

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	1-2 Star Street, London, W2 1QD		
Proposal	Erection of a statue at the front of 1-2 Star Street (retrospective application).		
Agent	Mr Cathal Brennan		
On behalf of	Mr Abir Burhan		
Registered Number	17/09133/FULL	Date amended/ completed	13 October 2017
Date Application Received	13 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Not applicable		

1. RECOMMENDATION

Refuse permission – design grounds.

2. SUMMARY

1-2 Star Street is an unlisted building on the north side of the street, close to its junction with Edgware Road. The site lies outside a conservation area although the Bayswater Conservation Area is immediately adjacent, with the buildings on the opposite side of the road and from no.6 Star Street onwards all lying within the conservation area. The buildings opposite at 93-107 Star Street and the buildings to the west within the conservation area (6-16 Star Street) are also grade II listed buildings.

The application site was formerly a post office building and comprises lower ground, ground and three upper floors. The former post office building was altered and extended in the late 1980s/early 90s and accommodates a mixture of office (Use Class B1) over lower floors and a self-contained maisonette (Use Class C3) over the top two (or three) floors. Permission was granted in July 2013 to convert the lower three floors to provide three self-contained flats (Class C3), but this permission does not appear to have been implemented. A further permission was granted in March 2014 for the use of the first floor as residential floor space in connection with enlargement of the existing maisonette at second and third floor levels and the erection of a two storey rear extension at second and third floor levels. It is not known if this permission has been implemented.

Certainly the lower floors still appear to be in office use (Class B1).

This current application seeks permission for the erection of a memorial statue immediately adjacent to the front light well of the property. The statue has already been installed and this application is retrospectively made following a Planning Enforcement investigation.

The statue was installed in August 2017 and commemorates Kumait Al-Ali (1974-2016), who was the International Sales Director of IKB Travel and Tours Ltd, a family-run company which has operated from 1-2 Star Street since 2014 and where Mr Kumait Al-Ali was based. As far as has been ascertained, the company has been in operation since 1996 (although in an earlier form of it may have started in 1994). The business specialises in running airline operations in Iraqi airspace and employs 40 people on a full time basis, 13 of whom are based at 1-2 Star Street.

The statue which sits on a low plinth at the western end of the front light well and adjacent to the perimeter railings to the light well is a life-sized rendering in bronze of Mr Al-Ali and was created by Laura Lin, a professional and established artist with an impressive CV of commissions. A small plaque is fixed at the base of the statue. The statue is not located on public highway.

An important policy document in considering a proposal of this nature is the City Council's adopted supplementary planning document 'Statues and Monuments in Westminster' (2008) which explains the City Council's policy and procedure for considering proposals to erect new statues and monuments in Westminster. One of the main reasons for developing this guidance was in response to the high demand for new memorials, with the City Council regularly receiving enquiries from people seeking to commemorate individuals, groups, organisations and events, while at the same time suitable sites for such memorials grow ever more limited.

Some of the key points of guidance from this document include:

- "Any proposal for a statue or monument must have a clear and well defined historical or conceptual relationship with the proposed location. Proposals for new statues and monuments where there is no relationship between subject and location will not be acceptable";
- "No statues or memorials should be erected before ten years have elapsed from the death of the individual or the event commemorated. Only in the most exceptional circumstances will statues or monuments be considered within the ten-year period".

The guidance clarifies this second point in stating that decisions on memorials made so quickly in the wake of an event can lead to the emotional investment in the subject over-riding issues of aesthetic design or good planning.

The guidance also identifies a 'Monuments Saturation Zone', within which new statues and monuments will not be permitted unless there is an exceptionally good reason, but this is not relevant to this application as Star Street lies outside the Monuments Saturation Zone.

Other development plan policies of particular relevance are DES 1 of our UDP and S28 of our City Plan which seek to ensure the highest standards of design; and DES 7 of the UDP which relates to Townscape Management and in respect to public artwork requires high standards of design and execution, using high quality materials; and that the work should be spatially related to the development scheme in question and, "where fixed to a building, integral to the design of that building."

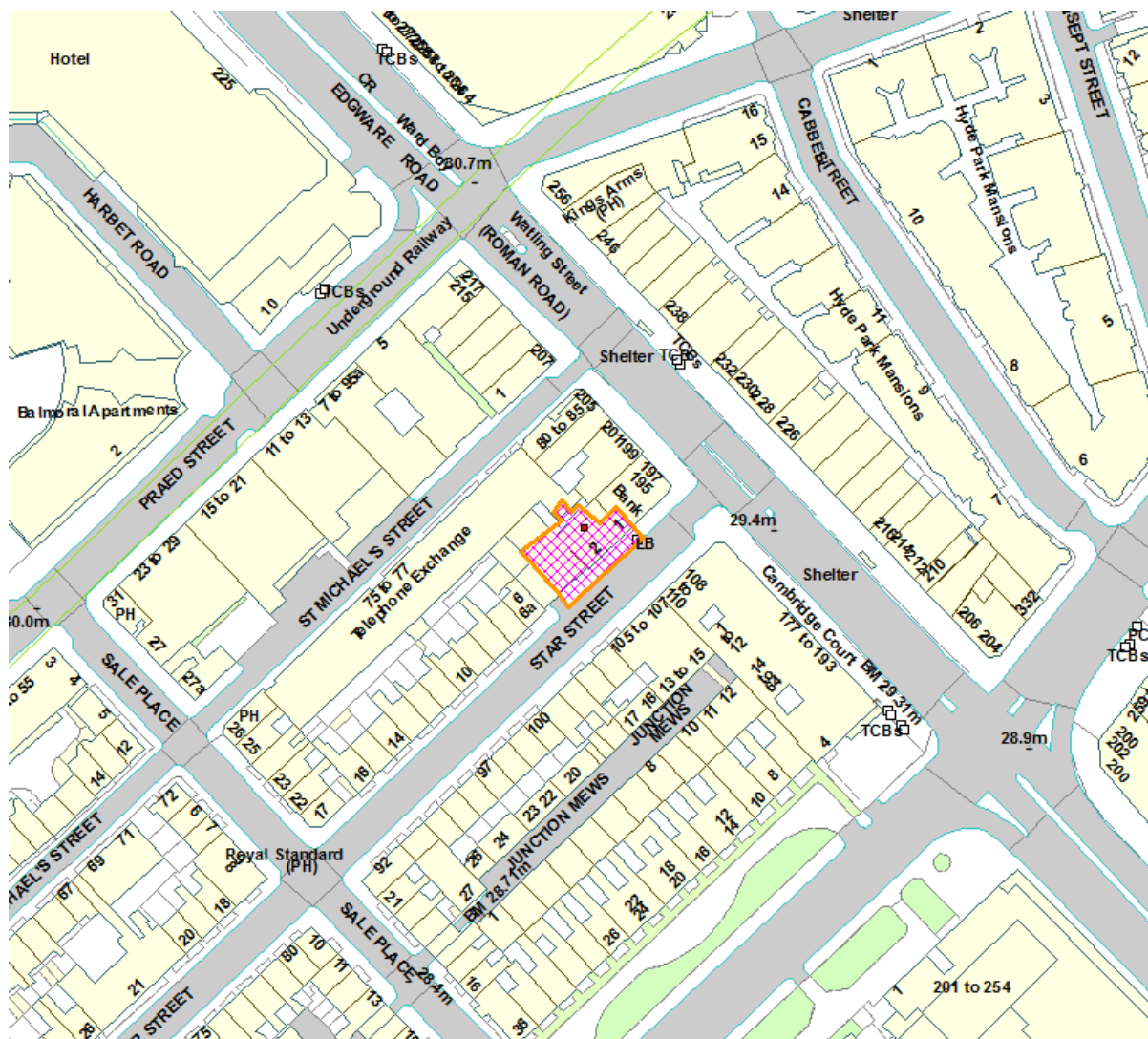
In the case of the current application, it is considered that the proposed memorial does not accord with the adopted policy and guidance referred to. With respect to the adopted guidance the memorial statue commemorates an individual who only died in 2016 and thus the ten year deferral period between event and consideration of memorial has not occurred; furthermore while Mr Al-Ali's company have a recent association with the Star Street location since 2014, this is largely incidental and there is no known close historic association between him and the Star Street building or the immediate area, apart from him being based at the Star street offices.

Turning to the merits of the sculpture and its siting, it is accepted that as a figurative piece, intended as a life-size rendering of Mr Al-Ali the statue is well executed, using high quality materials and by an established professional artist, however, the chosen location and positioning of the statue is far less satisfactory and is considered to be poorly designed. The statue sits on a narrow plinth at one end of the front light well, immediately adjacent to the light well railings and amidst planters, he is orientated to face eastward overlooking the light well and slightly towards the footway. When viewing the statue from the east most of it is obscured by railings and planters, which means that only the head and shoulders are visible; when viewed from the west the entire statue is visible but in this view it is the rear of the statue which can be seen. Overall the statue appears very incongruously positioned and has seemingly been placed where there was space, rather than there being any meaningful association between the pose and the spatial arrangement. As such it is not considered to accord with design policies DES 1 and DES 7 of our UDP; and S28 of our City Plan.

While the application site is close to the Bayswater Conservation Area and to several listed buildings in Star Street, the proposal is not considered to have a harmful impact on the setting of these designated heritage assets.

While the commissioning, creation and installation of this memorial have unquestionably been undertaken with the best possible motives, it is suggested that this proposal demonstrates the value of the ten-year deferral period advocated in the Statues and Monuments SPD, which allows a sensible period of time to elapse before considering the best possible means of commemoration, particularly if it is to be in the public realm. For the reasons set out above, the application is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS









5. CONSULTATIONS

WARD COUNCILLORS FOR HYDE PARK:

Any responses to be reported verbally.

HYDE PARK ESTATE ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING:

No objection.

PLANNING ENFORCEMENT TEAM - DEVELOPMENT PLANNING:

Are aware that application has been submitted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

86/00398/FULL

CONSTRUCTION OF 2 STOREY MAISONETTE ON EXISTING FLAT ROOF AND REAR EXTENSION AT GROUND FLOOR AND NEW OPEN AREAS IN BASEMENT
Grant PP with Conditions HIST 10 June 1986

13/02313/FULL

Conversion of lower ground, ground and first floor to provide three self-contained flats (Class C3), comprising 1x1 bed and 2x2 bed flats.
Application Permitted 2 July 2013

13/12624/FULL

Use of first floor as residential floor space in connection with enlargement of existing maisonette at second and third floor levels. Erection of two storey rear extension at second and third floor levels.
Application Permitted 6 March 2014

14/04561/FULL

Installation of frameless glass doors below ground floor entrance podium, to facilitate 3 sq. m lower ground floor office extension. Relocation of stairs from front to rear light well. Installation of extended vertical railing around front light well (in place of existing gate) and new balustrade around rear light well.

Application Permitted

4 July 2014

7. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning - Development Planning, dated 10 November 2017

(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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

DRAFT DECISION LETTER

Address: 1-2 Star Street, London, W2 1QD,

Proposal: Erection of a statue at the front of 1-2 Star Street (retrospective application).

Reference: 17/09133/FULL

Plan Nos: 0317/SS/001; 0317/SS/002; 0317/SS/100; 0317/SS/110; 0317/SS/200;
0317/SS/210; planning statement prepared by Nicholas Taylor and Associates,
dated October 2017.

Case Officer: Tom Burke

Direct Tel. No. 020 7641 2357

Recommended Condition(s) and Reason(s)

- Reason:
- 1 Because of location, siting, position and relationship with the area, the memorial statue would harm the appearance of this building and this part of the City. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1 and DES 7 of our Unitary Development Plan that we adopted in January 2007.
- It would also be contrary to our Supplementary Planning Document 'Statues and Monuments in Westminster' (2008).

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.