

# Strategic Planning, Sustainability and Transport Committee

7 November 2017

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## Public Art as a Planning Policy Guidance

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transport Committee
<b>Lead Head of Service</b>	Head of Regeneration and Economic Development
<b>Lead Officer and Report Author</b>	Fran Wallis, Local Economy Project Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **This report makes the following recommendations to this Committee:**

1. That the Public Art Planning Guidance attached as Appendix 1, be approved so that it may be used as a material consideration for planning purposes for planning applications validated from 1<sup>st</sup> January 2018 onwards.

### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all – by encouraging art to be incorporated into new developments

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning, Transport and Sustainability Committee	7 <sup>th</sup> November 2017

# Public Art as a Planning Policy Guidance

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to present the Public Art Guidance document attached at Appendix 1, for it to be adopted by this committee so that it may be used as a material consideration for planning purposes.
  - 1.2 The document has been developed by FrancisKnight, public art consultants, working closely with officers from Strategic Planning and Development Management. The purpose of the document is to allow it to be applied to relevant planning applications, to ensure that public art is encouraged and incorporated within the planning process.
  - 1.3 In addition, once adopted, the document recommends review and monitoring a set of indicators by Strategic Planning, Sustainability and Transport Committee, to provide supporting evidence which can be used when the Maidstone Borough Local Plan is next reviewed, to consider the justification for the inclusion of public art policies.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 In the summer of 2016, FrancisKnight who are public art consultants, were appointed to carry out research and produce a Public Realm Design Guide for the town centre. This piece of work was required prior to work starting on the Phase 3 Public Realm project in the town centre. The purpose of the document was to ensure that when new phases of regeneration and development happen in the town centre, there is a reference document which designers can use, to ensure that the rich history and heritage of Maidstone is captured.
- 2.2 In November 2016 a report was presented to Heritage, Culture and Leisure Committee where the Public Realm Design Guide was adopted. In addition to this document, a reference document was produced regarding 'standardised' street furniture to ensure that as new furniture is put into the street-scene, it is all of a uniform stock, with the exception of larger scale public realm developments where distinct, bespoke designs are encouraged to help reflect the uniqueness of Maidstone. The Street Furniture Guidance document was therefore also adopted at the HCL Committee in November.
- 2.3 When FrancisKnight were carrying out their research which included workshops with Members and stakeholders, the subject of Public Art was increasingly being raised as a 'separate subject' to the more general public realm guidance. Additionally, the Public Realm Design Guide and Street Furniture Guidance refer only to the town centre, whereas Public Art was cited as being important across the whole borough. A document was consequently produced which was presented to the HCL Committee to ensure that that the Committee agreed with the principles. This document was fairly 'light-weight' at the time, however as the subject of Public Art came under Planning's remit, HCL Committee agreed that the document

should be further developed before being presented to Strategic Planning, Sustainability and Transport Committee for its adoption.

- 2.4 Since November of last year, FrancisKnight has been working closely with colleagues from Strategic Planning and Development Management, to develop the document and ensure that the document can be applied and 'hold weight'. The document has been developed to be used by Planning Officers but also by developers who are encouraged to consider incorporating art at an early stage in their own design and development process.
- 2.5 The Public Art Guidance document references National and Local Planning Policies and Guidance, emphasizing the importance of public art, particularly in new developments where art can be used to create a sense of place which helps develop strong and vibrant communities. The emerging Local Plan supports the incorporation of public art with reference to 'high quality design which responds to areas of heritage, townscape and landscape value'. It is recognised that this document will need to be regularly reviewed to ensure that it is working for all parties and that sufficient 'data' can be collected to allow art to be better incorporated into policies as they are reviewed.
- 2.6 Additionally the document provides numerous case studies from local and national examples, to highlight the varying forms which 'art' can take. And to assist both developers and Planning Officers, it details the categories that art can take, ranging from permanent sculptures, to embedded art in paving or a building façade, and temporary art such as exhibitions and performances.
- 2.7 The document gives developers a reference for themes which relate to Maidstone as a town and the wider borough. It explains how developers can produce an artist's brief that draws on the character of the place, and reiterates the importance of not only bringing an artist in early on in proposals, but encouraging art to be incorporated *into* a scheme, not as an 'add-on'.
- 2.8 By working closely with colleagues from Planning, detail on the thresholds for which this document applies have been agreed. These thresholds have been based on research from elsewhere in the country and in consultation with stakeholders to find a threshold which is appropriate but will also be sufficient to deliver meaningful art within a development.
- 2.9 The Public Art Guidance document gives details on the application process to ensure that both developers and planning officers are clear on the requirements at the pre-application, application and determination stages. Applicants are encouraged to develop a Public Art Delivery Plan at an early stage in the design and masterplanning of developments. Where this is not the case, a condition may be applied; an example of which has been provided within the document. It also suggests to developers the process of commissioning artists and what they should look for from an artist.

- 2.10 By adopting the Public Art Guidance as a material consideration, it will ensure that opportunities for art are not missed when new developments take place in the borough.
- 2.11 The document also provides indicators against which the delivery of public art can be measured and monitored. By gathering this information, it will provide supporting evidence for public art to be considered more fully when the Maidstone Borough Local Plan is next reviewed.
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### **3. AVAILABLE OPTIONS**

- 3.1 The available options are to either adopt the Public Art Guidance document so that it may be used as a material consideration, or to not adopt it.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is for this committee to adopt the Public Art Guidance so that it may be used as a material consideration, because by doing this, the Council will be able to encourage developers to incorporate art into designs of a scheme at an early stage. As mentioned in the Guidance document, public art has many benefits which should be encouraged, including contributing to local distinctiveness and a sense of place, encouraging people to value their surroundings and benefitting people's health and wellbeing. Maidstone has a wealth of history, heritage, nature and other factors which can all be incorporated into a scheme through art, ensuring that new developments are not bland, but have character and provide people with a sense of belonging.
- 4.2 By adopting the document now, the council can start to set a precedent on how art should be encouraged in any size development, not just the larger ones. By monitoring the delivery of art over the next few years, the Council can build up its evidence base, so that there will be 'real data' which can be used when the Local Plan is next reviewed, to encourage public art to be incorporated more formally into this document as well.
- 4.3 The alternative option is for this committee to not adopt the Public Art Guidance so that it cannot be used as a material consideration. This would mean that the numerous benefits of art are likely to be missed. Going forward, the Council would have little evidence to incorporate art into the Local Plan when it is next reviewed.
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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 FrancisKnight have worked closely throughout the process with officers from Strategic Planning and Development Management to ensure that the process is robust and sound. The proposal has also been presented to both One Maidstone and the Town Centre Strategic Advisory Board, to ensure that the proposal is something that is wanted by key stakeholders within Maidstone. Stakeholders from the Developers Forum were also consulted

and the views and comments received were taken into account in producing this document.

- 5.2 As mentioned previously, this document was first proposed by the Heritage Culture and Leisure Committee in November 2016 with the recommendation that it comes to this committee for approval.

## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If adopted, the document will be published on the Council’s website for reference by developers and other interested parties. The introduction of the guidance will form part of the Developers Forum agenda for November 2017 and will be included in the next Planning Viewpoint newsletter.
- 6.2 The guidance, if adopted, will apply to all qualifying developments validated the day after adoption. This will ensure that live applications are not ‘hit’ with an unexpected and unreasonable delay to their determination.

## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Keeping Maidstone Borough an attractive place for all – by encouraging art to be incorporated into new developments	Head of Regeneration and Economic Development
<b>Risk Management</b>	There is very low risk to the council as developers will be producing art within their own proposals	Head of Regeneration and Economic Development
<b>Financial</b>	There is no financial impact to the council in adopting the Public Art Guidance.	Section 151 Officer & Finance Team
<b>Staffing</b>	Day to day administration of this document will be part of the normal planning application process and therefore does not require additional staffing.	Head of Regeneration and Economic Development
<b>Legal</b>	The benefits of public art are acknowledged but this is one of a number of competing elements associated with development and which have more established policy requirements. By monitoring the success of the proposed guidance in securing public art,	Legal Team

	evidence can be gathered to support potential future policy development.	
<b>Equality Impact Needs Assessment</b>	There is no impact on equality	Head of Regeneration and Economic Development
<b>Environmental/Sustainable Development</b>	The document will have no impact on environmental or sustainable development since these issues are covered by other policies.	Head of Regeneration and Economic Development
<b>Community Safety</b>	Public Art encourages community cohesion.	Head of Regeneration and Economic Development
<b>Human Rights Act</b>	N/A	
<b>Procurement</b>	N/A	
<b>Asset Management</b>	N/A	

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Public Art Planning Policy Guidance Nov 2017

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## 9. BACKGROUND PAPERS

Minutes of Heritage, Culture and Leisure Committee 1<sup>st</sup> Nov 2016 – Item No. 83  
Report of the Head of Commercial and Economic Development – Public Realm Design Guide and Public Art Policy

(<https://services.maidstone.gov.uk/meetings/documents/g2591/Printed%20minutes%2001st-Nov-2016%2018.30%20Heritage%20Culture%20and%20Leisure%20Committee.pdf?T=1>)