

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 18 April 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	17 - 19 Denman Street, London, W1D 7HW		
Proposal	Installation of art work on flank party walls above 17 Denman Street		
Agent	Jones Lang LaSalle Limited		
On behalf of	LS 1 Sherwood Street Limited		
Registered Number	22/07236/FULL	Date amended/ completed	26 October 2022
Date Application Received	26 October 2022		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional permission, subject to a legal agreement to ensure that the public art is secured, retained and maintained (to include an Operation and Maintenance Strategy)

2. SUMMARY & KEY CONSIDERATIONS

17-19 Denman Street is an unlisted building in the Soho Conservation Area to which it makes a positive contribution. It stands at the junction of Denman Street and Sherwood Street and is flanked by taller buildings to the south and east which have large, blank, areas of plain brickwork. Nearby are The Regent Palace Hotel and The Quadrant, which are grade II listed buildings.

The lower floors (basement, ground, first and second floors) are occupied as a restaurant with a roof level terrace. The adjacent flank walls form part of the neighbouring redevelopment site at 1-17 Shaftesbury Avenue, 19-20 Denman Street and 4-6 and 8 Glasshouse Street, 1 Sherwood Street and 19 and 20 Denman Street. Permission was originally granted for this scheme in April 2016, to provide a new mixed-use building, with subsequent amendments, the latest approved on 21 May 2019. This development is now at fit-out stage. The permission is subject to a condition (Condition 4) requiring the submission of details of a scheme of public art. It was originally envisaged that this would be delivered on site. Whilst the original application did not include a formal public art proposal, the applicant was initially considering incorporating the artwork on the ceramic corner feature at the

junction of Shaftesbury Avenue and Denman Street, at high level. However, the scheme was subsequently amended, via an application under s96a (non-material alteration), which enables the public art to be delivered off-site.

Although the details of the public art required to discharge Condition 4 have recently been approved (under 22/07237/ADFULL), further planning permission is also required for the artwork as it now projects beyond the redevelopment site boundary, being attached to the flank walls and sitting above the roof of 17 Denman Street. Both sites are within the applicant's ownership.

The artwork would take the form of an AI- designed (Artificial Intelligence) installation on the theme of 'London is a Forest'. The AI algorithm is used to predict natural patterns which create an organic form 'grown' across the taller flank walls. The installation would be formed from aluminium or steel tubes, of differing diameters, finished in a range of greys to contrast with the brickwork behind and to harmonise with the neighbouring development. Once installed, the maintenance of the artwork would be managed by Land Securities.

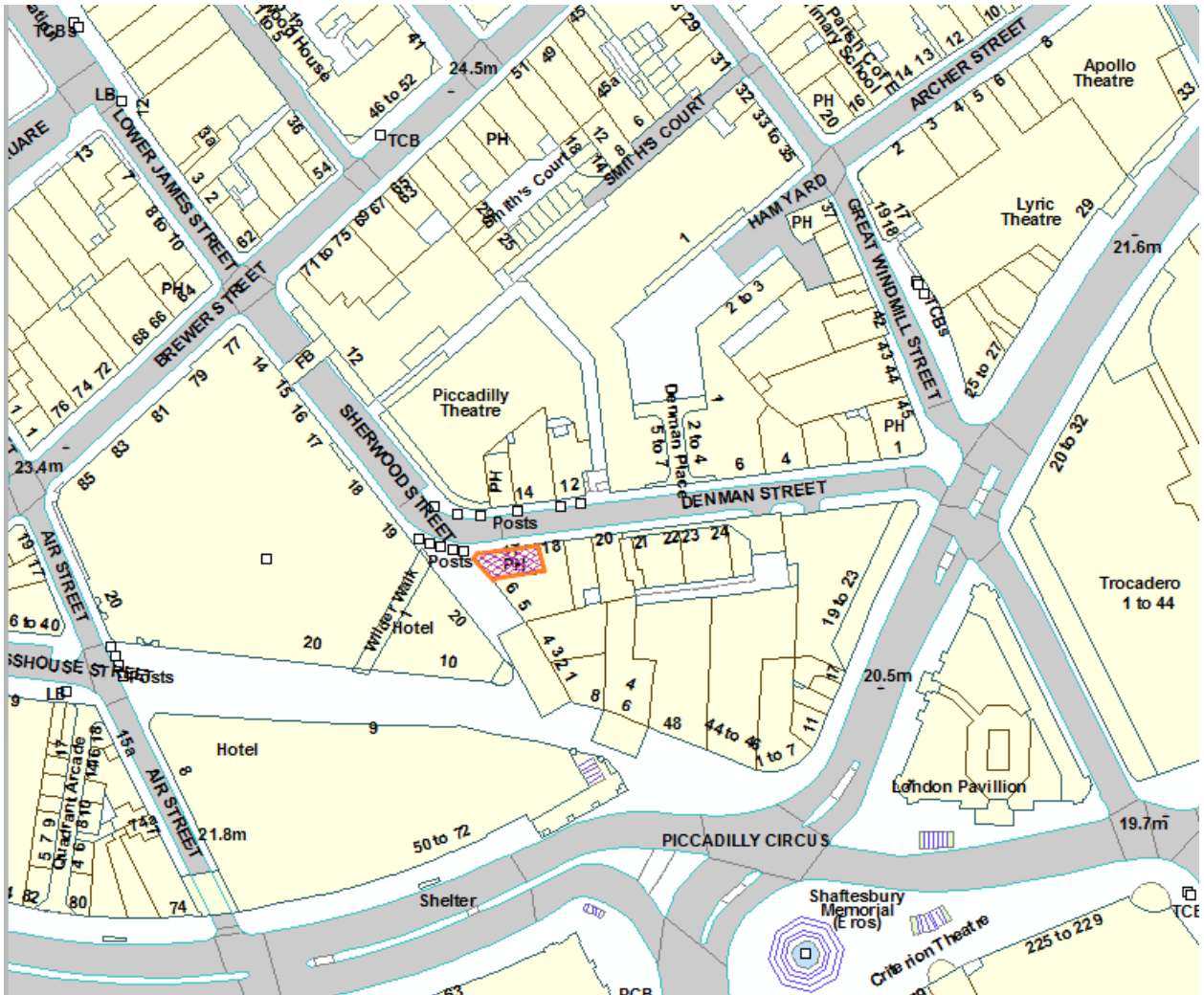
The installation is intended to represent either a leaf caught in the breeze, or ivy growing out of, and up, the walls and around the chimney. Subtle illumination will be provided. The Soho Society strongly objects to the scheme for various reasons, including that it is inappropriate in heritage asset terms and that the concept 'makes no sense'.

The plain brickwork of the existing flank walls is in stark contrast to richly detailed facades of the surrounding buildings and is a conspicuously and incongruously plain feature in views south along Sherwood Street. Consequently, in principle, this is a good location for something providing appropriate visual interest. The theme and method of design are topical, and the result is visually engaging and of an appropriate scale for its location. Therefore, it will enhance the appearance of the walls on which it is situated and create visual interest which is compatible with the surrounding historic environment including nearby listed buildings. The proposal fully accords with City Plan Policy 43, which encourages applicants to provide high quality public art as an integral part of the design of new major developments and Policy 8 of the Soho Neighbourhood Plan which states that public art should reflect the culture and heritage of Soho. The Soho Society's suggested 'greening' of the wall for environmental purposes is noted but this would be contrary to the objectives of the original condition, which was imposed to secure public art. Refusal of permission for that reason, or on the basis of other design/heritage comments received, could not be justified given that the proposal accords with the development plan, and it is acceptable in heritage asset terms.

Further objections been raised on the grounds of light pollution and unnecessary energy use as a result of the lighting scheme. The closest residential accommodation is at 20 Denman Street and above the public house opposite the site at 15 Denman Street. The submitted lighting strategy proposes the use of low energy LED fittings, intended to throw a gentle wash on the artwork rather than illuminate unnecessary areas of the flank wall and is therefore acceptable in amenity terms. The installation would only be illuminated after sunset. The energy usage for the combined light fittings is predicted at 0.04kwh per hour. The standard informative relating to light pollution is proposed.

Subject to securing an appropriate unilateral undertaking to secure the provision, retention and maintenance of the public art, it is considered that the public art is acceptable in design, townscape and amenity terms.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

SOHO SOCIETY

Objection: the artwork is inappropriate within the conservation area, given the appearance of the adjacent buildings. The concept - 'the urban landscape being reclaimed by nature through artificial intelligence' 'makes no sense'. This objective would be better met by installing further greening. Aim appears to be to attract attention to the adjacent development rather than to enhance the conservation area or provide public benefit. Potential light pollution with an adverse impact on residents opposite in Denman Street ; query energy use/lighting proposals in relation to the Council's commitment to the climate change emergency.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24

Total No. of replies: 0

PRESS NOTICE/ SITE NOTICE:

Yes

6. Relevant history

25 April 2016 : Permission granted for the demolition of existing buildings and demolition behind retained facades of 19 and 20 Denman Street facades realignment of 4-6 Glasshouse Street, 1 Sherwood Street, 8 Glasshouse Street and 11-17 Shaftesbury Avenue facades and retention of Piccadilly Lights (adverts). Construction of a replacement six storey building (plus 6th floor mezzanine office) with three basement levels to create a mixed-use scheme comprising office (Class B1) at part ground to 6th storey mezzanine, retail (Classes A1 retail and A3 restaurant) at part basement 1, part ground and part first floor up to seven residential units (Class C3) at part first floor, part second floor and part third floor and plant and cycle storage within the basement. Associated works including mechanical plant within roof enclosure and loading facilities(15/07092)

10.December 2018: Permission granted for alterations to the permission of 25 April 2016 NAMELY to allow use of 6th floor mezzanine (Level 7) as restaurant (Class A3), roof realignment at Level 7 and new plant enclosure at Level 8, flexible use of approved retailing (Class A1) for retail and restaurant purposes (Classes A1 and A3), removal of chimneys on 1-17 Shaftesbury Avenue facade, minor adaptations to accommodate the Piccadilly Lights planning permission and advertisement, and adaptation to accommodate LBC consent (17/07490/LBC) (Application under s73 of the Act) RN: 18/02900);

21 May 2019 Permission granted for the variation of Conditions 1 and 31 of the permission dated 10 December 2018 (NAMELY, to revise the energy strategy and to enable development behind reconstructed facades to 19 & 20 Denman Street. (19/00087/FULL).

Condition 4 of this permission requires the submission of detailed drawings of a scheme of public art .

19 April 2022 The City Council determined that amendments to planning permission of 21 May 2019 NAMELY, to reconfigure the upstand to 19 Denman Street by raising it to introduce a new decorative iron cast grill to allow for natural ventilation. Constituted a non-material alteration to the approved scheme.

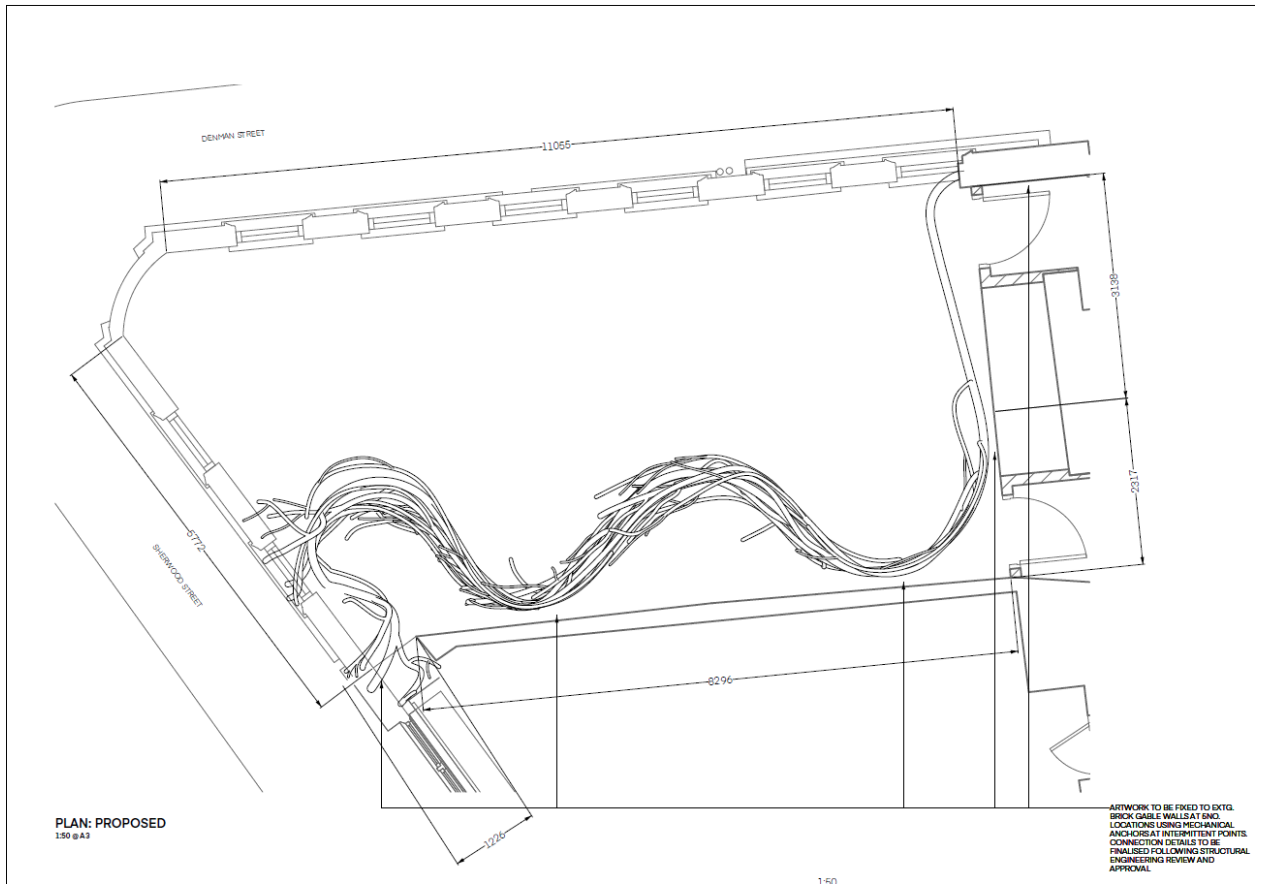
7 September 2022: The City Council determined that (Amendments to planning permission 4th January 2019 /should be 21 May 2019 (RN: 19/00087/FULL) NAMELY; to amend the description of development to replace reference to Classes A1 retail and A3 restaurant with Class E (g)(i) office, Class E (a) retail and Class E (b) restaurant; and to amend the wording of Conditions 4 and 33 to enable the public art to be relocated to 17-19 Denman Street and to clarify the number of retail units constituted a non-material alteration to the approved scheme (22/04995/NMA)

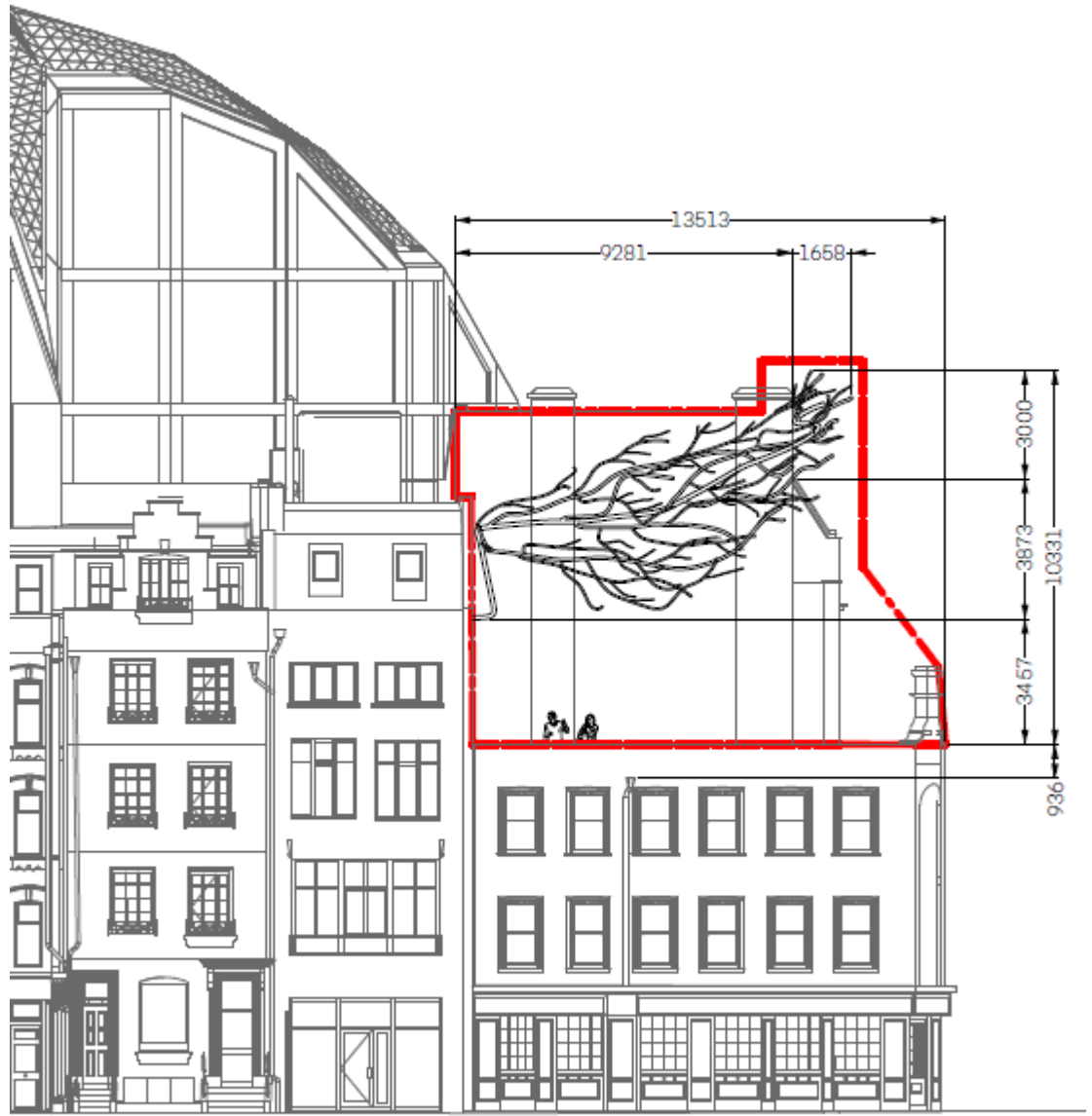
16 Nov 2022 :Approval of details of public art pursuant to Condition 4 of the planning permission dated 21 May 2019 (22/07237/ADFULL). The approved artwork is as proposed under the current planning application.

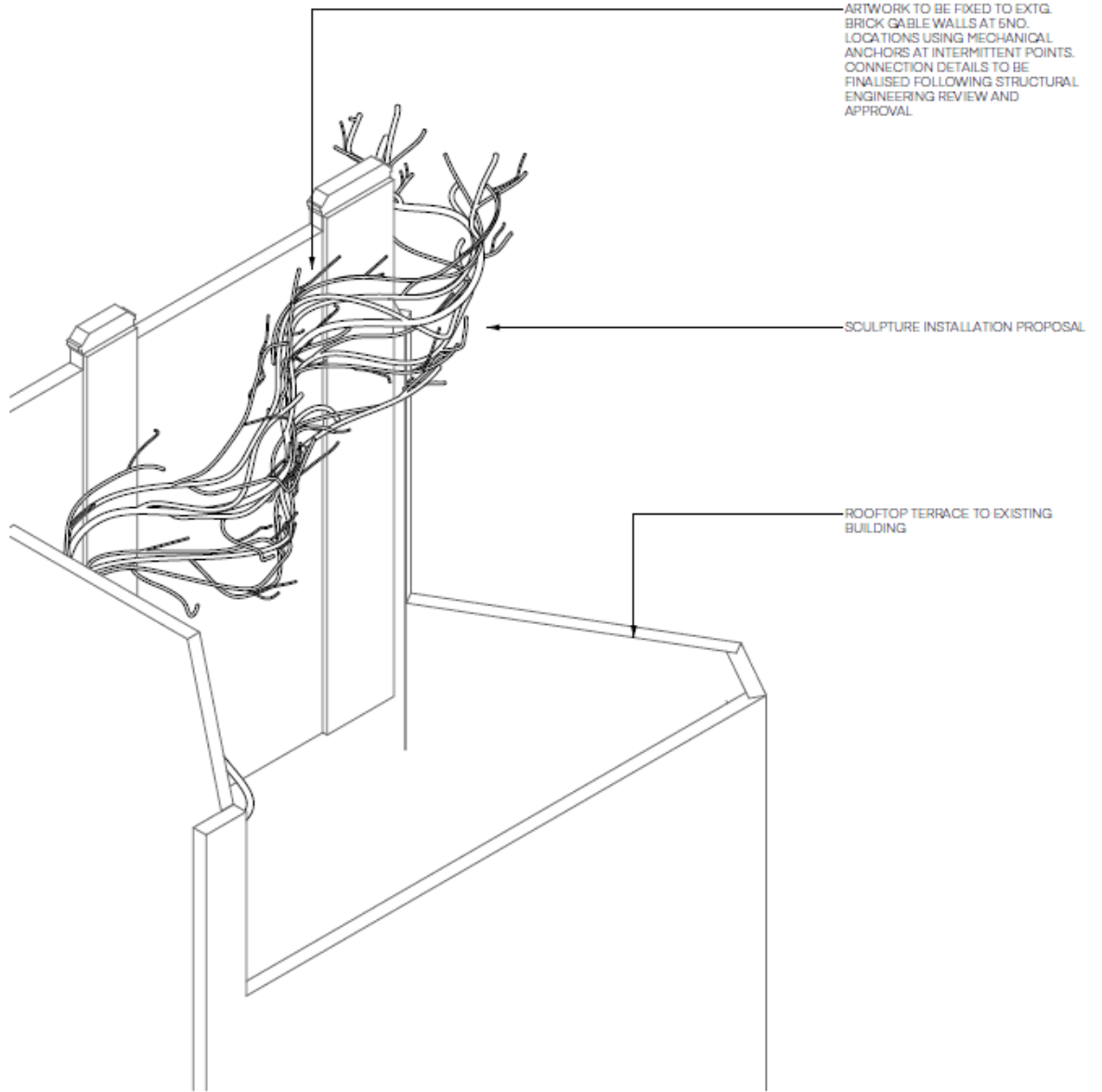
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

7. KEY DRAWINGS

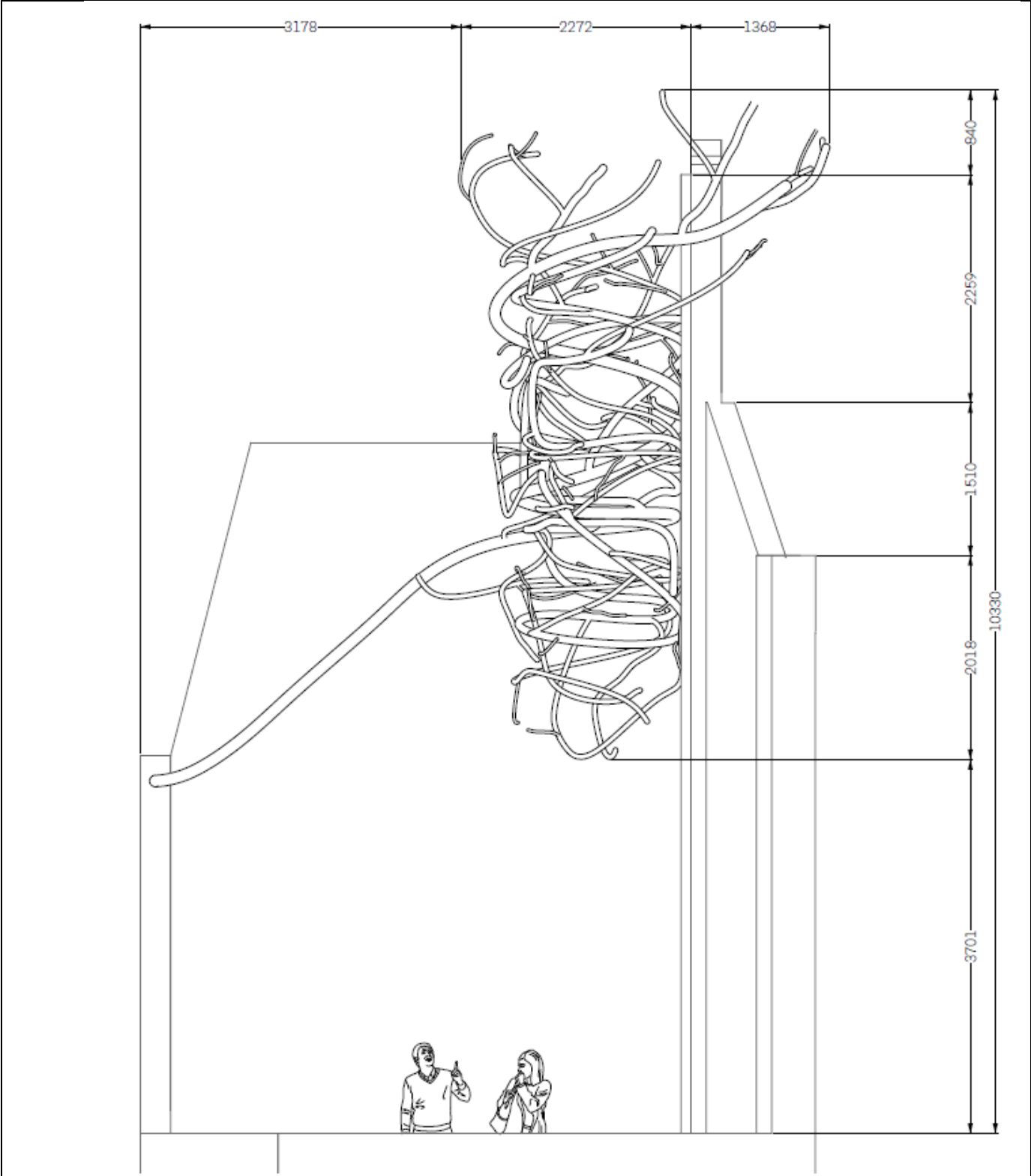






AXO: PROPOSED NW
NTS @ A3

Item No.
1



ELEVATION 02: PROPOSED
1:50 @ A3

DRAFT DECISION LETTER

Address: 17 - 19 Denman Street, London, W1D 7HW
Proposal: Installation of art work on flank party walls above 17 Denman Street
Reference: 22/07236/FULL
Plan Nos: 230, 320, 340, 341, 401, 402, 540

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

- 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

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.