

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Serpentine Lake, Serpentine Road, London,		
Proposal	Erection of a floating art installation (The Mastaba) for a temporary display period from 18th June to 23rd September 2018 (construction to commence on 3rd April 2018 and dismantling to be completed by 1st November 2018).		
Agent	DP9 Ltd		
On behalf of	Christo and Jeanne Claude		
Registered Number	17/09573/FULL	Date amended/ completed	27 October 2017
Date Application Received	27 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Royal Parks		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Hyde Park is a grade I Registered Park and Garden, a Site of Metropolitan Importance for Nature Conservation and designated Metropolitan Open Land. The Serpentine Lake is a key feature within it. The site lies within the Royal Parks Conservation Area.

The Serpentine Lake dominates the western edge of the park and extends into neighbouring Kensington Gardens. The Serpentine Galleries is nearby, linked by a bridge over the lake. Since 2000, The Serpentine Galleries have commissioned a temporary summer pavilion by a leading architect. The galleries, which run programmes and exhibitions based on contemporary art and architecture, attract a significant number of visitors to the park every year.

Permission is sought for a temporary art installation, The Mastaba, on The Serpentine Lake for a temporary period totalling 24-26 weeks from Spring through Autumn 2018. The installation will be in place in the middle of the lake from 18th June to 23rd September 2018 (9 – 10 weeks). The build period will be from 3rd April 2018 to mid-June (9 – 10 weeks) and the structure is to be dismantled and removed by 1st November 2018 (6 weeks).

The Mastaba is an art sculpture by Christo and his late wife Jeanne-Claude. The proposed art installation is planned to coincide with the Serpentine Galleries' exhibition about Christo and Jeanne-Claude's history of using barrels to create artwork.

The Mastaba will be made of 7,506 multi-coloured barrels, and will measure 20 metres high, 30 metres wide and 40 metres long. A Mastaba has four vertical sides, two of which are inclined at 60 degree slopes with a flat top. A scaffolding steel frame will support the barrels and the entire Mastaba will sit upon a floating platform of connected high density polyethylene (HDPE) plastic cubes. The barrels will be specifically fabricated and painted in the UK for this sculpture (the barrels have never been used before).

The location, physical impact, and visual impact of any temporary installations should be carefully considered in all cases and each one judged on its own merit.

The view from the middle of Serpentine Bridge towards The Palace of Westminster and Westminster Abbey is identified in the London View Management Framework (LVMF) as significant and includes policies to protect it. Whilst the proposed Mastaba installation is outside of the Landmark Viewing Corridor, it is within the Vista Threshold and, as shown in the visualisations, will dominate the foreground representing a substantially taller, larger and brightly-coloured form. It will also obscure views to the Palace and Abbey completely from parts of the southern half of the bridge. This will represent some harm to the Protected Vista, albeit temporary.

Whilst the proposals will cause some harm, albeit temporary, this should be carefully balanced against the public benefits of the proposals in accordance with the Paragraphs 133 and 134 of the NPPF. The proposal is considered acceptable in design and conservation terms given its temporary nature and the associated public benefits of the installation of a prominent and high-profile artwork by world famous artists.

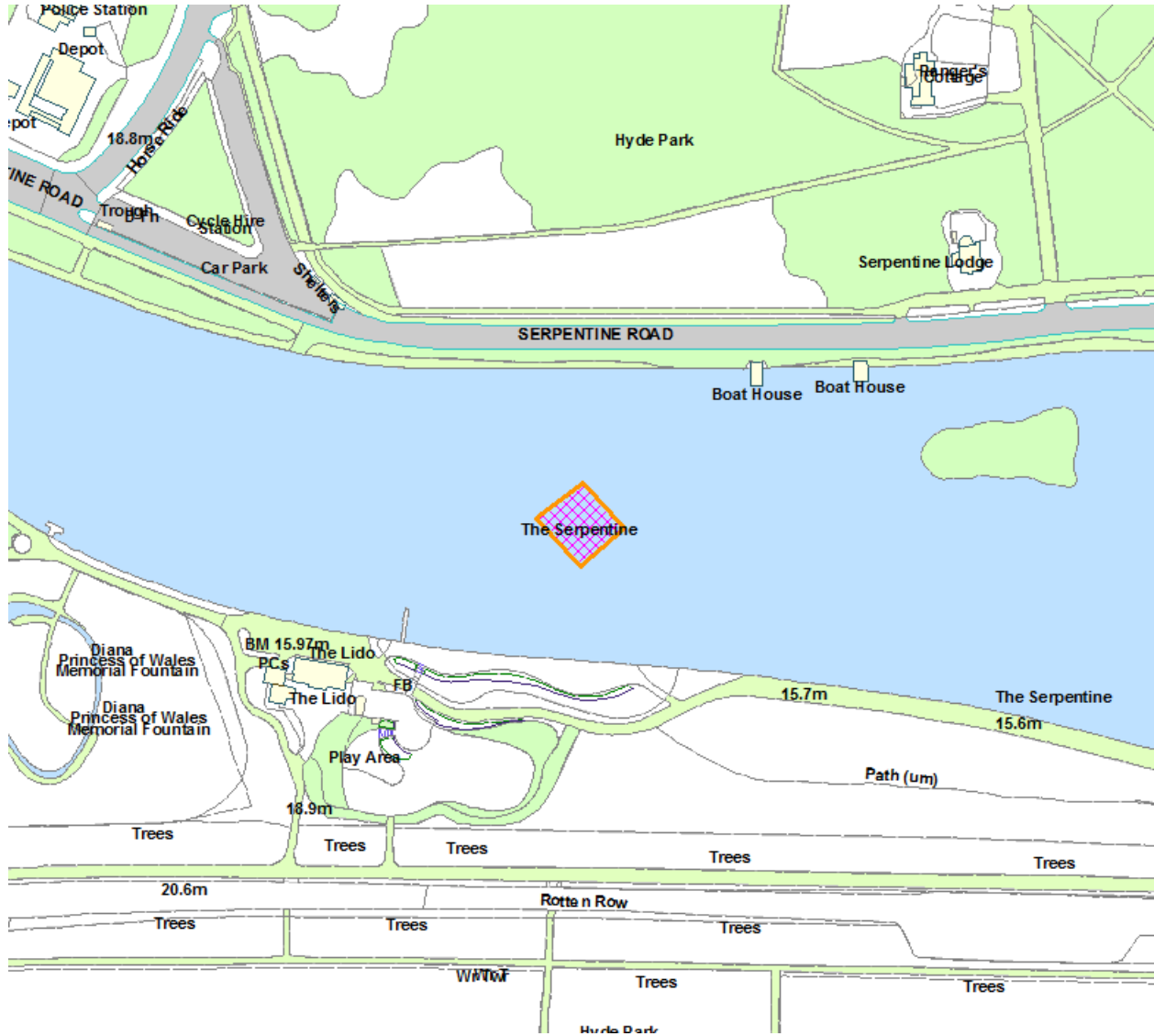
Proposals within sites of Importance for Nature Conservation need to demonstrate that they will not have any adverse ecological impacts. The proposal is supported by an Ecological Appraisal which concludes that the proposals will have no adverse impact on the wildlife of the Serpentine or Hyde Park.

The applicant is working with Royal Parks and is committed to providing a range of ecological enhancements and park improvements which include; cleaning of the lake bed, removing large debris, and works to Serpentine Island which has become overgrown.

The proposal is also supported by a Safety Management Plan which focuses on health and safety for the build, exhibition and break phases for the installation of the sculpture. The sculpture will be protected by a 24-hour security service.

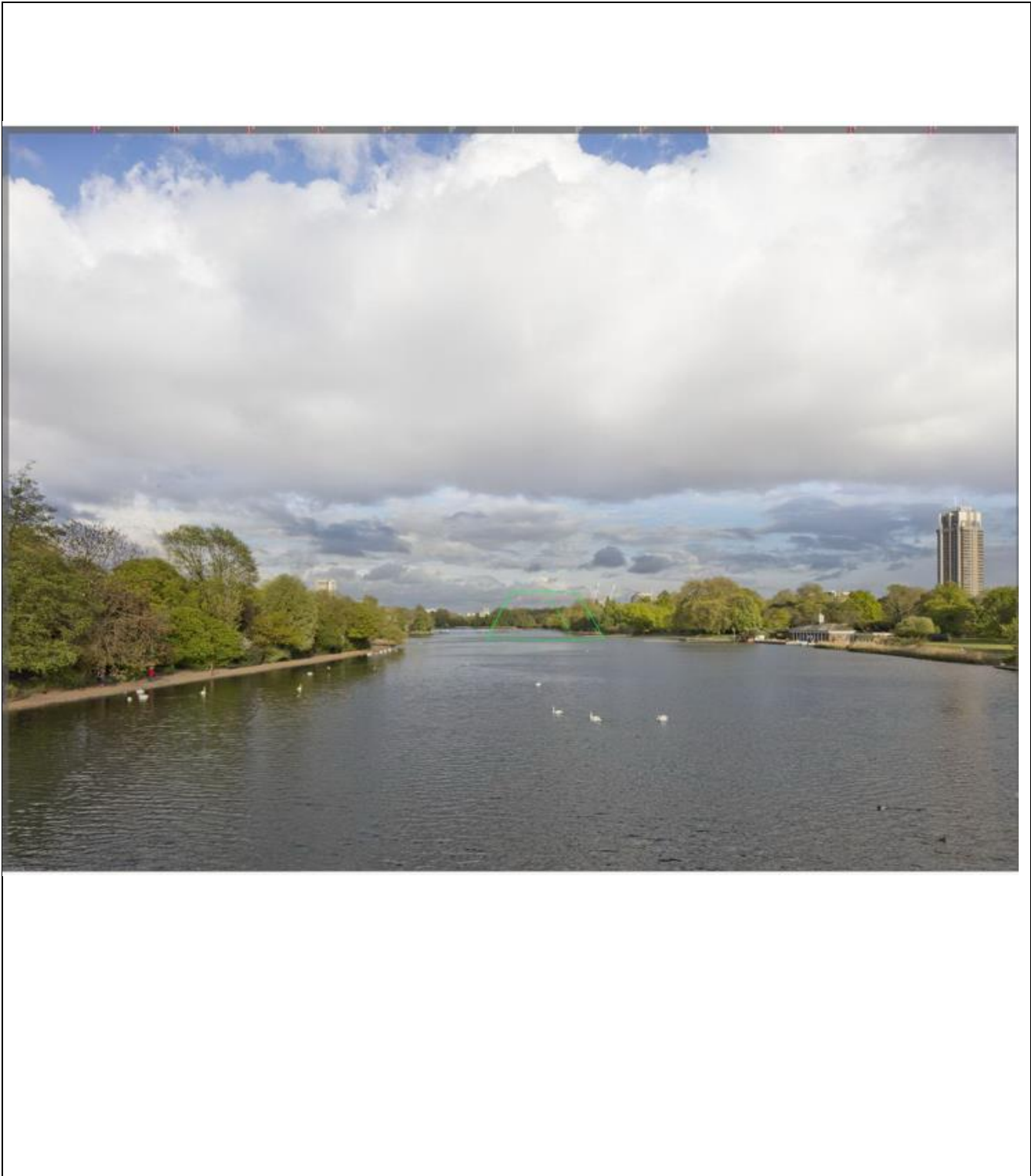
The proposal is considered to contribute positively and culturally to Westminster and to the Royal Parks Conservation Area. Subject to the recommended conditions, the art installation is not considered to harm the setting of Hyde Park and is acceptable in ecological terms given the temporary nature of its installation.

3. LOCATION PLAN



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4. PHOTOGRAPH



5. CONSULTATIONS

HISTORIC ENGLAND (Historic Buildings and Areas):

Given the aesthetic, historic and communal significance of this site, recommend that careful consideration be given to Historic England's guidance note 'temporary Structures in Historic Places'. Whilst the proposals will cause some harm, albeit temporary, this should be carefully balanced against the public benefits of the proposals.

HISTORIC ENGLAND (Archaeology):

The proposal is unlikely to have a significant impact upon archaeological remains.

THE ROYAL PARKS

Any response received to be reported verbally.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

Any response to be reported verbally.

FRIENDS OF HYDE PARK AND KENSINGTON GARDENS:

Do not consider that the 'Mastaba' structure will add anything to this unique and world famous environment but feel reassured that it is a temporary installation and request that the start and finishing dates and the need to obtain a licence from the Royal Parks are secured by condition.

KNIGHTSBRIDGE ASSOCIATION:

No objection.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response received to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response received to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION:

Any response received to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. of replies: 6

No. of objections: 2

No. in support: 4

Two letters of objection on the following grounds:

- The size and scale of the structure will be out of keeping with the park and its surroundings;
- The construction, display and dismantling of the structure will be harmful to the feeling of serenity and calm of the park;
- The Mastaba concept is not new and has been used elsewhere;
- A Mastaba is an Ancient Egyptian burial mound and has no relevance to the Serpentine;
- The installation is self-funded by the artists which suggests it is less the quality of the work that matters but the fact that funds are made available to carry out the project.

Two letters of support including one from the Serpentine Galleries which will present an exhibition of Christo and Jeanne-Claude's work to coincide with The Mastaba Project.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

Serpentine Lake

On 6 January 2005 permission was granted for the erection of an Olympic triathlete swimmer in the Serpentine and display of two information boards on the banks of the Serpentine from 1 February 2005 until 1 July 2005 (04/09474/FULL)

Serpentine Gallery, Kensington Gardens

Temporary pavilions have been erected on the lawn to the east of the Serpentine Gallery during the summer months on an annual basis since June 2000.

The architects selected to date are Diébédo Francis Kéré, 2017; Bjarke Ingels Group, 2016; selgascano, 2015; Smiljan Radić, 2014; Sou Fujimoto, 2013; Herzog & Meuron and Ai Weiwei, 2012; Peter Zumthor, 2011; Jean Nouvel, 2010; SANAA, 2009; Frank Gehry, 2008; Olafur Eliasson and Kjetil Thorsen (Snøhetta), 2007; Rem Koolhaas and Cecil Balmond with Arup, 2006; Álvaro Siza and Eduardo Souto de Moura with Cecil Balmond and Arup, 2005; MVRDV with Arup, 2004 (unrealised); Oscar Niemeyer, 2003; Toyo Ito and Cecil Balmond with Arup, 2002; Daniel Libeskind with Arup, 2001 and Zaha Hadid, 2000.

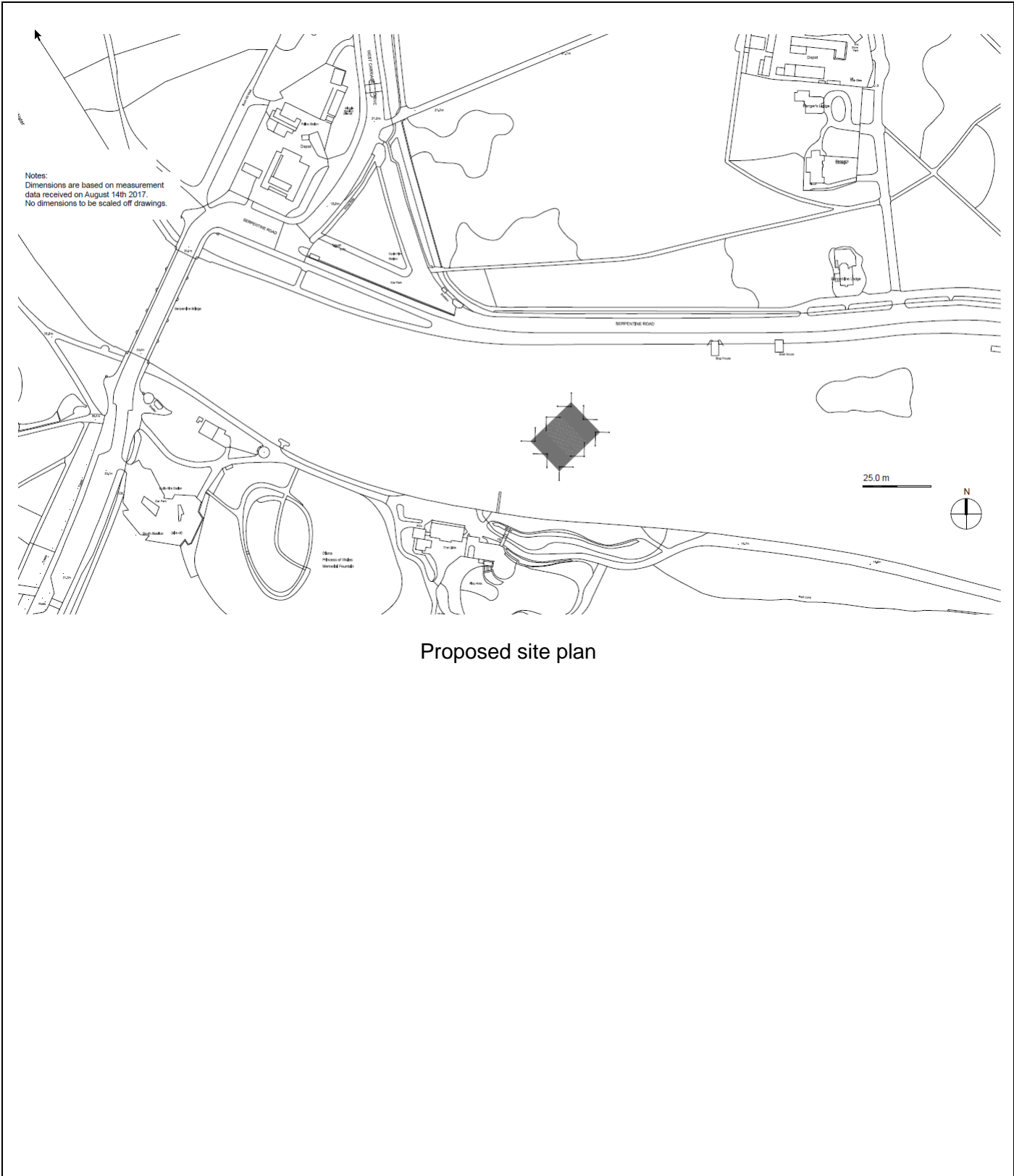
7. BACKGROUND PAPERS

1. Application form
2. Letter from Historic England dated 13 November 2017
3. Letter from Historic England (Archaeology) dated 27 November 2017
4. Online comment from Friends of Hyde Park and Kensington Gardens dated 21 November 2017
5. Online comment from Knightsbridge Association dated 7 November 2017
6. Online comment from the Serpentine Gallery, Kensington Gardens, dated 21 December 2017
7. Online comment from occupier of 1900 Hudson Street, Denver, dated 19 December 2017
8. Online comment from occupier of 10 Stanhope Mews East, dated 22 November 2017
9. Online comment from occupier of 3 Elm Terrace, High Elms, Woodford Green, dated 28 November 2017
10. Online comment from occupier of 56a Ladbrooke Grove dated 10 January 2018
11. Letter from Science Museum Group, London dated 8 January 2018

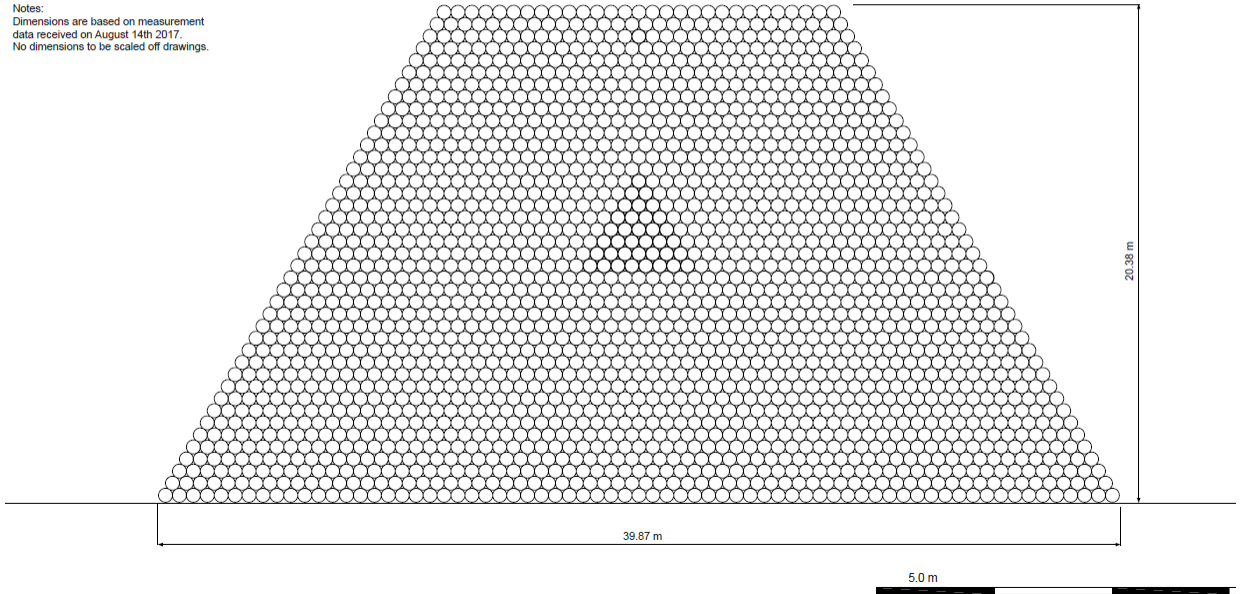
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk
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8. KEY DRAWINGS

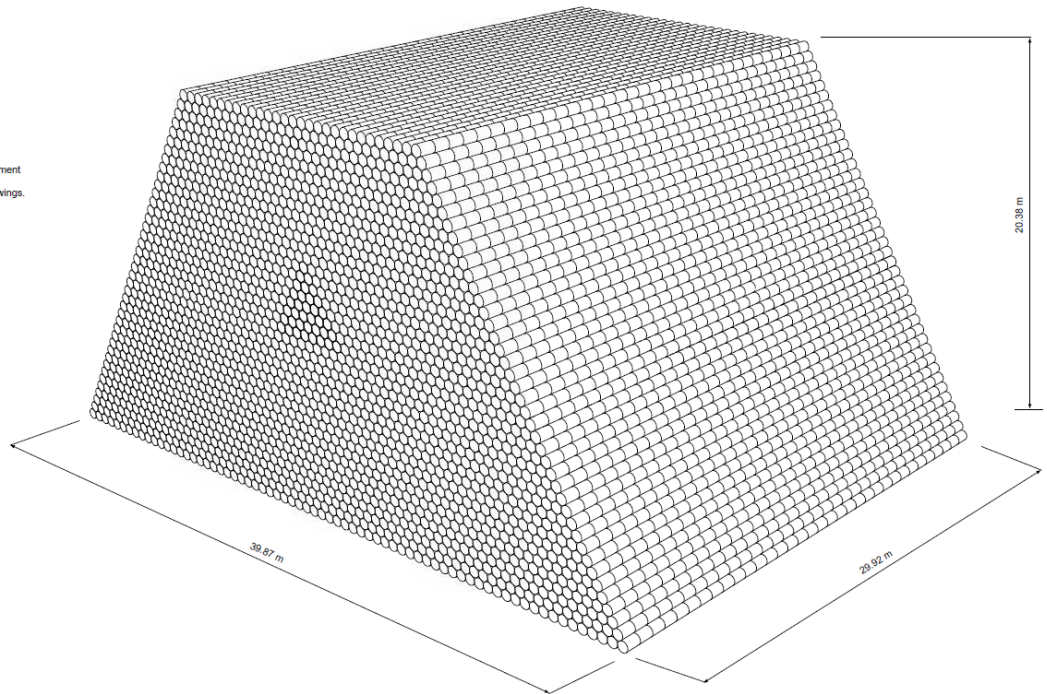


Notes:
Dimensions are based on measurement
data received on August 14th 2017.
No dimensions to be scaled off drawings.

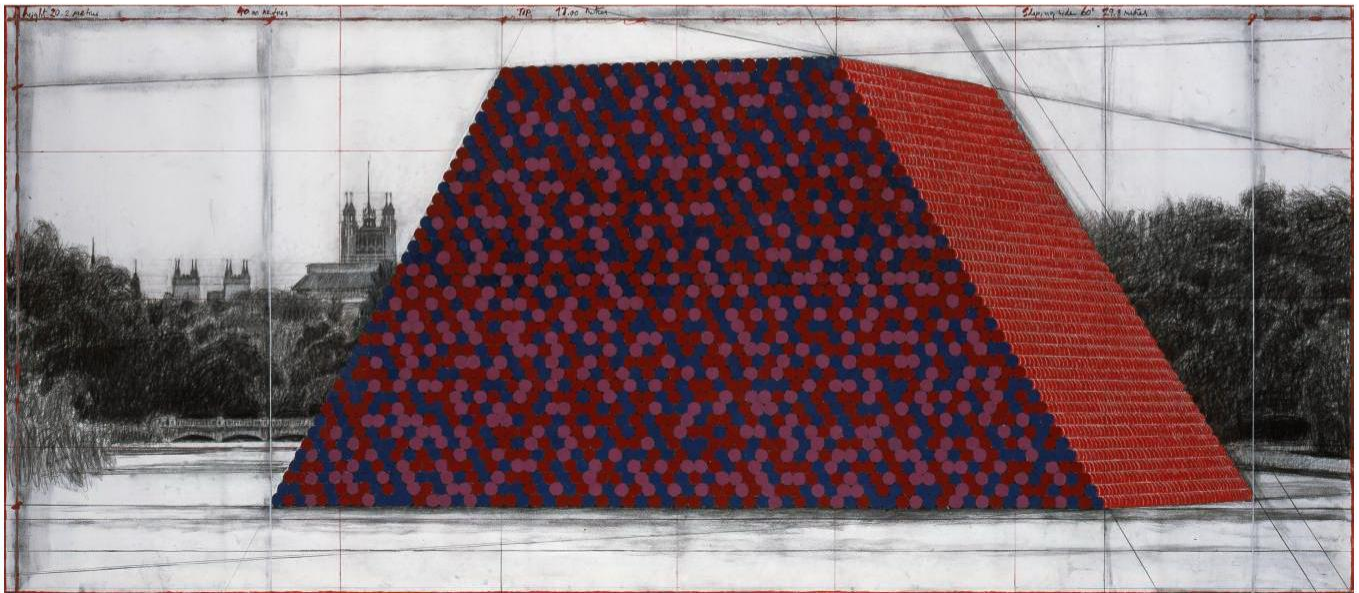
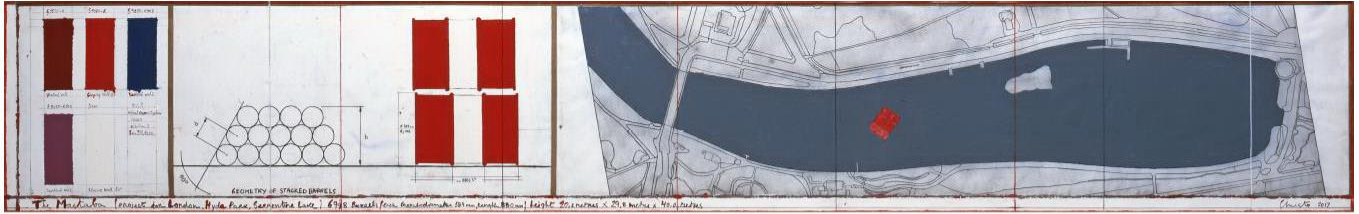


Proposed elevation

Notes:
Dimensions are based on measurement
data received on August 14th 2017.
No dimensions to be scaled off drawings.



Perspective view



Artistic Visual

DRAFT DECISION LETTER

Address: Serpentine Lake, Serpentine Road, London, ,

Proposal: Erection of a floating art installation (The Mastaba) for a temporary display period from 18th June to 23rd September 2018 (construction to commence on 3rd April 2018 and dismantling to be completed by 1st November 2018).

Reference: 17/09573/FULL

Plan Nos: Site Location Plan, GA001 rev 02, GA002 rev 02, GA003 rev 02, GA004 rev 02, GA005 rev 03, GA007 rev 05, GA008 rev 01, GA009 rev 01, Visuals and LVMF view; Project Overview Summary; Structural Engineering Report and Design Statement; Safety Management Plan inclusive of Traffic Management Plan; Ecological Appraisal.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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, in addition to any conditions on this decision letter.

Reason:

For the avoidance of doubt 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; and 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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 The floating art installation (The Mastaba) hereby approved shall only be for a limited period and its construction and exhibition shall be carried out in accordance with the following schedule:

1. Construction to commence - no earlier than 3rd April 2018;
2. Exhibition period - 18th June 2018 to 23rd September 2018;
3. Dismantling phase to commence - 20th September 2018,
4. Exhibition to be removed - no later than 1st November 2018.

You must then remove all structures and equipment associated with The Mastaba and return the land to its previous condition and use.

Reason:

The use is not as set out in DES 12 of our UDP as adopted January 2007. Use for more than a limited period would be harmful to the objectives of the Plan.

- 4 All structures and equipment other than The Mastaba must be removed from the site during the exhibition period from 18th June 2018 to 23rd September 2018.

Reason:

The use is not as set out in DES 12 of our UDP as adopted January 2007. Use for more than a limited period would be harmful to the objectives of the Plan.

- 5 The structure shall not be illuminated (either internally or externally) between the hours of 23.00 and 08.00 unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

a) To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Royal Parks Conservation Area. This is as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2016 and DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and, , b) To make sure the conservation status of a protected species is maintained, and so protect the biodiversity of the environment, as set out in his is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2016 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 6 The floating art installation (The Mastaba) allowed by this permission must be carried out in accordance with the recommendations as set out in the Ecological Monitoring Report by Land Use Consultants dated October 2017.

Reason:

To reduce the effect, the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 7 The floating art installation (The Mastaba) allowed by this permission must be carried out in accordance with the recommendations as set out in the Safety Management Plan by The Event Safety Shop dated 24 October 2017.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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 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, 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.

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.