

Bolton Metropolitan Borough Council

Environment Department

Planning Control Policy Notes



22. Provision of Public Art

January 2005

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In December 1995 Bolton Council adopted its Unitary Development Plan (UDP) as the sole statutory land use plan for the whole Borough. This plan has since been reviewed. The latest plan is the Second Deposit Version Unitary Development Plan (SDVUDP) which was published in January 2001 and subject to Public Inquiry between November 2001 and December 2002. Proposed Modifications were published in September 2004 and on adoption in Spring 2005 the SDVUDP will replace the 1995 UDP as the statutory plan for the Borough.

The Council has a number of Planning Control Policy Notes, of which this is one, providing detailed policy advice to supplement UDP and SDVUDP policies and help those who wish to understand the Council's detailed planning requirements and advice. These notes will have been subject to public consultation before being finalised.

The interpretation of this advice will relate to the circumstances and particulars of a planning application which will be determined on its own merits.

In the context of changing local, regional and national planning policies it may be necessary for the Council to revise its Planning Control Policy Notes to take these changes into account.

Prospective applicants requiring clarification of the Note's contents should contact the Council's Planning Control Section.

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Provision of Public Art

Introduction

1. Bolton Metropolitan Borough Council recognises the importance that an attractive environment has on the quality of life. Public art has an important role to play in enhancing the quality of the environment and it has the potential to make a major contribution to the visual quality and character of the Town. It can contribute to civic pride, create an enhanced sense of community identity and offer local employment opportunities; elements that are essential to securing the vitality and viability of an area and the improvement of the local environment.
2. Public art is not a new phenomenon. Evidence of existing public art can be seen in the detailed craftsmanship on and around many of the town's historic buildings. It is of increasing importance today, as people are more aware than ever of the importance of the need to protect and improve the quality of the physical environment.
3. Public artwork can improve the visual quality of new development, create a local landmark and impart a positive identity to an area. The local community can be involved in shaping their environment, and commissioning provides much needed employment for trained visual or other arts professionals whose skills and talents are underused.
4. Public art can make a particular contribution by reinforcing the visual appearance of an area of special character, or of a particular neighbourhood. Sites that should be considered for the provision of public art could be at a gateway to the Town on a pedestrian or cycle route or any site where there is a need for an arts project.
5. A scheme involving public art will be seen as a positive step towards bringing about environmental enhancement. However, the provision of public art should not be seen as a substitute for good quality building design and site layout. The public

art component should complement high quality urban design rather than compensating for a poor scheme.

Policy

6. The Council's Unitary Development Plan includes a policy commitment which seeks to ensure that public art is provided wherever possible
7. Unitary Development Plan Policy CE1/7 states:

The Council will, in appropriate cases, encourage the provision of works of art, craft or decoration as part of a development proposal

8. The Second Deposit Version of the Unitary Development Plan includes Policy D5, which states:

The Council will expect the incorporation or provision of works of art, craft or decoration as part of the built development proposals within the urban area involving:

- (i) land of more than one hectare in area;
- (ii) the construction of buildings containing more than 2500 square metres of floor space.

8. This Note offers advice on the implementation of this policy.

Guidance

9. Where the development exceeds the thresholds specified in UDP policy the Council will encourage the provision of public art as a part of the development equivalent to approximately 1% of the total construction cost. (The total capital cost of constructing the buildings, roads and providing any ancillary on site infrastructure). Affordable or social landlord's housing will not be subject to any contribution if they are already subject to the current Bolton Community Homes Housing Percent for Art Policy.

10. In cases where an outline application is submitted on a site of over 1 hectare any planning permission will be so conditioned to comply with the Council's policy on the provision of public art.
11. In the case of full planning applications or reserved matters submissions (which are pursuant to outline applications which have been conditioned in relation to the provision of public art), artwork may be incorporated into the development scheme. If this is the case, developers should demonstrate at the application stage how their proposal will make a positive contribution to the quality of the local environment.
12. Where public art is not identified as part of the planning submission, conditions may be added to require details of the artwork provision to be submitted to the Council prior to the commencement of the development with the construction of the works linked to the occupation of the development.
13. Where the developer of a major scheme does not wish to commission specific artwork for the development, alternative arrangements can be negotiated whereby a financial contribution is made to the Council to create artwork on a nearby or other appropriate site, or in some other agreed way, as detailed in the Bolton MBC Public Art Action Plan.
14. If a contribution towards the provision of public art is sought; this will be achieved by the developer and the Council entering into an Agreement under Section 106 of the Town and Country Planning Act 1990. Any such contributions will be based upon 1% of the total construction cost. Applicants will be expected to include with their planning submission their estimate of the total construction cost and the calculations upon which that cost is determined.
15. If the viability of an otherwise worthwhile development is threatened, (for example if the scheme involves the retention of listed buildings or the reclamation of a badly contaminated site), the Council may reduce or waive the payment of the contribution due to the high site development costs. In such cases evidence of the development costs and returns from the development should be submitted with any request for the payment to be waived.
16. Whilst innovative design and the use of quality materials will always be encouraged this will not be acceptable in lieu of the provision of an identifiable element of public art where the development is subject to this policy.

The Nature of Public Art

17. Contemporary public art is often referred to as "site specific", being created specifically for the space it inhabits, taking into account the usage, function, character and history of the space; as opposed to 'siting art in public spaces, involving the procurement of art works which are placed in public spaces, rather like a public gallery.
18. The provision of public art need not simply mean the creation of sculptures for civic spaces, nor need it be restricted to high profile sites, although the impact of artwork in such locations can be beneficial. Public art can be small-scale, located within public areas, in or on buildings, and it can create interest in shopping centres, parks, tourist trails, road junctions and pedestrian routes.
19. Typical works of public art could range, for example, from free standing sculptures in public areas to specially designed details or features incorporated into the structure of buildings, or from decorative lighting schemes to aesthetic street furniture. To fit the definition of public art the resulting work needs to be accessible and/or visible to the public.
20. Public art will generally comprise the work of a fine artist or craftsperson that is physically and/or visually accessible to the public, outside the traditional arenas for visual art such as galleries and museums. It may also have a secondary function, such as being decorative, or it may be an

end in itself. It can be temporary or permanent, and can incorporate any medium, from traditional bronze, to digital-projection and light works. Works of public art may be freestanding or incorporated into the fabric, fixtures or furniture of a building, or they may be part of the surroundings in rural or urban environments.

21. Best practice in the provision of public art should always involve a substantial amount of consultation, collaboration and input by the public. This may be Borough wide or just within a local community, dependent on the nature and scale of the commission, as works will often reflect and strengthen local cultural identity or the specific history of a site or area. Arts based consultation is often a highly effective tool in generating the brief for a public art commission.
22. The Council's Public Art policy therefore does not relate to a specific art form but rather to a process or a series of processes. Public Art is, by its nature, a growing and ever changing concept with the potential for contributing to town wide programmes, plans and activities including community plans, social inclusion policies, community capacity building and neighbourhood renewal schemes. The provision of public art should therefore add value and cultural benefit to development and will use the arts to assist in increasing the quality of the overall environment.
23. There are a number of successful schemes evident in the town funded by both public sources and private developer contributions. Examples include The Tonge Mosaics, The Derby Street Panels, The 'Ghost Train' Locomotive, St Matthews School Fence, The Living Room, Dunbar Drive and The Spirit of Sport.

The Cost of Public Art

24. The provision of Public Art need not be expensive. If it is included as part of the development project early enough in the design process its cost can be planned for and absorbed easily into the overall

scheme costs. Public Art should be seen as something that can add value to a development, enhancing its image in the eyes of the public and potential users. For example, research has shown that office developments with a Public Art element are more lettable than those without; it can therefore be highly cost effective. Early artistic involvement can also help to unlock a variety of forms of financial assistance that exist to help individuals and developers meet the cost of providing public art.

25. It is therefore important to make adequate provision within the development costs for the provision of public art at the outset. This should include an assessment of future maintenance requirements and the identification of maintenance resources. The key to a successful public art project will therefore often be the involvement of the artist or craftsperson at the earliest opportunity in the design process, as in this way the design of public spaces or features for a building may well start to be defined, or redefined, by the provision of public artwork. Early consideration should also be given to any appropriate interpretation of the finished artworks.
26. Developers should, at an early stage in the process, establish whether the siting of any element of public art will be affected by the location of any underground services so as to avoid abortive works and later delays in the provision of the work.

The Need for Planning Permission

27. Depending on its size and location, an item of freestanding public artwork may constitute development within the definition in the Town and Country Planning Act 1990, in which case planning permission will be required for it to be displayed. Similarly, works of art that materially alter the appearance of an existing building may also require the submission of a planning application.
28. If the work of public art is to form an integral part of a proposed development,

it may be considered on the same planning application as the development itself. In all cases it is therefore advisable to check with the Planning Control Section to ascertain the most appropriate approach to obtaining planning permission.

Planning Obligations

29. Planning Obligations will take the form of an Agreement under Section 106 of the Town and Country Planning Act 1990 which will be prepared by the Council's Legal Services Department. Government Circular 1/97 relates to such Planning Obligations and states that:

"The benefit must be fairly and reasonably related in scale and kind to the proposed development. This means that the contribution must be fair and have sound justification"

30. Applicants will be informed as soon as possible if a contribution will be required, together with its approximate level. The Legal Services Department will be briefed to contact the applicant at an early stage so that the preparation of the Agreement will not unduly delay the issue of any decision notice. The developer will be expected to pay the legal and administrative costs of the Council in drawing up the Agreement.

31. The Agreement will be drafted such that it will come into effect when the planning permission is granted, however, the obligation to comply with its requirements will not arise unless the permission is implemented by the commencement of the development on site. After implementation, the terms of the Agreement will be enforceable.

32. All sums specified in Agreements will be subject to the payment of interest. The

timing for the payment of the contribution will usually be at the commencement of the development or upon occupation of 40% of the development.

33. All payments will be used for the purpose(s) specified in the Agreement. The payment and any interest accruing (at the base rate prevailing at the time) less the Council's reasonable costs will be reimbursed if the sum is not spent on the provision of the required Public Art, or in some other agreed way relevant to the Bolton MBC Public Art Action Plan, within a reasonable timescale. It should, however, be borne in mind that the actual provision of the Public Art may be dependant upon the receipt of other developer contributions which may not be generated until separate development schemes come forward.

34. The Council will, at the developer's behest, provide details of how the contribution will be spent together with its cost, although full details of any costs and timescale for implementation may not be available at the time that the Agreement is signed.

Conclusion

35. This Note is one of a series produced by the Council to give general guidance to developers and the public. The interpretation of this advice may sometimes change as a result of different circumstances and particulars. Each application will be treated on its merits within the context of the general policy guidelines set out in this Note.

36. As new Government guidance emerges, or as changes are made to the Unitary Development Plan, it may be necessary to revise this document to take such changes into account.