

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 28 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Audley Square Garage, 5 Audley Square, London, W1K 1DS,</b>		
<b>Proposal</b>	Details of public art (sculpture) in Audley Square pursuant to condition 2 (part 2) (as amended by Non-Material Amendment 18/00303) of planning permission dated 9 March 2016 (RN: 15/02197/FULL).		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Caudwell Properties (109) Limited		
<b>Registered Number</b>	17/04129/ADFULL	<b>Date amended/ completed</b>	11 May 2017
<b>Date Application Received</b>	11 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Approve details, subject to a Unilateral Undertaking to secure the maintenance regime for the public art.

## 2. SUMMARY

Planning permission was granted in March 2016 for the demolition of existing buildings (with the exception of 4 Red Lion Yard which is to be retained with external alterations) and the erection of new building of eight/nine storeys (plus lower ground floor and four basement levels) to provide 30 residential units with swimming pool and gymnasium, creation of roof terraces, car parking and cycle parking, vehicular access from Waverton Street, hard and soft landscaping, and plant at roof level.

Condition 2 of this permission required details of the public art on Audley Square. The condition also required details of public art on Waverton Street, but this is no longer proposed and the condition has been revised by non-material amendment.

Highway works associated with the development were included in the S106 legal agreement, and technical approval has been approved for works to the highway. Part of works include an island area on Audley Square, and the public art is proposed in this location. This island area will remain as public highway.

The proposed public art takes the form of statues, formed in bronze, of a woman on a horse and two standing men, all in an 18<sup>th</sup> century style. The figures are slightly larger than life size. It is a

traditional piece, arguably suitable for its setting in this part of Georgian Mayfair. The sculptor is Philip Jackson who has designed a large number of high profile sculptures in the city, including

- Mahatma Gandhi, Parliament Square;
- Bomber Command Memorial, Green Park;
- HM Queen Elizabeth, the Queen Mother Memorial, The Mall;
- The Wallenberg Monument, Great Cumberland Place; and
- The Young Mozart, Orange Square.

It is considered that this is a high quality artwork, which is acceptable in this location.

The Highways Planning Manager has objected to the public art on the basis that it will be on the public highway and may cause an obstruction to pedestrians. Concern is also raised to the design and the height of the public art, which may encourage members of the public to interact or climb on the artwork. With this in mind it is considered that the proposed statue could have a significantly adverse impact on highway users who engage with the sculpture in an unintended but foreseeable way and be a safety hazard within the highway.

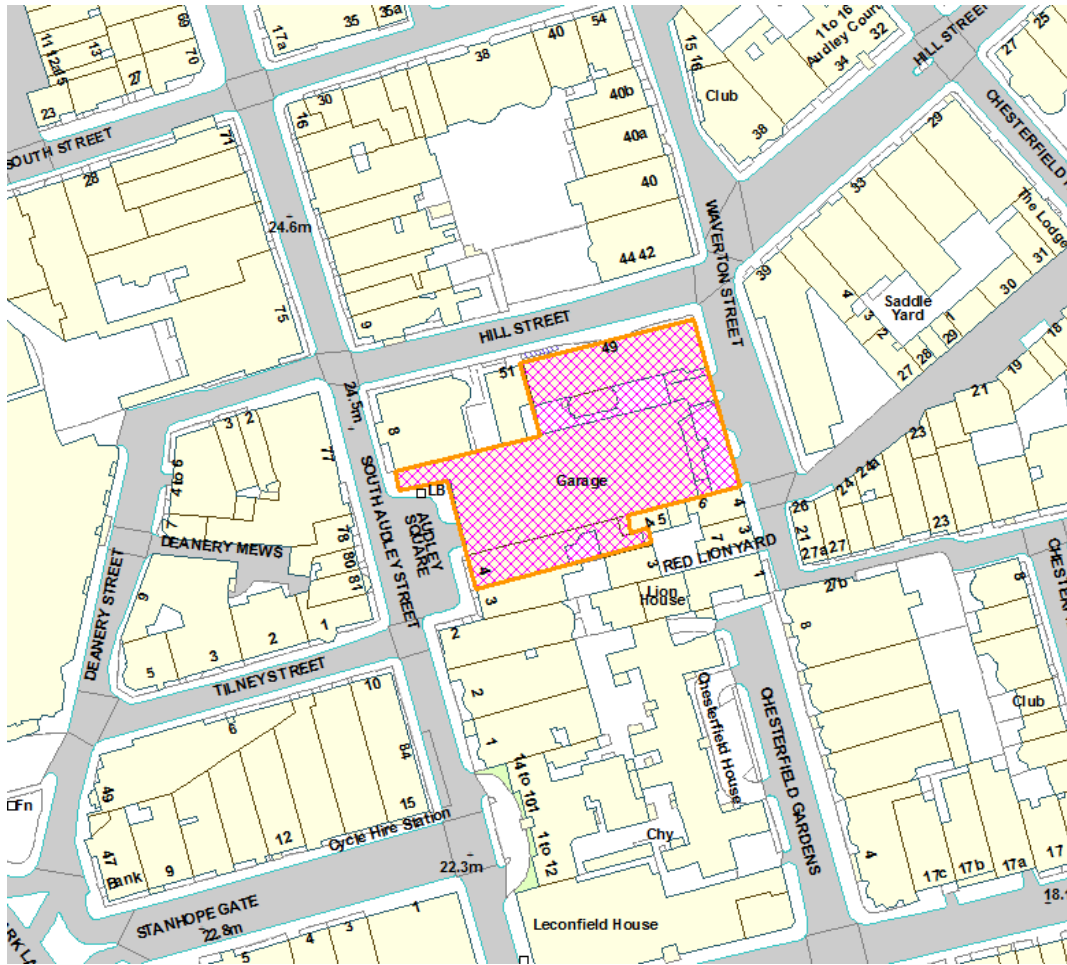
The applicant has confirmed that they are willing to maintain the public art in perpetuity. The maintenance agreement will need to be secured via a legal agreement to ensure that the public art is the responsibility of the applicant and not the City Council. The agreement will also secure the removal of the public art and with associated works of making good above ground floor level, and the re-instatement of the paving, to match adjoining areas, should the maintenance regime fail. There would also have to be public liability insurance associated within the artwork.

The submission of these details complies with Schedule 1 paragraph 6.1 of the legal agreement (dated 9 March 2016) which states:

“The Owner undertakes that the Public Art shall be provided and displayed in a prominent location at the Development or such other position agreed in writing with the City Council acting reasonably as an integral part of the Development and the detail of the Public Art shall be submitted by the Owner to and approved by the City Council acting reasonably before Occupation of the Development”.

It is considered that the public art is acceptable, subject to a legal agreement requiring a maintenance agreement.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Site prior to demolition



Photomontage submitted as part of the 2016 consent



## 5. CONSULTATIONS

### HIGHWAYS PLANNING MANAGER

Objection –the design and height of elements may encourage members of the public to interact or climb on the artwork.

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

Planning permission was granted on 9 March 2016 for the demolition of existing buildings (with the exception of 4 Red Lion Yard which is to be retained with external alterations) and the erection of new building of eight/nine storeys (plus lower ground floor and four basement levels) to provide 30 residential units with swimming pool and gymnasium, creation of roof terraces, car parking and cycle parking; vehicular access from Waverton Street; hard and soft landscaping; and plant at roof level. This permission has been implemented.

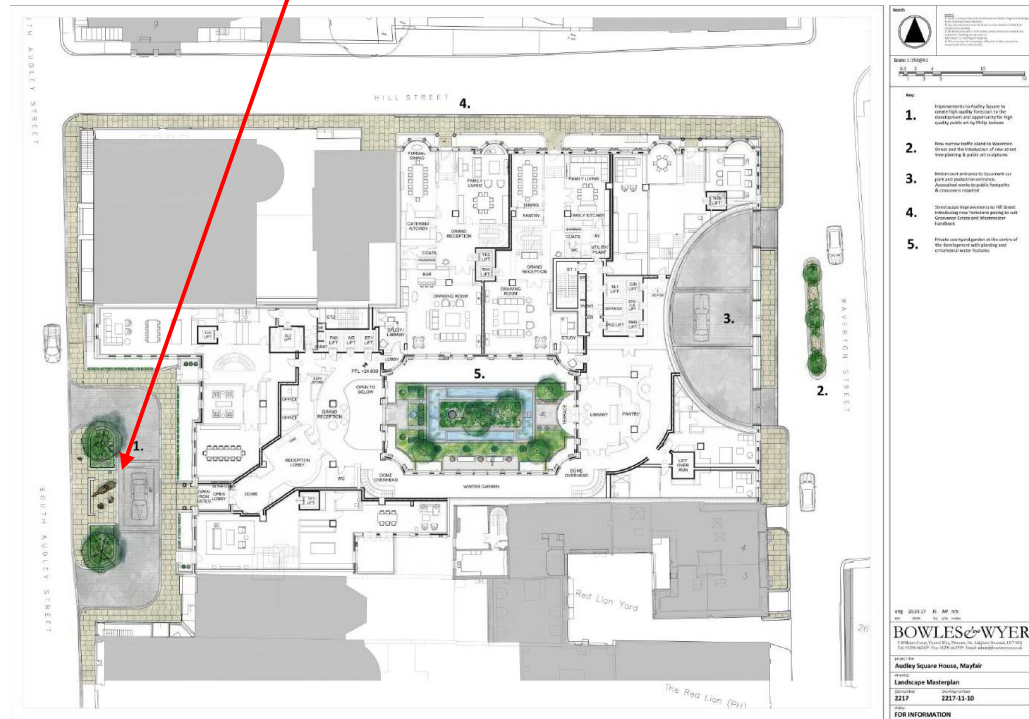
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT [hmackenzie@westminster.gov.uk](mailto:hmackenzie@westminster.gov.uk)



## 7. KEY DRAWINGS

### Location of public art



### Public art

#### Audley Square House, maquette of proposed Audley Square sculpture



Front View

**DRAFT DECISION LETTER**

**Address:** Audley Square Garage, 5 Audley Square, London, W1K 1DS,

**Proposal:** Details of public art (sculpture) in Audley Square pursuant to condition 2 (part 2) (as amended by Non-Material Amendment 18/00303) of planning permission dated 9 March 2016 (RN: 15/02197/FULL).

**Reference:** 17/04129/ADFULL

**Plan Nos:** 8 un-numbered pages - 7 images and 1 drawing;

**Case Officer:** Robert Ayton

**Direct Tel. No.** 020 7641 2978

**Recommended Condition(s) and Reason(s)****Informative(s):**

- 1 You are advised you will need to apply for a licence under section 115 of the Highways Act (1980) for this feature to be erected on the public highway.,
- 2 This permission only partly meets condition(s) 2 of the planning permission dated 9 March 2016. We still need to approve details of: the typical facade details at all levels, including roof; (I13AA)
- 3 You are still required to comply with Schedule 1, paragraph 6.2 of the S106 legal agreement dated 9 March 2016.

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.