

South Team Planning  
Westminster City Council  
64 Victoria Street  
London  
SW1E 6QP

20 May 2021

Dear Sir/Madam,

## 12 – 15 BABMAES STREET, LONDON, SW1

### APPLICATION FOR SECTION 73 PLANNING APPLICATION

We are instructed on behalf of Lutier LLP (hereafter referred to as the 'Applicant') to submit an application under S73 of the TCPA 1990 to vary the existing planning consent at 12 Babmaes Street, London, SW1.

This application has been submitted via the Planning Portal and is accompanied by the following:

- Completed planning application form (including Ownership Certificate and CIL additional information form);
- Existing and proposed drawings (prepared by Jestico and Whiles);
- Transport Statement and draft Servicing Management Plan (SMP) (prepared by Caneparo Associates); and
- The fee in connection with the application for planning permission of £234, which has been paid online via the Planning Portal (Ref: PP-09839224).

### Site

12-15 Babmaes Street is an unlisted building situated within the St James's Conservation Area. The building is relatively new following planning permission that was granted in 2007. The building comprises two basement levels, ground, first to seventh floor levels. There are 13 residential units (Class C3) over the upper floors, with residential car parking located at basement level 2. There are also existing off-street commercial parking spaces at basement level 1 which are in use by the office occupiers at 6 St James's Square.

### Planning History

We have reviewed Westminster City Council's online planning records for this property and the relevant applications are outlined below.

#### 15 Babmaes Street

- 17/04075 – Planning permission was granted for the use of the ground floor and basement of 15 Babmaes Street as either retail (Class A1), financial and professional services (Class A2) office (Class B1), leisure (Class D2) or art gallery (sui generis) with associated minor external alterations. Approved 11 July

2017. This permission has been implemented and a gym use is currently operating at ground and basement level.

#### Development site at 5-6 St James's Square and 10-11 Babmaes Street

- Planning permission was originally granted on 14<sup>th</sup> December 2007 for the demolition and redevelopment of the site of 6 St James's Square (including 10 and 11 Babmaes Street) and annexe of 5 St James's Square to provide building comprising sub-basement, lower ground, ground and six upper floors for use as office (Class B1), with art gallery and 14 residential flats (Class C3) over ground and seven upper floors, continued use of 5 St James's Square as offices (Class B1). (RN:07/01534/FULL). This permission was extended in November 2010 under reference RN:10/07147/FULL.
- Following the November 2010 consent which allowed for an extension of time to implement the original consent, the planning permission was varied twice. Once in June 2011 (RN:10/11118/FULL) and again in October 2011 (RN:11/02866/FULL) to allow for various alterations to the original consent and these are set out in detail below:
- 10/11118 – Planning permission was granted for the variation of Condition 2 of planning permission dated 15 November 2010 (RN:10/07147) for the extension of time for the commencement of development granted planning permission on 14 December 2007 (extant permission: RN07/01534); namely for the demolition and redevelopment of the site of 6 St James's Square (including 10 and 11 Babmaes Street) and annexe of 5 St James's Square to provide building comprising sub-basement, lower ground, ground and six upper floors for use as office (Class B1), with art gallery and 14 residential flats (Class C3) over ground and seven upper floors, continued use of 5 St James's Square as offices (Class B1); NAMELY to allow revision to drawings to show alterations to all elevations (including windows and doors; new louvres/grilles; balconies), alterations at roof level to lift overrun and alterations to the height and massing of buildings in connection with top floor residential unit, alterations to internal courtyard. Approved 7 June 2011.
- 11/02866 – Planning permission was granted for the variation of Conditions 2 and 15 of planning permission dated 7 June 2011 (RN10/11118) for the demolition and redevelopment of the site of 6 St James's Square (including 10 and 11 Babmaes Street) and annexe of 5 St James's Square to provide a building comprising sub-basement, lower ground, ground and six upper floors for use as office (Class B1), with art gallery and 14 residential flats (Class C3) over ground and seven upper floors, continued use of 5 St James's Square as offices (Class B1), namely to allow revision to the list of plans previously approved to allow minor modification to the design of the courtyard area, alterations to the parapet roof level, minor external and internal alterations and a reduction in the number of residential units from 14 to 13 units. Approved 17 October 2011.

The October 2011 consent has been implemented and there are 13 residential units on the upper floors of the building, the building is now known as 12 Babmaes Street. The 2017 consent at 15 Babmaes Street has also been implemented and a gym user currently occupies the ground and basement level 1. The site address for this planning application is 12-15 Babmaes Street.

#### **Proposals**

Planning permission is sought to remove the existing residential car parking at basement level 2 to be used for either a retail, financial or professional services, or offices, or gym use or as an art gallery. The proposed description of development is as follows:

*"Variation of Condition 10 and removal of Condition 11 of planning permission dated 17 October 2011 (11/02866/FULL) which itself was a variation for the Variation of Condition 2 and 15 of planning permission dated 7 June 2011 (RN:10/11118) for the demolition and redevelopment of the*

*site at 6 St James's Square (including 10 and 11 Babmaes Street) and annexe of 5 St James's Square to provide building comprising sub-basement, lower ground, ground and six upper floors for use as office (Class B1) with art gallery and 14 residential flats (Class C3) over ground and seven upper floors, continued use of 5 St James's Square as offices (Class B1); namely to allow revision to the list of plans previously approved to allow minor modification to the design of the courtyard area, alterations to the parapet roof level, minor external and internal alterations and a reduction on the number of residential units from 14 to 13; namely to remove the residential car parking from basement -2, all in connection with the use of the part ground, part basement level 1 and basement level 2 for either retail, financial and professional services, offices, gym use under Class E or as an art gallery (sui generis)."*

The existing residential car parking spaces at basement level 2 have not been occupied since the building was completed. These are offered to prospective occupiers, but due to the Central London location, the residential occupiers are not car owners. This situation is unlikely to change and now there has been a shift in how residential off-street parking is treated in this part of Westminster, this application seeks the removal of the requirement to provide residential parking. The floorspace at basement level 2 would be occupied by the existing gym occupier at basement and ground floor of 15 Babmaes Street. They have requested additional floorspace to allow for safe operation for staff and users during the current Covid restrictions and this will bring currently under-utilised space into active use.

The proposals do not include any external alterations, the existing ground floor car entrance would remain in situ as this provides access to the existing commercial car parking at basement level 1.

## Planning Assessment

We have assessed these proposals with reference to the Development Plan for Westminster City Council and other relevant material considerations. The Development Plan comprises Westminster's City Plan 2019-2040 (adopted April 2021). This plan has now replaced the Unitary Development Plan and Westminster's City Plan (November 2016).

The policies contained in the London Plan (March 2021) have also been considered.

## Car Parking

The key consideration is the loss of the existing residential car parking. Historically, off-street residential car parking was a requirement where new residential units were being created. In this case, 14 off-street residential spaces were secured at basement level 2 in line with the then adopted Policy TRANS23. The residential car parking was secured by Conditions 10 and 11 which state:

- C10: 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 and working in the building or calling there for business purposes.
- C11: You must provide at least one parking space for each of the residential flats in the development. The parking spaces reserved for residential must be clearly identified.

The existing off-street commercial car parking spaces are not affected by these proposals and these will continue to be secured by Condition 10 of the consent.

Following the adoption of the City Plan 2019-2040 in April 2021, off-street car parking requirements have changed, with a focus now on sustainable modes of transport including walking and cycling. Under Policy 27 the City Council has now adopted the parking standards in the London Plan, which state that in the CAZ all residential developments should be car free. Therefore, if the application was being considered under the adopted policy there would not be a requirement to provide off-street residential car parking.

Policy 27 does not seek to protect existing off-street residential. Under part F it states; “where sites are redeveloped, existing parking provision must be reduced to meet the parking standards in the London Plan unless there is site specific justification to re-provide an element of the existing parking.” The supporting text goes on to say; *there will always be a need to ensure that a lack of provision does not result in significant increases in demand for on-street parking in the vicinity of the development....development should not create or exacerbate areas of parking stress.* High parking stress is identified as being over 80% of on-street parking spaces being occupied during the day or night.

The Transport Statement submitted in support of the application has assessed the current on-street parking levels and concludes that the parking stress is 49% during the day and overnight within the vicinity of the site. Taking into account the parking demand in this area, there is the potential for 6 additional on street parking spaces as a result of the 13 existing residential units. However, this will only increase the parking stress by 5% (up to 54%), which is still below the stress levels indicated in the City Plan.

Therefore, the loss of the residential car parking from basement level 2 will not have a detrimental impact on parking stress and its loss is compliant with the policies set out in the City Plan and London Plan.

### Cycle Parking

The number of consented residential cycle parking spaces is retained as part of these proposals, the layout is proposed to be amended to accommodate the new gym use. The new cycle storage will also accommodate two spaces for the commercial uses in line with the London Plan requirements.

### Land Use

As set out above, the 2017 consent included the use of the ground and part basement level 1 for either retail, or financial and professional, or offices, or leisure uses (now all falling within Class E) or, as an art gallery (sui generis). A gym user currently occupies the ground floor and part basement level 1 and their operation would be extended into basement level 2. However, to retain flexibility, all the uses previously consented in 2017 are proposed for the larger unit.

Table 1: Land Use Area Schedule

	Existing sqm (GEA)	Proposed sqm (GEA)	+/-
Residential (car parking)	442	0	-442
Flexible retail/office/financial and professional/leisure (Class E)/art gallery (sui generis)	340	719	+379
Combined areas (service/access)	0	63	+63
<b>Total</b>	<b>782</b>	<b>782</b>	<b>0</b>

Note: The above measurements are GEA to capture all the spaces at basement level.

The original 2007 permission included an art gallery (sui generis) at part basement level 1 and ground floor level. At the time of the 2017 consent, art galleries were protected under Policy CM2.4.1 of the 2016 City Plan and a marketing report was submitted with the application to demonstrate that since the practical completion of the building works, the part basement level 1 and ground floor had remained vacant. The marketing report put forward the argument that other uses such as retail, offices and gyms would attract heavier levels of interest and could optimise the space. This argument was accepted by officers and a gym use now occupies the part basement level 1 and ground floor levels.

The proposal seeks to increase the amount of floorspace for those uses previously granted. The increase in potential retail, financial and professional services, gym, office and art gallery floorspace are consistent with the recently adopted City Plan (2019-2040).

It is noted from the 2017 scheme that the potential for internal and external noise outbreak from the gym was considered acceptable by Environmental Health. One of the main reasons behind the acceptability was that the majority of the gym space is located at part basement level. The applicant would be happy to accept the previous noise conditions on this application. The 2017 consent included the submission of an Operational Management Plan which included the proposed opening hours of: 06.00 – 21.00 Monday to Thursday, 06.00- -20.00 on Fridays and 08.00 – 17.00 Saturday, Sundays and Bank Holidays.

Similarly, it is noted from the previous consent that the hours of operation for the retail and art gallery uses was restricted to 08.00-21.00 daily and again these hours are acceptable to the applicant.

### **Summary**

The proposals are in connection with the re-purposing of existing unused parking spaces to uses that are complementary to this part of Westminster. These proposals are in line with two of the three key themes of the new City Plan, which aim to provide a cleaner and greener city and opportunities for growth. The removal of the existing car parking spaces at basement level 2 will contribute to this key aim and will comply with all levels of planning policy. The expansion of the consented part basement and ground floor uses into basement level 2 will increase the potential for economic growth. The existing gym user will be able to expand their existing operation, but the space will also be suitable for a range of users and uses which will add to the vitality and viability of this part of Westminster. The proposals have been assessed in relation to local planning policy and are considered to address these.

If you have any further queries regarding this application, please do not hesitate to contact me or my colleague Liz Mason (Liz.Mason@cbre.com). I look forward to receiving acknowledgement of receipt of this application in due course.

Yours sincerely

*Olivia Russell*

**OLIVIA RUSSELL  
PLANNER**