



City of Westminster

# Follow On Agenda

Title:

**Planning Applications Sub-Committee (2)**

Meeting Date:

**Tuesday 28th April, 2020**

Time:

**6.30 pm**

Venue:

**Please note that this will be a virtual meeting.**

Members:

**Councillors:**

James Spencer (Chairman)  
Matt Noble  
Louise Hyams  
Richard Elcho

**Following government advice to the public, to avoid all but essential travel and to practice social distancing, the Council is temporarily suspending public speaking at Planning Committee Meetings during the coronavirus pandemic.**

**This will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussion to Part 1 of the Agenda.**

**This meeting will be live streamed and recorded. To access the recording after the meeting please revisit the link. Participation through written representations is welcomed.**

**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.**

**Tel: 07870 548348; email: [gwills@westminster.gov.uk](mailto:gwills@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

5. 18 MERCER STREET, LONDON WC2H 9QE,

(Pages 5 - 16)

**Stuart Love**  
**Chief Executive**  
**20 April 2020**

## Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Member discussion (including questions to officers for clarification)
iii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.

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# Agenda Item 5

Item No.

5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 28 April 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>18 Mercer Street, London, WC2H 9QE,</b>		
<b>Proposal</b>	Display of public art on the wall measuring 11.40m x 15.17m.		
<b>Agent</b>	Mr Luke Emmerton		
<b>On behalf of</b>	The Mercers' Company		
<b>Registered Number</b>	20/00226/ADV	<b>Date amended/ completed</b>	14 January 2020
<b>Date Application Received</b>	14 January 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Covent Garden		

## 1. RECOMMENDATION

Grant conditional advertisement consent.

## 2. SUMMARY

### The Site

18 Mercer Street is the flank wall to the building occupied by the London Graphic Centre, the main entrance to which is at 16-18 Shelton Street. The building is an unlisted former warehouse of nineteenth century date and is located within the Covent Garden Conservation Area.

The Shelton Street part of the building represents the front façade and is an attractive 3-storey classical style industrial building in stock brick, with brick quoins and a stone cornice. At the corner with Mercer Street is a lower and seemingly slightly later 2 storey extension which serves as the main entrance into the London Graphics Centre. In Mercer Street the building line sets back to the line of the 3 storey building and presents a completely blank façade other than two doors at ground level. For approximately two-thirds of its height this blank wall is rendered, mainly in a light cream colour. The set-back nature of this façade creates a 'forecourt' area which is defined and separated from the highway by a line of bollards.

To the south of the application site is a recently completed development on Mercer Walk and on the opposite side of Mercer Street are a group of unlisted buildings of nineteenth and part twentieth part twenty-first century date. These properties are fully or partly residential in use and a number of residential units have windows which face onto Mercer Street and onto the blank wall of the application site.

There are no listed buildings immediately adjacent although 3-5 and 6-8 Mercer Street, further to the south and opposite one another are all grade II listed buildings.

### **Planning History**

11/04177/ADV

Display of a painted mural by artist Ben Eine.

No Further Action                      13 January 2012

There has been no previous consent for the display of advertisements/art on this wall. However, an unauthorised street art work was painted onto the wall c.2010/11 and while an advertisement consent application was made (ref. 11/04177/ADV) this was subsequently withdrawn. An enforcement case was opened on the unauthorised work (ref. 11/47271/F) and following painting over of the artwork the case was closed.

### **Consultation Responses**

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection raised.

No other consultation undertaken but additional responses have been received.

OTHER RESPONSES:

Total No. of replies: 4

No. of objections: 4

No. in support: 0

The application has attracted 5 letters of objection, the concerns expressed include:

- Inappropriate design;
- Excessive size;
- Multi-coloured design would reduce reflected light quality of the existing wall;
- The artwork would attract visitors to view it and take photographs of it, which would disturb adjacent residents;
- Harmful to the character of the conservation area and nearby listed buildings;
- The artwork will attract more anti-social behaviour.

Some of the objectors suggest alternative proposals to improve the appearance of this wall may be appropriate such as a smaller, less colourful artwork or an area of green wall.

### **The Proposal**

The proposal is to display an artwork in the form of a painted mural onto the area of the blank flank wall that is currently rendered and to also include the ground surface of the forecourt. The work would be by Rob Lowe (aka Supermundane) who has over 20 years in the creative industries. According to the application Lowe's "signature geometric images that play with line, colour and optical effects, have been published and exhibited worldwide. He has been responsible for designing some of the most groundbreaking independent magazines of the last decade including the alternative children's magazine Anorak and the award-winning food quarterly Fire & Knives." It is very evident that Lowe is a regularly commissioned artist with a significant portfolio of work.

For the Mercer Street wall the proposed design will be a very colourful abstract series of interlocking geometric shapes, typical of Lowe's work. There will be a partial border to the work and centred in the piece will be the words "CREATIVITY IS IN ALL OF US". According to the application, "[w]hen creating the brief for the artist, we urged the artist to reflect the strong artistic and performance based heritage of the locality. It is envisaged that this piece will inspire the viewer to follow their artistic passions. We want people that come to view the wall, to leave with a renewed enthusiasm and energy for their creative endeavours and a sense of purpose."

In addition to the artwork improving the appearance of the wall, the applicants also believe it will have an impact in reducing anti-social behaviour. They indicate that to their knowledge there is anti-social activity in Shelton Street and Mercer Street, including drug taking and dealing and they believe the artwork will increase footfall and increase levels of natural surveillance, which in turn will discourage anti-social behaviour.

The proposed artwork is also seen by The Mercers' Company as part of a wider enhancement of their Covent Garden estate, including a rebranding exercise whereby Langley Street, Mercer Walk, Mercer Street and St Martin's Courtyard will be incorporated under a new brand – "The Yards".

#### **Policy Context and Control of Advertisements**

As an advertisement consent application the key considerations are the impact of the advertisement on amenity and public safety. In policy terms the primary policies are S25 of the City Plan; DES 8, DES 9 and DES 10 of the UDP. These policies relate to heritage protection and advertisements and address the impact of the proposal on the character and appearance of the conservation area; and upon the setting of nearby listed buildings.

Policy DES 8 of the UDP specifically relates to signs and advertisements and states that consent will be granted where the signs/advertisements are well designed and sensitively located within the street scene. It also indicates that consent will not normally be granted for signs and advertisements on ground surfaces, for significant advertisement displays on commercial buildings in residential areas, or for high level signs. Thus, the proposed artwork, as an advertisement, could be in conflict with DES 8.

DES 9 and DES 10 seek to protect the character and appearance of conservation areas and the setting of listed buildings respectively.

#### **Assessment**

The current appearance of this part of the application site is unattractive and utilitarian. The blank wall and set back building line are out of character with most of the area, where attractive facades directly address the street. Historic maps would suggest that buildings did formerly occupy the site of the current forecourt, but these were demolished in the latter half of the twentieth century exposing the blank wall of the nineteenth century warehouse building. Thus, the site in its current form and appearance is considered to have a negative impact upon the character and appearance of the Covent Garden Conservation Area. The image below is a view of the buildings that used to occupy the forecourt site, namely nos.20-22 Mercer Street.



*Copyright London Metropolitan Archives*

Given the existing appearance of the site, it is considered that this proposal to enliven and make more attractive the site on a temporary basis would be acceptable. While in policy terms such a proposal would often be considered unacceptable, in the particular circumstances of the case, where the site enjoys quite minimal visibility and the artwork is displayed on a blank wall, which was never designed to be a street-facing façade, it represents a rare location where an exception to the policy could be accepted.

In terms of the impact on the character and appearance of the conservation area, Covent Garden is a large and vibrant area, although it certainly does have streets and spaces which are more 'off the beaten track' and these have a less active and commercial character and certainly the area around Mercer Street and Shelton Street falls more into this category. Nevertheless, because the artwork is set back from the street the views of it will be limited, largely confined to parts of Mercer Street and Shelton Street, it is not considered to have a harmful impact on the area.

With regard to the setting of the listed buildings in Mercer Street, again because of the set-back nature of the blank wall and also the relatively narrow nature of Mercer Street, it is considered that the artwork and the listed buildings would have a very minimal visual connection, indeed when positioned by the listed buildings, it is likely that the artwork will be largely screened from view. As such the proposal will not have a harmful impact upon the setting of the nearby listed buildings.

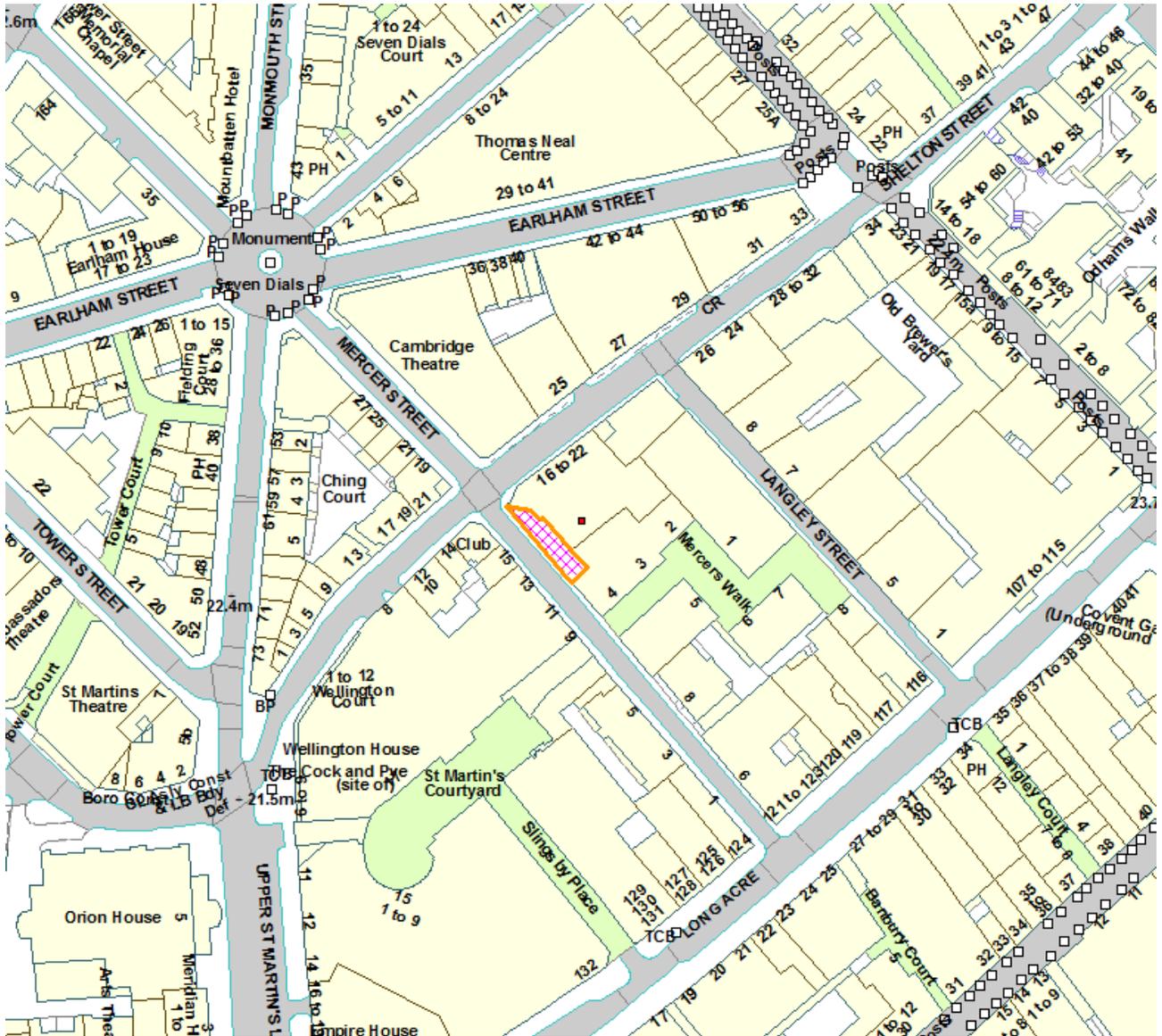
In terms of general amenity the objections include the artwork being too garish, diminishing the reflective light from the wall and likely to lead to greater levels of visitors to Mercer Street; whereas

the applicants suggest it will enliven the space and that the increase in visitors would discourage anti-social behaviour. The issue of reflective light is not one that can carry any weight as the painting of an unlisted building would not require consent and so the wall could be painted a dark colour without the need for any form of planning permission/consent. The artwork is in any case quite brightly coloured and it would make the space feel less functional.

Overall, the impact of the proposal on public safety and amenity is not considered to be detrimental.

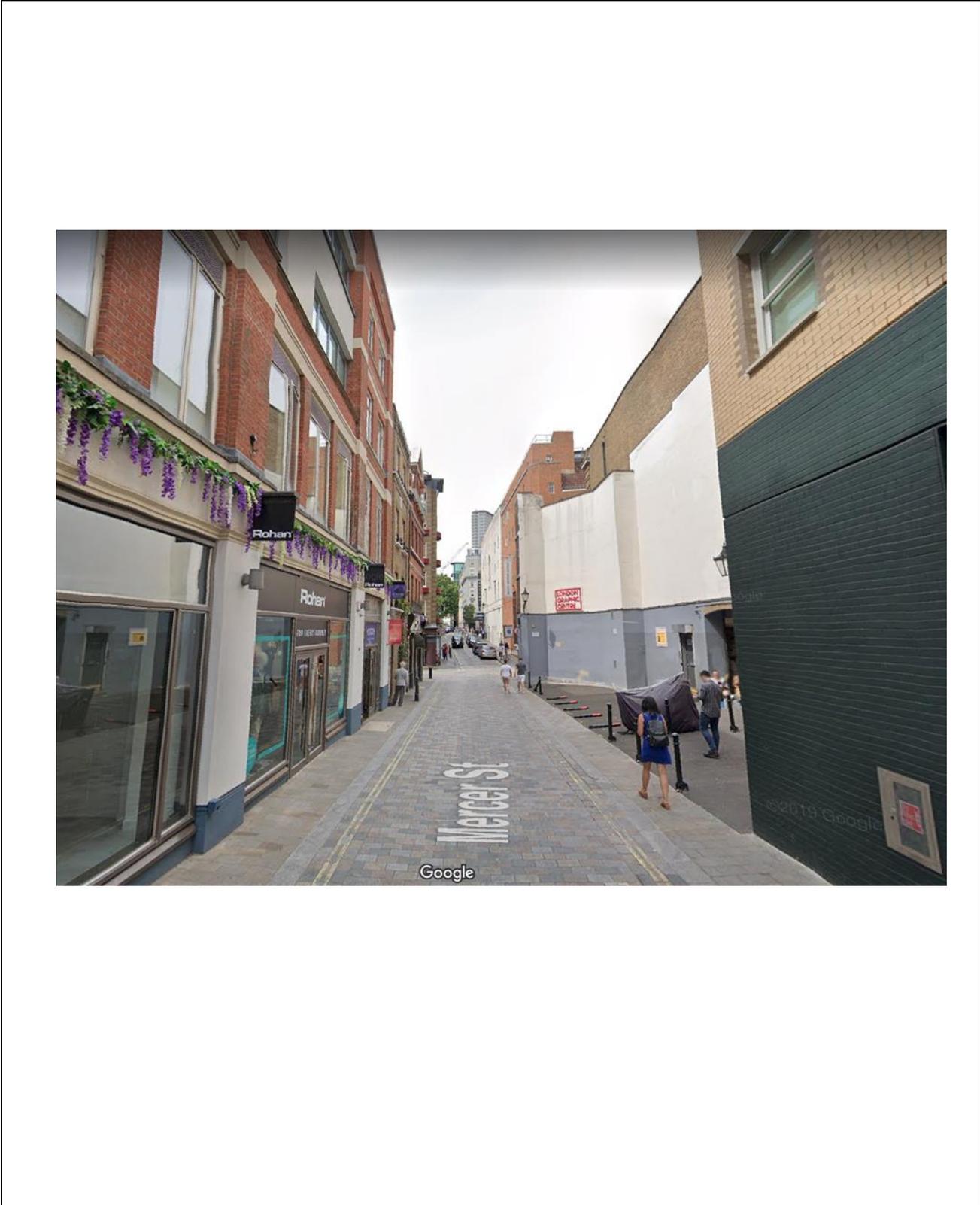
The applicant did initially seek consent to display the advertisement for 5 years and it was suggested by officers that this be reduced given the concerns expressed and the applicants have thus requested that consent be granted for 3 years, with a review after 2 years to consider any impacts or complaints that arise from the installation. The review process is considered difficult to secure by condition, so instead it is suggested that a 2 year consent be granted, but with an informative to indicate that the Council would consider positively an application to extend the display for a third year, subject to further consultation and review of the advertisement's impact.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



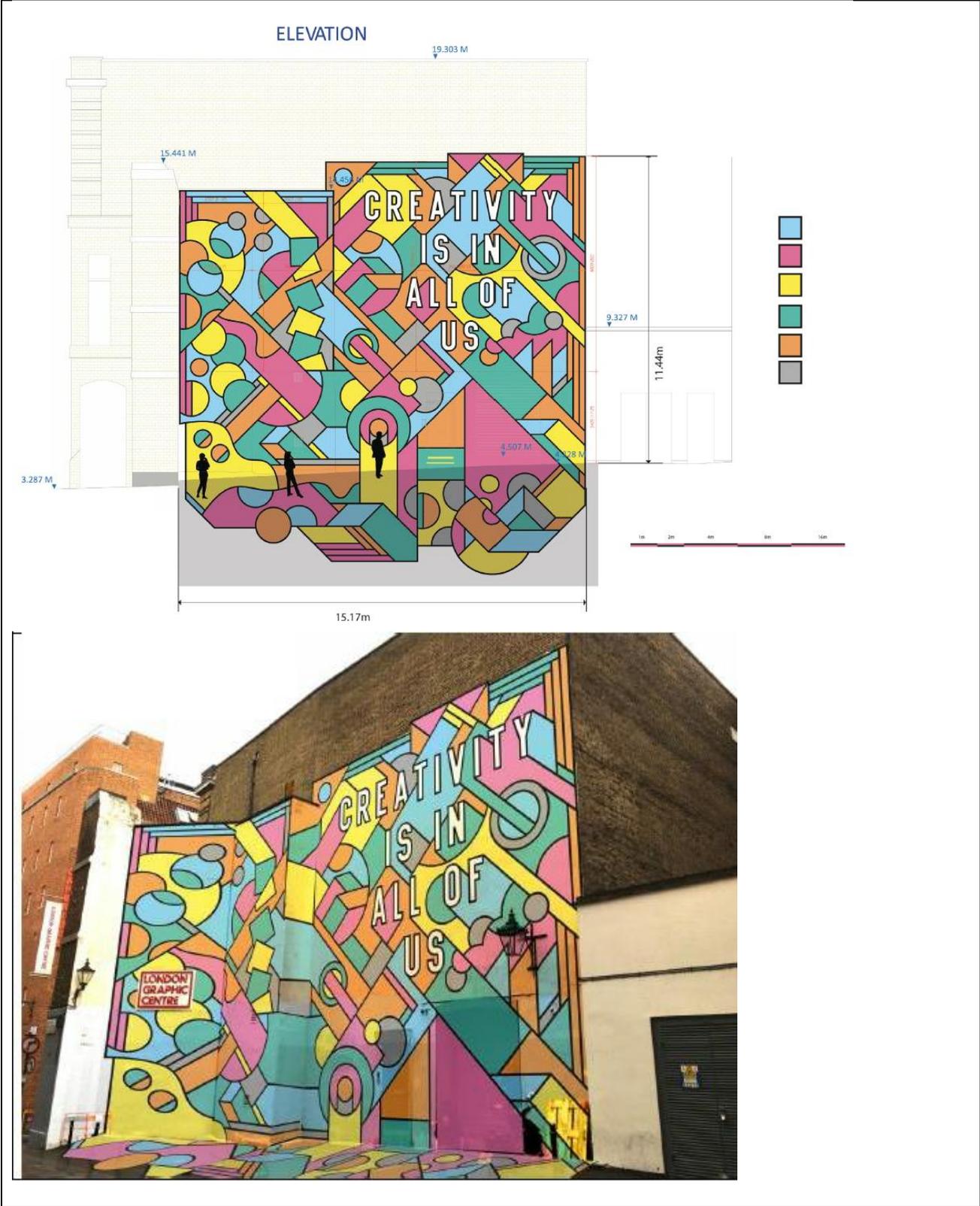


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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT <a href="mailto:mmason@westminster.gov.uk">mmason@westminster.gov.uk</a>
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5. KEY DRAWINGS



Item No.
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## DRAFT DECISION LETTER

**Address:** 18 Mercer Street, London, WC2H 9QE,  
**Proposal:** Display of public art on the wall measuring 11.40m x 15.17m.  
**Reference:** 20/00226/ADV  
**Plan Nos:** Dimensioned image of artwork; dimensioned image of artwork an elevation of building; photomontage; works package plan (ref.WPP-001); design statement, dated January 2020, site location plan.

**Case Officer:** Tom Burke

**Direct Tel. No.** 020 7641  
07866037679

### Recommended Condition(s) and Reason(s)

- 1 You can display the advert for 2 years from the date of this letter. You must then remove it without delay. (C04AA)

**Reason:**

The advert is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04AB)

### Informative(s)

1. You are advised that the City Council would consider favourably an application to extend the period of display of this artwork for a further period of 1 year, subject to the outcome of further consultation and upon review of the impact of this consent.

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.

**BACKGROUND PAPERS - 18 Mercer Street, London, WC2H 9QE, 20/00226/ADV**

1. Application form
2. Response from Covent Garden Community Association, dated 17 February 2020
3. Letter from occupier of Maisonette A, 15 Mercer Street, dated 18 February 2020
4. Letter from occupier of Ching Court, London, dated 17 February 2020
5. Letter from occupier of FLAT 6, 19 MERCER STREET, dated 18 February 2020
6. Letter from occupier of Seven Dials Housing Co-Op, 10-14 Shelton Street, dated 17 February 2020