces for all other dwellings. A total of 4 cycle spaces will be required for the two dwellings.

5.29 The Fountain House building benefits from waste storage at ground and basement level. The proposals will make use of the existing facilities available within the building.

5.30 It is considered that the proposals will have no material impact on the local transport network and are in accordance with relevant adopted national, regional and local policy guidance.

Access

5.31 Existing access is maintained from the street level from Park Street. The units are accessed from an internal communal stairwell within the building.

6.0 CONCLUSIONS

- 6.1 A full planning application is submitted seeking permission for the subdivision of the existing 12 x bedroom duplex apartment into two 3 x bedroom apartments on floors 7 and 8 of the existing building. There are no proposed external alterations, with the subdivision being facilitated through solely internal alterations.
- 6.2 This Planning, Design & Access Statement has assessed the proposals against the Development Plan and has demonstrated that the immediate area is characterised by flatted accommodation, and consequently the subdivision of the property will have no demonstrable impact on the character of the area. Each of the proposed flats is dual aspect, meets the technical space standards and will provide a high standard of accommodation. The proposed mix of units optimises the residential use of the site whilst ensuring that family accommodation is retained on site.
- 6.3 The proposals are in accordance with the Westminster Development Plan policies and are considered sustainable development, as defined within the NPPF, and therefore should be granted permission without delay.

