

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

# Supplementary Planning Guidance - 11

# Art PUBLIC



AUGUST 2004



*'Unfurled'*,  
by Eilis O'Connell, Kensington Gate

# Purpose and Scope of the SPG

The purpose of this supplementary planning guidance (SPG) is to set out how the Council will encourage the provision of public art in the Royal Borough and respond to proposals by others.

The SPG is intended to complement the policies within the Royal Borough's Unitary Development Plan (UDP) which was adopted in May 2002 and offer detailed advice to planners, landowners and developers to assist in the implementation of planning policy. It, therefore, builds upon the advice and policy set out in the Leisure and Recreation Chapter of the Royal Borough's UDP in relation to The Arts, Culture and Entertainment.

While only the policies contained in the UDP can have the status afforded by Section 54a of the 1990 Town and Country Planning Act in deciding planning applications, SPG may be taken into account as a material consideration. The weight accorded to it is increased if it has been prepared in widespread consultation with the public and has been the subject of a Council Key Decision.

## Introduction

This guidance is intended to set out a framework for the provision of public art in the Royal Borough. The launch of a 'Percent for Art' scheme will provide funds for new public art through the development process. Where art cannot be provided on site, the Council will identify other suitable locations in the vicinity of the development. Equally important is the quality of the art itself. A public art advisory panel is being set up to ensure that all proposals are of sufficient quality to enhance the character of the Royal Borough.

*'Poetry and Sculpture exist  
to keep our passions alive'*

W.B. Yeats

*'Atalanta'*,  
by Derwent Wood,  
Chelsea  
Embankment



# 1. Background

1.1 There is a long tradition of public art in the Royal Borough. Possibly the earliest example is the statue of Charles II by Grinling Gibbons in 1682 at the Royal Hospital. The provision of sculpture in the public realm flourished in Victorian times. There are many fine examples of commemorative statues in the borough, some of which are listed, including memorials to local figures of artistic and literary importance such as Dante Gabriel Rossetti and Thomas Carlyle. The artistic tradition continued between the Wars and beyond with sculptures in the Borough provided by Francis Derwent Wood and Eric Gill amongst others.

1.2 More recently, the Council has reinforced its commitment to public art by holding the successful Bronze Exhibition of Contemporary British Sculpture in Holland Park. The Notting Hill Improvements Group, encouraged by the Royal Borough, has commissioned a number of art works in the area, including a garden and sculpture at the Czech Embassy, a wind sculpture at Newcombe House, and a new sculpture in front of the same building. The Council has assisted English Heritage and the Public Monuments and Sculpture Association in compiling a survey of sculpture and monuments in the Borough.



# 2. Public Art Today

2.1 There is continuing interest in the provision of public art, across the public, voluntary and private sectors. Most commonly, it impacts on the Royal Borough in three ways. First, where the Royal Borough commissions art itself; second, where other agencies wish to place artworks on public or private land; and third, where public art is provided as a planning gain through the development process. Each of these activities raises their own particular issues but also link together.

2.2 The commissioning of public art by the Council has tended to be opportunistic rather than being part of a comprehensive arts strategy. Recent examples include the Annunciation sculpture which has been installed in South Kensington, and proposals for artworks around Westway. The production of

the Council's Arts Strategy gives the opportunity to put these and other proposals into a strategic framework. However, the quality of existing public art is variable. Ways, therefore, need to be found to promote works of the highest quality.

2.3

From time to time the Council is presented with proposals from outside organisations to provide works of art on public land. Recent examples include the 'Unfurled' sculpture, which was installed at Kensington Gate, having been generously donated by local residents. It was successfully incorporated into an award winning environmental improvement scheme. A memorial sculpture to the composer Bela Bartok has been

installed on a site at South Kensington. As in the case of public art provided by the Council, these proposals do not form part of a coherent strategy. Whilst each has been subject to the need for planning permission, the Council has not considered the particular quality of the public art, other than whether it would fit in the street scene and whether it would preserve or enhance the character or appearance of the conservation area.



*'Annunciation',*  
by Andrew Burton, Cromwell Place

2.4

Major development sites often give an opportunity to provide public or semi-public art. This can encompass a very wide range of artistic work, from conventional sculpture to metalwork, mosaics, murals, glass, lighting, lasers and new technology. On many occasions in the past, public art has been provided unilaterally by developers. Recent examples include sculptures and a street map embedded in the paving at the Duke of York's Headquarters development. Nearby at the Royal Court Theatre, artwork included ornamental gates at the side and a painted screen in the foyer.

2.5

The other means of securing public art is through the use of Section 106 agreements.

There are recent examples at Kings College, Manresa Road and the John Atkins building at Campden Hill. However, in the past, the Council has not been very proactive in this area. It is an issue which can easily be put to one side in

negotiations, particularly when Section 106 agreements are being sought on other matters such as affordable housing. This guidance is intended to make better use of the Council's powers and provide a clear direction for public art in the Royal borough.

### 3. Policy Issues

- 3.1 The Council's Policy is set out in UDP Policy LR36: 'Where appropriate, to negotiate provision of arts, cultural and entertainment facilities, new works of art or performing arts space in association with development proposals.'
- 3.2 In addition Policy M11 states: 'Where appropriate, the Council will negotiate planning obligations in order to ensure satisfactory developments.'
- 3.3 The Council's Arts Strategy includes the recommendation in Section 4 on Resources, Investment and Support: 'A Percent for Art scheme will be implemented by which developers of appropriate schemes contribute a percentage of their development cost to providing public arts or other arts investments.'

*'Haiku'*,  
by Vaclav Voklek, Czech Embassy, Notting Hill Gate



## 4. Guidance

4.1 There are a number of ways in which the Council will seek to implement these proposals.

- First, planning briefs and other site specific guidance will indicate where public art should be provided.
- Second, a public arts panel is being set up to control quality. Its terms of reference and composition are outlined below.
- Third, a Percent for Art scheme is being promoted. This is described in more detail below
- Fourth, a number of sites throughout the Borough are being identified as having potential for public art.

## 5. Public Art Advisory Panel

5.1 The purpose of the Panel will be to ensure that new public art, and the design of its setting in Kensington and Chelsea, whether on private or public land, is of the highest artistic quality. The panel is being set up separately to this SPG,

and its proposed terms of reference and composition, outlined below, may be subject to change. The panel will be an Advisory Group as provided for in the Constitution: it will be appointed by and be responsible to the Cabinet Member whose portfolio includes specific responsibility for public art (currently the Deputy Leader and Cabinet Member for Planning Policy and Transportation), who may choose to chair it.



*London Underground Railway bridge, Portobello Road (Westway Project)*

5.2 The terms of reference of this group are likely to include :

- commenting on all proposals for works of art on private or public land to the Planning Services Committee;
- requesting the Planning Services Committee to seek financial contributions to public art through S106 Agreements and undertakings; advising the Cabinet



Member on seeking voluntary contributions from developers and other potential benefactors;

- advising the Cabinet Member on sites for public art;
- advising the Cabinet Member on commissioning public art for appropriate sites;
- promoting and publicising public art in the Royal Borough.

5.3 The Advisory panel will include at least the following members:

- the Cabinet Member whose portfolio includes specific responsibility for public art (currently the Deputy Leader and Cabinet Member for Planning Policy and Transportation);
- the Chairman of the Planning Services Committee or his Deputy;
- a Councillor from the minority party, or such a number to achieve political balance;
- two or three recognised experts from outside the Council.

5.4 The Advisory Panel will be assisted by the Executive Director of Planning and Conservation (or his nominee), the Council's Arts Officer, and a professional arts advisor. Other Council Officers may be invited to attend as appropriate.

## 6. Percent for Art

6.1 Percent for Art is a scheme whereby a proportion of the capital costs of a new development or refurbishment is set aside to commission or buy works of art which will either be integral to the site or placed in the public realm nearby. The aim is to promote a high quality and well-designed environment, create new works of art which are accessible to everyone and to promote artistic activity. Work should be appropriate to the scheme and its location, both in terms of public usage and design context.



- 6.2 The importance of commissioning lies in the value it may add to the development and the social and economic benefits it may bring to future occupants or users. The use of arts and crafts in a new or refurbished building suggests an imaginative mind - in a competitive market that may make all the difference. A contribution to public art in the public realm close to a new development can enhance the area and improve its image.

*'Globe'*,  
by Joe Smith, Campden Hill



(Courtesy, Full Circle Contemporary Art Consultancy)

- 6.3 A broad definition would be: 'the commissioning of new work of arts and crafts for public spaces, either temporarily or permanently sited'. Public Art may encompass all art forms, including visual and applied arts, photography, literature, performance, video, digital and new media. However, in Kensington and Chelsea we shall be seeking, in particular, contemporary sculpture which will enhance the public realm. Public Art is intended to be freely and physically accessible to the public and can occupy space in the built, natural, urban and rural environment. Shopping centres, schools, hospitals, river and canal walks, housing schemes, parks and roundabouts are all examples of where public art might be found. We would like to have public art in all strategic places and all entrances to the Royal Borough. Work commissioned might replace 'off the shelf' products with original works in signage, seating, paving, fencing and gates.

It could be provided as banners, flags, light projections and architectural glass, mosaic or sculpture. Public art can also involve interdisciplinary work between different artists and involve community groups and schools. All members of society, including those with disabilities, should have the opportunity to appreciate various examples of public art. The Council's Access Officer will be consulted on all appropriate projects.

- 6.4 Percent for Art should be positively applied to all appropriate capital projects. On many major developments, if the public art is not being provided on site, a minimum contribution of £50,000 would be expected towards works of art in the public realm within the vicinity of the site. At the upper end of the scale, a minimum of £100,000 would be expected for larger schemes. Larger developments may also involve commissioning a number of different artists. Developers may also be able to secure external funding to enhance their contribution eg. grant aid. The aim is not to add to the total cost of the development, but to secure a percentage of the identified development budget. Where art is being provided in the public realm the financial contribution should include an amount for future maintenance.
- 6.5 Planning officers are aware of public art as a planning gain issue and should, therefore, include its implementation in Section 106 negotiations. Where a contribution to public art is made for projects outside the development site, the Royal Borough may commission the works. A list of sites with the potential for public art will be made available. Where public art is provided in these locations, planning permission and Highways approval will be required.
- 6.6 Contribution of a Percent for Art is expected for all applications which are defined as major developments by planning regulations (currently 10 dwellings or 1,000 sq metres of floorspace), with the exception of public educational establishments, public health-related institutions and housing association property, and other not-for-profit associations and registered charities who would be asked to contribute on a voluntary basis. (Capital Expenditure includes new construction, refurbishment of old buildings, landscaping and other environmental works). A leaflet is being produced which sets out the scheme for prospective developers.



## 7. Conclusion

- 7.1 This guidance should enable public art to be provided in the Royal Borough both in quantity and quality. If successful, it will indeed meet one of Kensington and Chelsea's aims of 'protecting and enhancing the Royal Borough so that it remains an attractive place in which to live and work and to visit.'



Decorative Pot-guard, Fulham Road

***'Better the rudest work which tells a story  
than the richest without meaning.'***

John Ruskin

# Consultation

Paragraph 3.16 of PPG12 'Development Plans' states that details of the consultation undertaken, representations received and the Council's response in respect of draft Supplementary Planning Guidance must be made available.

Following agreement by the Cabinet Member for Planning Policy and Transportation, consultation letters were sent on 4 June 2004, with a closing date of 2 July 2004.

Copies of the SPG were sent to the following parties: Councillors Ahern, Buckmaster and O'Neill; Kensington and Chelsea Partnership; The Kensington Society; The Chelsea Society; Westminster City Council; London Borough of Hammersmith and Fulham; and the group of 50 architects and consultants who make the most frequent planning applications in the Royal Borough. A presentation was also made to this group. In addition, 115 residents' associations and other groups were notified through the Council's weekly list of planning applications.

Responses were received from 9 consultees. A summary of the responses received and the Council's response to the representations is contained in a Key Decision Report dated 16 August 2004, reference number 01614/04/P/A.

Copies of the Key Decision Report may be obtained from the Council's website at

[www.rbkc.gov.uk](http://www.rbkc.gov.uk)

or email the Cabinet Coordinator at

[cabinet.coordinator@rbkc.gov.uk](mailto:cabinet.coordinator@rbkc.gov.uk)