

ADJOURNED STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE MEETING

Date: Monday 13 November 2017
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors D Burton (Chairman), Cox (Vice-Chairman), English, Munford,
Prendergast, Springett, de Wiggondene, Wilby and Willis

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Disclosures by Members and Officers	
5. Disclosures of Lobbying	
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information	
7. Reference from Planning Committee - Implementation of Schemes Funded by S106 Contributions/CIL	1
8. Housing Delivery Test Update	2 - 7
9. Public Art as a Planning Policy Guidance	8 - 34
10. Planning Review Update Report	35 - 49

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test

		Head of Schedule 12 A and Brief Description	
11. Exempt Appendix to Planning Review Update Report	Paragraph 1. Information re an individual		50 - 80
	Paragraph 3. Information re financial/business affairs		

Issued on Wednesday 8 November 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

ALTERNATIVE FORMATS

The reports included in Part I of this agenda can be available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, please contact committeeservices@maidstone.gov.uk or 01622 602272. To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING, SUSTAINABILITY

AND TRANSPORTATION COMMITTEE

7 NOVEMBER 2017

REFERENCE FROM PLANNING COMMITTEE

IMPLEMENTATION OF SCHEMES FUNDED BY S106 CONTRIBUTIONS/CIL

The Planning Committee, at its adjourned meeting held on 5 October 2017, considered a schedule setting out details of S106 contributions held by the Council on behalf of infrastructure providers and the progress of schemes funded by S106 contributions, including spend by dates. It was noted that the Council was holding just over £2m of S106 contributions for public open space and recreation projects. It was also holding healthcare contributions of £1.138m on behalf of NHS England until the monies were requested for release.

During the discussion, concerns were expressed about the age of some of the applications listed in the schedule and the delays in delivering the green infrastructure considered by Members and Officers to be required to allow developments to take place. Members were mindful that the S106 contributions held by the Council would continue to increase as housing developments came on stream, and felt that there was a need to expedite delivery of projects funded by S106 contributions/CIL going forward.

Earlier in the year, it was recommended by the Planning Committee that as part of the review of the Planning Service alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented. At that time there was specific reference to provision being made for a Delivery Officer within the Service. The Committee felt that this recommendation should be followed up through the Strategic Planning, Sustainability and Transportation Committee.

RECOMMENDED: That, as part of the review of the Planning Service, alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented.

Agenda Item 8

Strategic Planning, Sustainability and Transportation Committee

7 November 2017

Housing Delivery Test Update

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Stuart Watson, Planning Officer (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

This report provides Councillors with an update on the issues and implications of the proposed housing delivery test within the Housing White Paper February 2017.

This report makes the following recommendations to this Committee:

That the contents of the report be noted.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	7 November 2017

Housing Delivery Test Update

1. INTRODUCTION AND BACKGROUND

- 1.1 The Government published its Housing White Paper (HWP) 'Fixing our Broken Housing Market' on 7th February 2017. The White Paper proposed a housing delivery test which would measure completions in the local authority area. The intention was to bring the housing delivery test into force in November 2017. However, this is no longer the case and the exact date for introduction is currently unclear.
- 1.2 The test proposes that if the Local Planning Authority (LPA) has an up to date Local Plan then completions over the previous three years will be measured against the annual requirement set out in the Local Plan.
- 1.3 Where a LPA does not have an adopted Local Plan, completions will be measured against the new proposed standardised housing need methodology.
- 1.4 The HWP (based on the original introduction date of November 2017) proposed that where under-delivery is identified, a tiered approach would be applied across the country from November 2017 to November 2020 (Figure 1).

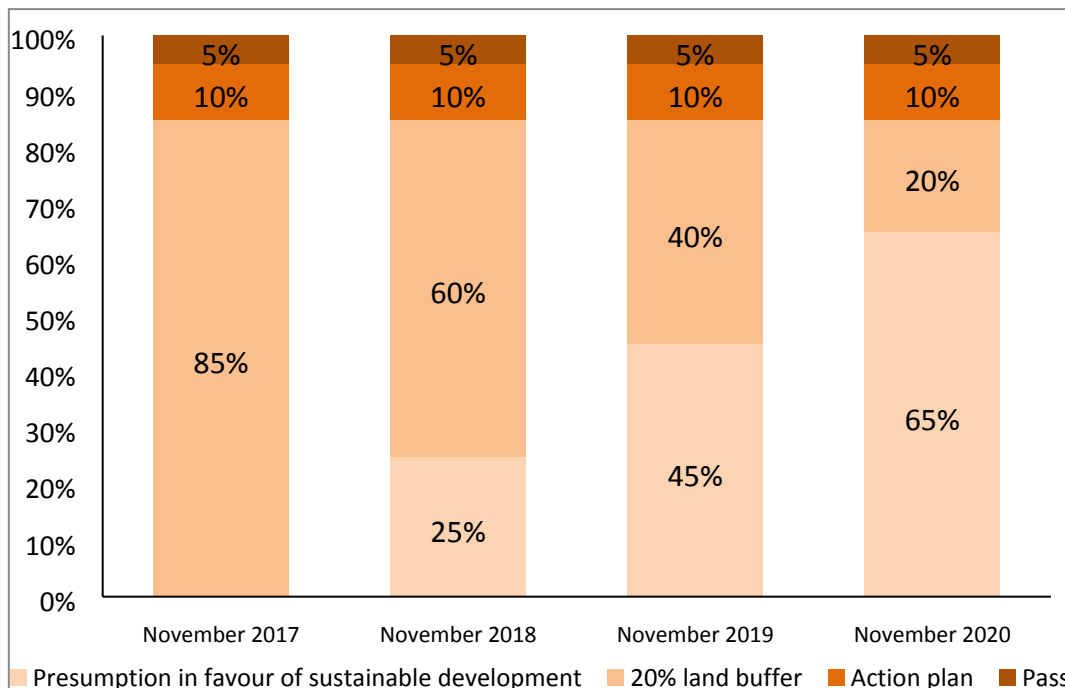


Figure 1. 3 years housing completions as a proportion of the housing delivery test target

- 1.5 From November 2017, if housing delivery fell below 95% of target, the Local Authority would be required to publish an action plan setting out the reasons for the situation and actions that it and other parties need to take. And if the delivery fell below 85% then authorities would in addition be expected to plan for a 20% land buffer on their 5 year supply.

- 1.6 From November 2018 if there was still no up-to-date plan in place then it proposed, subject to consultation, that delivery would be measured against the new proposed standardised housing need methodology. In addition, if housing delivery fell below 25% (November 2019 45%, November 2020 65%) then a presumption in favour of sustainable development would automatically be applied and relevant planning policies deemed out of date.

Potential implications for Maidstone

- 1.7 A consultation on the HWP ran from the 7th February 2017 to 2nd May 2017. The Council, in its response to the consultation on the housing delivery test stated:

“There is some inevitable time lag before the housing site allocations in an up to date Local Plan generate an uplift in housing completions. It is unreasonable that an authority with a very up to date Local Plan could potentially be required to apply a 20% buffer (with a resulting risk to its 5 year land supply position) because the test relies on completion rates from earlier years. This could be particularly the case for authorities such as Maidstone where the Objectively Assessed Need for housing (OAN), which the Local Plan provides for in full, is substantially higher than the targets that previously applied.

This aspect of the delivery test could run counter to the Government’s clear intention that that the planning system is plan-led and that an up to date local plan is the key way by which authorities have full control over the scale, nature and location of development in their areas. This could be addressed with the introduction of a transition period of up to 3 years from a Plan’s adoption before the 20% buffer could be required.”

- 1.8 The 'Planning for the right homes in the right places' consultation states that the government now intends to publish the revised NPPF, including the introduction of the standardised methodology for calculating housing need, in the Spring 2018. It is possible that the housing delivery test will be introduced at the same time.
- 1.9 In the event that the test had been introduced this November, the Council would have been in a difficult position regarding delivery over the previous 3 years (Figure 2). A 20% buffer would have had to be applied to the future housing target. However, with a 5 year supply of 6.3 years, the Council would still have been able demonstrate 5.52 years regarding its 5 year housing supply, even with the 20% buffer applied.

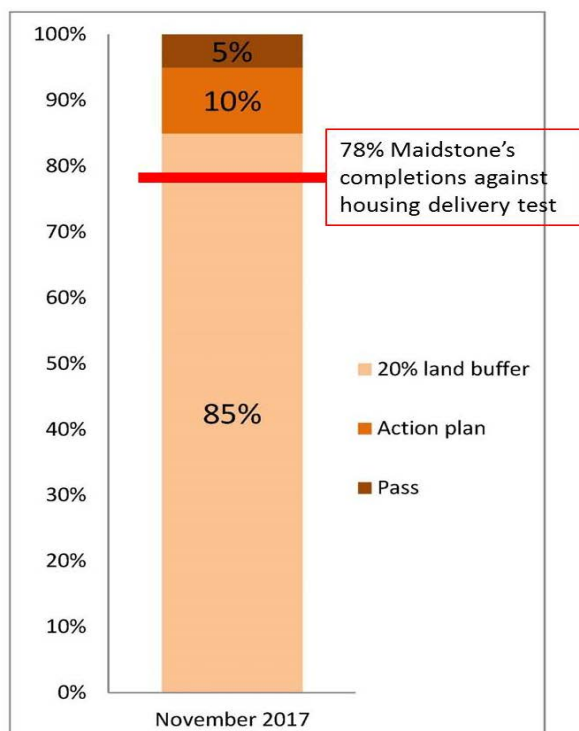


Figure 2. Maidstone's delivery rate measured against the housing delivery test

1.10 Furthermore, it is apparent from the housing land supply update 1 April 2017, matters improve in future years as the Council's delivery rates match the adopted Local Plan targets.

1.11 Rolling forward the housing delivery test introduction to April 2018, if the Council monitors in excess of 586 dwellings complete during the year 2017/18 then a 5% land buffer could be reapplied. Further, if the council monitors in excess of 851 dwellings then would be no requirement to produce an action plan (Figure 3).

	Adopted Local Plan housing requirement	Completions, 5% buffer and action plan	Completions, 5% buffer
2015/16	883	521	521
2016/17	883	1,145	1,145
2017/18	883	586(+)	851(+)
Total	2,649	2,252	2,517
% achieved of test		85%	95%

Figure 3. Completed dwellings required for a 5% buffer

1.12 The housing land supply survey April 2017 reported 1,458 dwellings monitored as under construction and this gives a good indication that completion rates during this monitoring year 2017/18 will be to a similar level of 2016/17 – a very good figure meaning that an action plan will unlikely be required.

1.13 A further indication of the Council's expected delivery rate for 2017/18 includes the monthly completion reports from Local Authority Building

Control (LABC), retrospective planning applications and lawful development certificates. From these sources there have already been 447 dwellings completed to 1 October 2017, accounting for 39% of the anticipated delivery of 1,147 dwellings for 2017/18 and 76% of the 586 dwellings required for a 5% buffer to be applied.

1.14 The housing land supply annually reviews anticipated future delivery rates, and a good indication can be attained that in future years the Council's completion rate should be in excess of 95% of the housing delivery test (Figure 4).

	Requirement	Completions	Anticipated Completions
2015/16	883	521	
2016/17	883	1,145	
2017/18	883		1,147
2018/19	883		1,253
2019/20	883		1,545

Figure 4. Anticipated completions measured against housing delivery test

1.15 In summary, if the housing delivery test does come into effect from April 2018 it is anticipated that completion rates will be of a high enough level that Maidstone will only be required to apply a 5% buffer.

2. RISK

2.1 This report is presented for information only and has no risk management implications.

3. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

3.1 If there are any significant amendments to the housing delivery test as a result of the Housing White Paper and 'Planning for the right homes in the right places' consultations then the implications will reviewed and, if appropriate, reported back to this committee.

4. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> No implications 	Rob Jarman, Planning Manager

Risk Management	<ul style="list-style-type: none"> • No implications 	Rob Jarman, Planning Manager
Financial	<ul style="list-style-type: none"> • No implications 	Section 151 Officer & Finance Team
Staffing	<ul style="list-style-type: none"> • Production of the annual housing land supply can be accommodated within the existing staff structure 	Rob Jarman, Planning Manager
Legal	<ul style="list-style-type: none"> • No implications 	Cheryl Parks, Mid Kent Legal Services (Planning Team)
Privacy and Data Protection	<ul style="list-style-type: none"> • No implications 	Cheryl Parks, Mid Kent Legal Services (Planning Team)
Equalities	<ul style="list-style-type: none"> • No implications 	Anna Collier Policy & Information Manager
Crime and Disorder	<ul style="list-style-type: none"> • No implications 	Rob Jarman, Planning Manager
Procurement	<ul style="list-style-type: none"> • No implications 	Rob Jarman, Planning Manager & Section 151 Officer

Agenda Item 9

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

Final Decision-Maker	Strategic Planning, Sustainability and Transport Committee
Lead Head of Service	Head of Regeneration and Economic Development
Lead Officer and Report Author	Fran Wallis, Local Economy Project Officer
Classification	Public
Wards affected	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 1st 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

Meeting	Date
Strategic Planning, Transport and Sustainability Committee	7 th 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

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all – by encouraging art to be incorporated into new developments	Head of Regeneration and Economic Development
Risk Management	There is very low risk to the council as developers will be producing art within their own proposals	Head of Regeneration and Economic Development
Financial	There is no financial impact to the council in adopting the Public Art Guidance.	Section 151 Officer & Finance Team
Staffing	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
Legal	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.	
Equality Impact Needs Assessment	There is no impact on equality	Head of Regeneration and Economic Development
Environmental/Sustainable Development	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
Community Safety	Public Art encourages community cohesion.	Head of Regeneration and Economic Development
Human Rights Act	N/A	
Procurement	N/A	
Asset Management	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

9. BACKGROUND PAPERS

Minutes of Heritage, Culture and Leisure Committee 1st 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>)



Maidstone Borough Council

Public Art Guidance

**Adopted
November 2017**

Table of Contents

1 Purpose	3
2 Policy Context	3
3 Developing the Guidance	6
4 Status of the Guidance	7
5 What is Public Art?	7
6 Benefits of Public Art	8
7 Community Engagement	9
8 Commission Timeframes	10
9 Themes	10
10 Implementation and Obligations	13
11 Thresholds	14
12 Spending Public Art Contributions	14
14 Application Process	16
15 Public Art Delivery Plan	17
16 Developer Guidance	18
17 General Artist Specification	19
18 Maintenance of Artwork	20
19 Insurance	20
20 Decommissioning	20
21 Review and Monitoring	21
22 Acknowledgements	21

Maidstone Borough Council Public Art Guidance

1 Purpose

1.1 Maidstone Borough Council has produced this Public Art Guidance; it is intended for applicants, agents and planning officers to assist with the commissioning of public art. It has a borough wide remit that acts as a material consideration, which supports Maidstone Borough Council's emerging Local Plan. It provides further detail about how national, regional and local planning policies will be applied in relation to the commissioning of Public Art on development and regeneration schemes (commercial and residential) across the borough.

1.2 This material consideration is in place to ensure that opportunities are not missed regarding integrating art into a development or regeneration scheme to create a sense of place, and character. Public art has a significant role when creating distinctive places and helping to establish successful and vibrant communities. Public spaces provide the most appropriate setting for public art and can make us think about the places that we live.

1.3 Maidstone Borough Council is ambitious in its aspirations for the borough and its people and recognises that public art can contribute to, emphasis and enhance Maidstone's unique heritage, cultural and natural assets.

1.4 The incorporation of an artist within the process of designing the public realm means their contribution of creative thinking, interpreting the use, history or hidden meaning of a space can express the aspirations of the communities that use them or will be a part of its future.

1.5 Maidstone Borough Council advocates that artist involvement must be considered at the early stages of a development scheme. Artists' contributions can be meaningfully and sustainably integrated within the physical infrastructure and as importantly across the communities that will be a part of a development's future.

2 Policy Context

National Policy and Guidance

2.1 In the context of the National Planning Policy Framework (NPPF), public art contributes to strong, vibrant communities through the creation of quality places and relating health, social and cultural well-being benefits. Planning Practice Guidance (PPG) provides further guidance in relation to the approach, which should be taken to the NPPF. The PPG refers to cultural wellbeing and cultural facilities generally in both urban and rural areas, and the need for the development control system to have regard to these issues and facilities in planning for sustainable development. Particular reference is made to the provision of public art within the PPG.

2.2 In particular, in the guidance, which has been given in relation to well-designed public spaces the PPG observes as follows:

"A well designed public space is lively"

2.3 Public spaces are available for everyone to see, use, enjoy, (e.g. streets, squares and parks). They help bring neighbourhoods together, and provide space for social activities and civic life. They also provide access, light, air and the setting for

buildings. The position, design and detailing of public space is central to how it provides benefits for the wider community. The most successful spaces exhibit functional and attractive hard and soft landscape elements, with well orientated and detailed routes and include facilities such as seats and play equipment. Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using."

Paragraph: 018 Reference ID: 26-018-20140306

"Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using." Planning Practice Guidance, Department for Communities and Local Government (2014)

CASE STUDY

Permanent artwork: 'Trails with Tales' – Cobtree Manor Park, Maidstone Borough Council
Commissioned artist Jason Mulligan

Sculpture
Public realm

Site-specific stone sculptures as part of a sculpture trail for Cobtree Manor Park. The works reference the history of the park and the travels of Sir Garrard Tyrwhitt-Drakes menagerie of animals, locally referred to as Maidstone Zoo.



Images courtesy of Jason Mulligan



Regional Guidance The Kent Design Guide

2.4 Public art is encouraged in development proposals and planning for its provision should be an integral part of the design process. Works of art on existing and new buildings or within developments can be a potential means of improving the quality of the environment. Distinctive works of art can contribute to and enhance the creation of a sense of place and local identity.

Successful public art will:

- engage with the public and develop their understanding and appreciation of these works
- involve educational projects and promotional activities
- encourage collaboration and partnership with both public and private sector organisations, and between arts organisations.

2.5 The provision of public art will vary according to the nature of the proposal and its location. There are layout and detail design implications in making provision for public art, which need to be embedded in the development process from the beginning rather than as an add-on.

Suitable locations for public art might include public open space, key gateways to districts, arrival points within towns and villages and integral parts of buildings and structures themselves.

Public art might be found in:

- new infrastructure - for example within the design of roads, viaducts, bridges and public utilities structures
- landmark buildings - with public access such as retail centres, civic buildings, stations, ports, schools
- new and existing public areas - enhancing streets, open spaces, cycle ways, bridleways and footpaths with, for example, signage, street furniture, paving and lighting
- new landscaping - using land form and planting
- temporary or moveable structures – for example on construction site hoardings or moveable light shows
- Development of larger sites that could accommodate a series of public art pieces should have a strategy for their location, design and commission. There are a number of ways to achieve this including art masterplans, public art strategies and policies included within local plans, local development frameworks, development briefs and community participation programmes. It is recommended that specialist public art consultants are engaged at an early stage to develop such strategies.

Local Policy

Maidstone Borough Council Local Plan

2.6 The Maidstone Borough Local Plan will deliver sustainable growth and regeneration whilst protecting and enhancing the borough’s natural and built assets. Maidstone Borough Councils corporate priorities are:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Both priorities have a clear links to public art by:

- Creating a more coherent way of commissioning public art
- Creating a more attractive place

Maidstone Borough Council’s Local Plan supports public art through the **Policy DM**

1: Principles of good design, specifically:

- ii. Respond positively to and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- iii. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;
- vi. Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;

Policy SP4 Maidstone town centre also sets out a number of policies directly relevant to the delivery of public realm improvements in the town centre, including:

1. The regeneration of Maidstone town centre is a priority. This will be achieved by:
- vii. The retention of the best environmental features, including the riverside, and delivery of schemes to improve the public realm and pedestrian environment as identified in the

Infrastructure Delivery Plan;

2. Development in the town centre should:
 - i. Demonstrate a quality of design that responds positively to the townscape, including ensuring the conservation and enhancement of the town centre's historic fabric;
 - ii. Contribute to the priority public realm and accessibility improvement schemes for the town centre identified in the Infrastructure Delivery Plan.

CASE STUDY

Temporary artwork: Folkestone Triennial – Shepway District Council. Commissioned artists – various

Events, activities and installations

The Folkestone Triennial presented by the Creative Foundation exhibits newly commissioned artwork in public spaces around the town. Artists are invited to engage with the cultural history and built environment of the town with approx twenty major artworks commissioned for each Triennial. Temporary in nature some of the commissions remain in place permanently.

The Triennial supports local people and business and has had a positive impact on the economy as well as the perception and image of the town.

Folkestone Triennial 2014, images courtesy of the Creative Foundation



Jyll Bradley, Green/Light (for M.R)



Will Kwan, Apparatus #9 (The China Watchers: Oxford University, M16, HSBC)

3 Developing the Guidance

3.1 This guide has been developed by consulting with key stakeholders, including Maidstone Borough Council Planning Officers, Heritage, Leisure and Culture Committee, Strategic Planning, Sustainability and Transportation Committee, One Maidstone, Maidstone Borough Council Developers Group and the Town Centre Strategic Advisory Board.

4 Status of the Guidance

4.1 This Guidance is recognised as a material consideration by Maidstone Borough Council and was approved by Strategic Planning, Sustainability and Transport Committee in November 2017.

5 What is Public Art?

5.1 Public art is art that is site-specific and made for public spaces. It can be understood as a variety of art forms and approaches that engage with the sites and situations of the public realm. Although it need not always be within public spaces, the term refers to work that is accessible or available for the public to see.

5.2 Public art involves the commissioning of artists and craftspeople to make new work, which can be permanent, temporary, internal and external, embedded or freestanding. Public art includes work that is embedded into a scheme, through material or functional design. See table on page 8.

CASE STUDY

Permanent artwork: 'The Louis Nolan Memorial' – Ophthalmic Hospital, Maidstone Higgins Homes, Maidstone Borough Council. Commissioned artist Meltdowns Art and Production Studio

Sculpture
Public realm
New build and re-development of Grade II Listed building.

Site specific bronze statue depicting Louise Edward Nolan on horseback. A British Army officer who trained as a riding master in the Cavalry Depot in Maidstone, best known for his role in the Charge of the Light Brigade during the Crimean War.
Kentish Ragstone and Clipsham stone compliments the palette of public realm materials within the regenerated site and the grade II listed building.



Image courtesy of FrancisKnight

6 Benefits of Public Art

6.1 Public art provides social, economic, environmental and cultural benefits that can be achieved by including public art in a scheme, these include:

- Contributing to local distinctiveness and a sense of place
- Engaging and interacting with the public
- Contributing to an attractive environment to live, work, invest or visit
- Creating a strong sense of local identity and community pride
- Encouraging people to value their surroundings
- Providing a focus and stimulus
- Health and well-being
- Targeted at specific age groups/family friendly focus

6.2 For the purpose of this document, public art is considered to be:

Category	Type
Permanent	Sculpture
	Art Infrastructure e.g. artist studios or workshops, gallery space
Embedded	Lighting
	Paving
	Kerb detailing
	Street furniture
	Cladding/Facade
	Landscaping/open spaces
	Temporary
	Performance
	Exhibitions
	Installations
	Text based work
	Hoardings
	Moving image
	Digital
Interior commissions in publicly accessible buildings	Sculpture
	Lighting
	Floor treatments
	Architectural glass
	Vinyls/Manifestations
	Artwork such as paintings, textiles & photography
	Furnishings

6.3 Public art can also be used to aid wayfinding and can work well in development sites:

Gateways	To emphasis a sense of arrival into the borough or development sites on foot or by transport
Markers	A way of encouraging pedestrian and cycle routes though a specific area, highlighting areas of interest, travel times or a specific location
Landmarks	To create focal points and aid way finding
Linear Artworks	Embedded into paving/kerb detailing to aid way finding for pedestrians and cyclists
View Points	To appreciate location and views, highlighting sights and sounds in the area

CASE STUDY

Community Engagement

Events and activities

IN-SITE – Medway Council
Commissioned artists – various

IN-SITE was an engaging and interactive public art project along Rochester Riverside. Before development began the participating artists undertook community engagement activity, involving communities that lived by and used the Riverside location.



Images courtesy of FrancisKnight

7 Community Engagement

7.1 Key to any public art process is community engagement. Where applicable Maidstone Borough Council advocates that public art can be a platform for engaging with communities both existing and future alongside the commissioning process. A sense of ownership, public access and contribution to content development can be harnessed through artist engagement. The community can be involved in the public art process in a variety of ways such as:

- Inviting local stakeholders with an interest in the project to be on a public art steering group. The steering group can act as ambassadors for the project and provide vital connections and resources to assist artists in creating the final work
- Holding workshops to share skills and artist's talks to widen the knowledge of how an artist works.
- Running artist led activity or events to highlight the changes that will take place as part of the development.
- Inviting people to participate in creating an artwork, by generating ideas, working with local school children or colleges.
- Animating a place before construction begins with temporary artworks such as the use of hoardings around a development site.
- Holding a celebratory event to open a development or announce the arrival of an artwork.

8 Commission Timeframes

8.1 A permanent artwork will be designed to last indefinitely but not less than 10 years. Maintenance will have to be factored into the commissioning process to allow the artwork to withstand the timeframe. A semi-permanent commission will have a life span of up to 10 years and could be in place whilst construction takes place. Temporary commissions usually have a life span of less than 5 years. Commissioning temporary interventions before development begins is a good way of animating a site before or during construction. Temporary commissions can include activity and events as part of community engagement and is a successful way of engaging with existing or new communities

CASE STUDY

Permanent artwork: 'Elements' St Peters and Broadway Bridges, part of the Walk of Art program, Maidstone Borough Council
Commissioned artist Peter Freeman

Light installation

Site specific light installation along the structures of two bridges creates reflections that visually connect and animate the space between them.



Image courtesy of Maidstone Borough Council

9 Themes

9.1 Maidstone is the county town of Kent, England, 32 miles (51 km) south-east of London. The River Medway runs through the centre of the town, linking it with Rochester and the Thames Estuary. Historically, the river was a source and route for much of the town's trade as the centre of the agricultural county of Kent.

Maidstone Town Centre & Urban Areas

9.2 Maidstone has a colourful history shaped by battles, revolts, witches, mad priests and later, industrialists, brewers and Victorian benefactors. Understanding the story of Maidstone's industrial, cultural and historic heritage is an important aspect in defining the character of Maidstone.

9.3 Historically, Maidstone grew up as a transport hub, where the Roman road linking Rochester with the port of Lympne crossed the confluence of the River Len and the River Medway, and where these important waterways could be forded or bridged. The rivers became both sources of power for milling and other industrial processes and transport conduits to London and further afield.

9.4 The Saxon village that grew upon the banks of the Medway became a prosperous medieval trading station and its historic wealth is reflected in the fine collection of heritage buildings that characterize the town centre.

9.5 Key industries that have thrived in the town include: thread making, paper making, barge making, milling, distilling and brewing, all of which made use of the river. A good deal of trade also passed through the town, including corn, hops, fodder, fruit, stone and timber. The quarrying of building stone around Maidstone has always been important and continues even today.

9.6 For more information on the history and heritage of Maidstone, visit: <http://www.visitmaidstone.com/inspire-me/maidstones-history-and-heritage>

9.7 The local history and social history collections at Maidstone Museum document the history and people of the area and include local industries, photography, printed ephemera and numismatics.
<http://museum.maidstone.gov.uk/explore/collections/local-history/>

9.8 Access to Kent's archives and local history can be found at the History and Library Centre. Visit: <http://www.kent.gov.uk/leisure-and-community/history-and-heritage/kent-history-and-library-centre>

9.9 There are opportunities to focus public art as part of public realm improvements ensuring they retain and build upon Maidstone's cultural history and distinct identity. This should be reinforced through wayfinding and where possible commissioned public art which has a dual functionality such as street furniture (please also refer to the [Maidstone Town Centre, Public Realm Design Guide](#)).

Villages and Hamlets

9.10 Outside of the town centre boundary Maidstone has grown to incorporate villages and hamlets within its boundaries. The Local Plan defines these areas as Rural Service Centres and Larger Villages

Rural Service Centres, include:

Harrietsham

Headcorn

Lenham

Marden

Staplehurst

Larger Villages include:

Boughton Monchelsea

Coxheath

Eythorne Street (Hollingbourne)

Sutton Valence

Yalding

9.11 New developments in these areas should include public art and bespoke elements in the public realm drawing inspiration from the distinctive character of each area. Local history societies provide a good source of images, documents and archives to enable artists to respond to.

Artist Research

9.12 Artist research is integral to public art development and themes should be set within an artist brief that draw on the character of a place. Themes should also set the context for public events and engagement programmes. The cultural and historic heritage of the borough should be utilised and inform the commission process.

9.13 Themes could include references to:

- Place, expanding on the heritage and culture of a site
- Ecology, enhancing positive and distinct characteristics
- Location, exploiting its unique setting, viewpoints and vistas
- Communities and their connection to the area
- Eminent people who have lived or worked in the borough and have had an impact on the local, national or world stage.
- Industries that have thrived in the borough and contributed to different stages of the borough's development.

CASE STUDY

Permanent artwork:

Embedded text, seating

Genesis Housing Association

Commissioned artist Christopher Tipping

York stone steps with inset granite text and timber seating.



Images courtesy of Chris Tipping



10 Implementation and Obligations

10.1 There are a number of good practice principles to be followed in respect of commissioning public art for new developments. Proposals should be discussed as part of any pre-application discussions with officers from the Council and early involvement of the local community, ward members and parish councils where appropriate. Artists should be brought on as part of a team working collaboratively with other professionals in the project/design team where their work is integrated into the scheme as a whole. Public art should not be seen as an 'add-on' or as an afterthought. Please see guidance on commissioning artists for the public realm.

10.2 When considering the potential for public art works Maidstone Borough Council advise that an artistic advisor should be engaged as early as possible into the process. By exploring the commission potential at an early planning stage, appropriate public art commissioning can be conceived, approved and managed as part of the development timeframe.

CASE STUDY

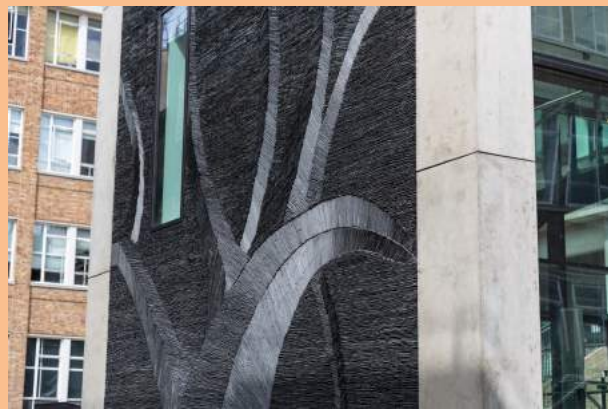
Permanent artwork: David Attenborough Building, Cambridge, 2016 – South Cambridge Authority. Commissioned artists Ackroyd & Harvey

New Build – Cladding and Entrance, embedded

The artwork is a cladding made up of slate and constructed from over thousands of layers of slate and built up to create an intense stratum visual effect, within the wall is discrete habitat spaces to attract a range of wildlife including bats, solitary bees, spiders and insects.

The artwork acknowledges both the history of the new Museums site as the original home to the botanical garden in the 18th century.

The material used in the artwork is a waste product from the roof tiling industry.



Images courtesy of Ackroyd & Harvey

11 Thresholds

11.1 The provision of public art will be expected on site. If it is not practical to make provision for public art within the application site, a developer may be given the option of providing a contribution to public art in the vicinity of the application site or exceptionally, in another part of the Borough. Public art will generally be sought from development proposals that meet the following criteria:

Development Type	Proposal	Public Art Budget Calculation
Residential, office, retail, leisure, health and educational development and any other significant public building including <ul style="list-style-type: none"> • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions 	Net increase of 50 dwellings or more	A formula will be applied for developments. A budget for public art should be calculated at £3/m ² of gross internal floor area. *
	Net increase of 2000 m ² gross or more	
	Development where the site area is 1 ha or more	
	Significant public buildings in terms of visibility/landmark sites	

11.2 * Rationale for Public Art Calculation

The principle of formulae was first advocated in the ODPM Circular on S106 Planning Obligations (2005)¹. Since this time, various local planning authorities have introduced mechanisms to secure the delivery of public art through the development management process, including the London Borough of Croydon and Walsall Council. In setting the formula at £3m², the Council has taken account of consultation responses received through the development of this guidance and the existing evidence on Local Plan viability. A further consideration, in setting both the formula and the thresholds, is the need for minimum budget to be sufficient to practically deliver meaningful public art measures.

12 Spending Public Art Contributions

12.1 Once a budget for public art has been allocated it can cover the following:

- Advertising and selection costs
- Artist's design fees
- Exhibition costs
- Artist commission fee
- Materials and fabrication costs
- Travel
- Insurance and public liability
- Installation costs
- Transport and security costs
- Professional fees and legal costs
- Publicity, documentation and inauguration costs
- Contingency, possibly 10% of overall cost
- Evaluation costs.

¹[Circular 05/2005 Planning Obligations](#)

CASE STUDY

Permanent artwork: Frodsham Street, Chester and Chester West Local Authority
Commissioned artist Katayoun Dowlatshahi
Street Furniture, embedded artwork

Feature bollards referencing the surrounding buildings, heritage and canals.



Images courtesy of Katayoun Dowlatshahi

13 Public Art Provision

13.1 Public art should be site specific and can be a cost effective way of adding value to existing budgets such as marketing, way finding and landscaping. When assessing a contribution, developers will be expected to demonstrate how public art will be incorporated into their scheme that reasonably relates to the scale, location and use of the site.

13.2 Public art should form part of an holistic approach, with concepts being an integral part of a building or its setting. Where a site is expected to be delivered in phases, the developer will be expected to present a public art plan for the whole site.

13.3 Artists, where appropriate, should work in consultation with the local community as outlined in community engagement.

13.4 Commissioned artwork should be of a high quality and represent good value for money. Artists and crafts persons should be paid at professional rates, appropriate to the commission.

13.5 Normal high standards of design and finish in the development should not be considered as an adequate substitute for unique pieces of work produced by professional artists.

13.6 Commissioned artworks should be accessible to the whole community and in public view wherever feasible.

14 Application Process

14.1

Stage	Applicant	Maidstone Borough Council
Pre-application	<p>Consider the need for public art against the thresholds set out in this document.</p> <p>Consider an artist as part of the design team/masterplan stage.</p> <p>Scope content for Public Art Delivery Plan and potential public art.</p> <p>Note: A freestanding commission may require a separate planning permission.</p>	<p>During discussions, advise applicant of relevant guidance & expectations.</p> <p>Advise applicant that specialist advice could help with briefing, selecting and appointing artists.</p> <p>Advise applicant to involve the local community, ward members and parish councils where appropriate.</p>
Application submitted	<p>Submit a Public Art Delivery Plan. This could be included as part of the Design and Access statement or as a separate document.</p> <p>Include full description of the commissioning process, detailed proposals for involving artists, budget and maintenance details. (See below for further details).</p>	<p>Advise applicant to submit a Public Art Delivery Plan as part of the planning application supporting information. The Plan will be considered as part of the application.</p>
Application determined	<p>Where a Public Art Delivery Plan has not been approved with the application, an acceptable Plan will need to be submitted and approved after the application is determined.</p>	<p>If an acceptable Public Art Delivery Plan has been submitted with the application, the Plan will be approved as part of the planning consent.</p> <p>If it is not included in the application, the requirement to prepare and submit a Public Art Delivery Plan will instead be subject to a condition* to discharge public art requirements.</p>
Commission & delivery	<p>Start commissioning and selection process.</p> <p>Select and or commission artist/s for public art</p>	<p>For very significant / landmark sites, the Council will consider being included as part of any artist selection panel on a case-by-case basis</p>

14.2 *Condition Example:

Prior to the commencement of development above DPC level, a written statement of public art to be provided on site in the form of a Public Art Delivery Plan shall be submitted to the local planning authority for approval. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

14.3 Reason;

In the interests of the good planning and place making/shaping in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

15 Public Art Delivery Plan

15.1 A Public Art Delivery Plan should be submitted alongside planning applications. The following are details that applicants should consider including in a Public Art Plan. There may be some variation in detail depending on whether the application is in outline or in full.

15.2

- Description of the relationship between the public art plan and the relevant policies outlined in this guidance.
- Description of the site wide approach to be taken to public art including key locations, connectivity and information on form, themes and materials.
- Details of the selection and commissioning process for public art.
- Indicative timescales for the public art commissioning process.
- Indicative budget allocations for the delivery of public art
- Indicative details of ownership, maintenance and de-commissioning of public art.
- The artist brief
- Details of community/ward member engagement.

CASE STUDY

Permanent artwork: Finberry Village, Ashford, Kent - Ashford Borough Council
Commissioned artist Bruce Williams

Housing Development – Large-scale sculptural artwork

Finberry is a new village development by Crest Nicholson consisting of a mix of housing, community centre, sports facilities, play areas and a new primary school. Large-scale sculptural artworks create a sense of arrival for the developments approach. The work reflects on the rural environment and the wild life that inhabits the area.



Image courtesy of Bruce Williams

16 Developer Guidance

Commissioning Artists for the Public Realm

16.1 There are various ways to engage an artist. Writing a clear precise artist brief will help to attract the right artist. An artist brief should include, length of commission, material required, artist fee and budget, Maidstone Borough specific themes, background to the context of the commission, maintenance, insurance and decommissioning criteria. The artists brief should not be prescriptive, leaving the exact nature of the artwork to the artist's creative expertise, but having regard to any design guidance that is relevant. Where possible artists should be from Kent or the South East area.

Open Call

16.2 Placing an advert on specialist art websites can attract the right artist. Digital images or links to websites are submitted, with decision made on performance and quality of past and potential of work at interview. This can be a lengthy process and takes up a lot of management time but is a good way to discover artists based in the borough, Kent or the Southeast.

Limited call out

16.3 A number of artists are invited to respond directly to the brief in the form of a proposal. Artist are chosen on the strength of their work and approached to apply. This is a quicker process and more direct. Knowledge of artist work is vital when choosing this method. A decision is made on performance and quality of past and potential of work at interview.

Direct approach

16.4 An artist is approached directly through advice from specialist advisor. This is a quicker process and direct. Knowledge of the artist work and suitability for the project is vital when choosing this method.

Interviewing

16.5 When choosing artists for a commission it is recommended that interviewing will produce the right environment for an open and inclusive selection process.

Stakeholder

16.6 Involving others in the appointment of artists can be beneficial to the commission outcome. For example a steering group maybe appropriate for a large development at the higher end of the threshold. This could include members of the development team, local community representatives, council officers and specialist art advisor. Selection panels should be properly briefed and clear guidance be given on their responsibilities and the extent of their influence. At the lower end of the threshold the minimum requirement would be local community representatives, including parish councils where appropriate.

Contracting

16.7 On appointment of an artist/s a contract should be drawn up that includes agreed fees, budgets and timetable, defects and maintenance regimes, insurance and decommissioning agreements. This mutually agreed contract should also include details on the moral rights of the artists, attribution and acknowledgment, copyright and reproduction rights.

CASE STUDY

Permanent artwork: 'The Double Helix', DNA, Millennium Park, Maidstone Borough Council
Commissioned artist David Annand

Sculpture

Site specific steel sculpture 60 yards long and 10 feet high



Image courtesy of Maidstone Borough Council

17 General Artist Specification

17.1 Artists should be considered from a range of disciplines with the following qualities:

- Competent with a track record of producing high quality original artwork in the public realm with a minimum 5 years experience.
- Experience of working with a wide range of audiences on community engagement or education and outreach as part of a project.
- Successfully devising public artworks considered by clients as fit for purpose, cost effective and free of maintenance complications and on deadline.
- Valid insurances including Artist Professional Indemnity and Public Liability
- DBS check (if applicable) or willingness to undertake this.

17.2 The final choice of artist/s to be commissioned should be the responsibility of the commissioning agent or developer, but they should be encouraged to seek advice from public art experts and to involve and consult the local community.

18 Maintenance of Artwork

18.1 Maintenance requirements for any artwork should be provided by the artist and agreed with the commissioner. A maintenance plan should include details on the type of care that the materials and design requires. Cleaning, wear of materials, specialist equipment or treatments such as anti vandalism requirements should be included. On completion of installation the maintenance and cleaning of the work falls under the responsibility of the commissioner, or their successor in title.

19 Insurance

19.1 Through out the commission process the artist is required to have adequate insurance cover that includes public liability insurance with appropriate cover against risk of loss or damage to the work during research and development, consultation, production and installation. On completion of installation the insurance of the artwork falls under the responsibility of the commissioner. This should be budgeted as part of the overall commission.

20 Decommissioning

20.1 The continued integrity with which an artwork has been commissioned can over time become compromised through changes in use, character or design of a site for which the artwork was commissioned. Physical deterioration of the artwork, costly repairs or damage beyond repair can also affect the work. If this cannot be resolved through restoration, removing the work maybe the best solution. Artist's contracts should include decommissioning agreements with criteria to be considered for decommissioning, detail life expectancy, review periods and maintenance agreement.

CASE STUDY

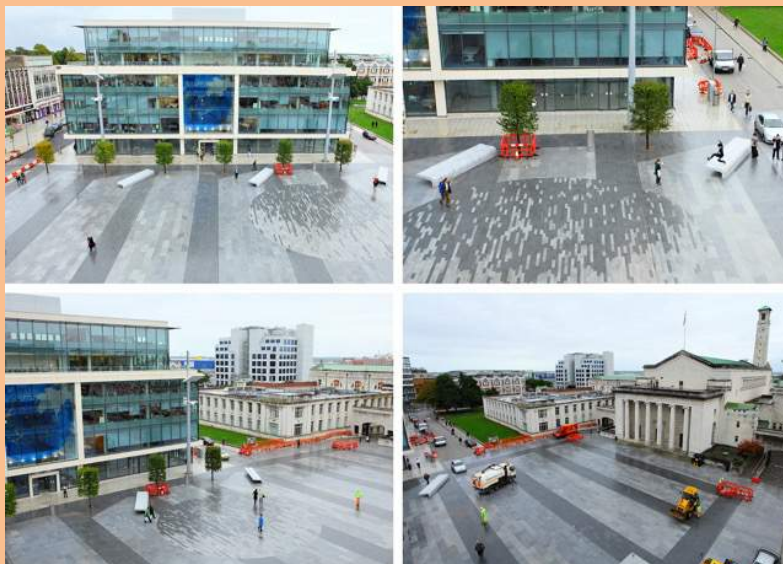
Permanent artwork: Guildhall Square, Southampton - Southampton Council
Commissioned artist - Chris Tipping.

Public civic space, embedded art, street furniture

The artwork within the public realm focuses on movement, performance and light.

Granite paving detail, bespoke polished cantilever concrete benches with inset text feature quotes relating to the history of the Guildhall.

Glass atrium artwork also compliments the adjacent building that fronts onto the Guildhall Square.



21 Review and Monitoring

21.1 The Public Art Material Guidance was approved in 2017. To support the provision of public art within the borough, the delivery of high quality public art will need to be monitored and reviewed against a set of indicators. Delivery will be assessed using planning application information and reported as part of Strategic Planning on a biannual basis. Indicators will include:

- Number of qualifying developments;
- Number of qualifying applications where public art was delivered successfully;
- Sum allocated on successfully delivered public art schemes;
- Number of qualifying applications where public art was not successfully delivered

Information gathered as part of this process will provide supporting evidence for the consideration of a public art policy when the Maidstone Borough Local Plan is next reviewed.

22 Acknowledgements

22.1 Further Information:

One Maidstone

One Maidstone is a Community Interest Company that is dedicated to improving the trading environment in Maidstone and in so doing enhancing the town centre for residents and visitors.

Maidstone Borough Council Developers Group

22.2 The Maidstone Developers Group meet biannually to hear updates and share news with Maidstone Borough Council.

Town Centre Strategic Advisory Board

22.3 The Maidstone Town Centre Strategic Advisory Board is made up of representatives from the private and public sector. The board's role is to support partnership working, stimulate investment and bring forward development in Maidstone town centre.



**STRATEGIC PLANNING,
SUSTAINABILITY &
TRANSPORTATION COMMITTEE**

7 NOVEMBER 2017

PLANNING REVIEW UPDATE REPORT

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service	Director of Regeneration & Place
Lead Officer and Report Author	Director of Regeneration & Place
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. The contents of the Planning Review Update Report be noted.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all -
- Securing a successful economy for Maidstone Borough -

Timetable

Meeting	Date
Committee – Strategic Planning, Sustainability & Transportation	7 November 2017

PLANNING REVIEW UPDATE REPORT

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides the Strategic Planning, Sustainability and Transportation Committee (SPS&T Committee) with the findings of the IESE review (as set out in the Exempt Appendix to this report) that commenced in February 2017 and concluded in June 2017. This report also sets out the high level recommendations for improvement, as suggested by IESE, and also the progress that has been made to date with the implementation of these.
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2. INTRODUCTION AND BACKGROUND

- 2.1 In the summer of 2016, the CEO and Leader of the Council requested that this review be undertaken, and so a project team was created to prepare a brief to include the various lines of enquiry. This brief was approved by this Committee on 8th November 2016 (the report to SPS&T is provided as Annex 1), and at the same time gave authorisation for the review to be commissioned and undertaken.
- 2.2 A mini-tender was duly undertaken and the successful bidder was IESE, for a fee of £37,000 plus VAT and expenses, which was to be drawn from the Council's transition fund monies, which is set aside for projects such as this. The review was undertaken by IESE staff based at Maidstone House between February and April 2017. To form their opinions and recommendations, IESE undertook the following;
- Shadowing of some planning staff
 - Interviews with all planning staff
 - Interviews with local authority stakeholders (KCC and Swale)
 - Interviews with developers / service users
 - Member workshop
 - Parish Councillor interviews
- 2.3 IESE presented their initial findings to the Corporate Leadership team on 9th May 2017. Following this briefing sessions were held with the Chairs of SPS&T and Planning Committees on 19th June 2017 and then with the Vice Chairs of these Committees on 22nd June 2017. IESE issued their draft report on 25th June 2017, which contained findings and recommendations, and this was shared with all the staff by way of a presentation by the report author on 5th July 2017.
- 2.4 In simple terms the findings suggested improvements could be made to two key areas;
- Staffing structures.
 - System and processes.

2.5 In terms of improving the staffing structures, the preference from the department managers was that the staff should be presented with different options that they could explore within a workshop setting led by the managers with support from the Human Resources team, and ultimately then make a collective preferred choice for the managers to consider, refine and then implement. The workshop took place in July, with a new team structure within Development Management selected to best address the shortfalls identified by IESE, and this was followed by a short period of informal staff consultation whereby staff were invited to state their preferred team within which they would like to work, and any specific roles appropriate to their existing grade and title for which they would like to be considered. This process was completed during the first week of September and was fully implemented in week commencing 16th October 2017.

2.6 The summary findings report produced by IESE is included as an annex 2 to this report (within the yellow pages). Within the recommendations it set out three different scenarios;

- Option 1 – Status Quo.
- Option 2 – Improve.
- Option 3 – Transform.

2.7 The Corporate Leadership Team (CLT) preferred the Improve option, and so the ideas around how to improve have been jointly developed by IESE, the CLT, the department managers and the planning staff. Option 1 would obviously not have addressed the weaknesses identified whilst option 3 was considered to be overly disruptive at Head of Department level, effectively suggesting that three of our Head roles (Planning & Development, Housing & Communities and Regeneration & Economic Development) be consolidated into one. The CLT felt that such a loss of capacity at Head level would be an unacceptable risk, especially given the breadth of work that the three Heads all undertake.

2.8 Therefore, in terms of the recommendations from IESE, these are all set out within the summary report, and these will be followed up and implemented as appropriate. However, the whole process has been invaluable inasmuch that it has opened up a huge amount of dialogue between myself, the Head of Planning, Managers and the staff, as to how to shape and deliver the service and department, so as to maximise the resources that are at our disposal and service delivery that is technically sound, efficient and customer focussed. Therefore, the direction of travel can be summarised as follows;

Strategic Planning	<p>This was demonstrated as being a very strong team, buoyed by the successful progression of a number of key strategic projects including the Local Plan. Accordingly, the plan is to build upon these strengths and successes and to create a progressive agenda around the following;</p> <ul style="list-style-type: none"> • The commissioning of design briefs and / or masterplans for allocated sites as well as other opportunity areas that could come forward as
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	<p>part of the Local Plan review or the next plan period.</p> <ul style="list-style-type: none"> • As part of the above, scope the merits and feasibility of a garden village settlement for the next Local Plan, post 2031, so that it can be evaluated against other possible delivery strategies. • To lead the introduction of the Community Infrastructure Levy with a focus upon strengthening relationships with a number of key partners, to include KCC, so as to maximise the delivery of new infrastructure for the borough. • Ongoing policy development. • Continuing to facilitate the creation and adoption of further Neighbourhood Plans. • Subsuming the Business Management unit, that until now has been a cross department support function comprising three staff. The Business Manager role will be retitled to "Planning Projects and Delivery Manager" and this resource will now be focussed upon delivering first class project management to support a number of place shaping projects, effectively bringing more front line expertise and resource to this part of the service. Accordingly most of the back office elements of the role will now transfer to Mid Kent Planning Support with the rest distributed amongst the remaining department Head and Managers. The Planning Technical officers will continue to be cross departmental, providing technical administrative support to all four teams.
<p><u>Major Developments</u></p>	<p>Until now, Maidstone has just had a single Major Projects Officer, and so realistically this individual has not been able to take a lead on all the larger planning applications in the borough. Furthermore, the feedback from developers and housebuilders signalled a need for more resource and consistency in this area, so that applications can be processed faster, perhaps through Planning Performance Agreements (PPAs). Accordingly the Officer role has been retitled to that of Major Developments Manager, and will be supported by two Principal Planning Officers (from existing resource). The new team will be charged with working proactively and positively with developers and housebuilders, and will work exclusively on the following;</p> <ul style="list-style-type: none"> • All major applications of >40 residential units. • All major commercial property applications. • All associated pre-application work but with a focus upon developing the PPA offer. • All associated appeals.

	<ul style="list-style-type: none"> • Brownfield sites of 10+ residential units. • Line managing the Heritage, Landscaping & Design service. • Supporting cross cutting corporate projects.
<p><u>Development Management</u></p>	<p>Without doubt, Maidstone has incredible expertise in this area, not more so than at Manager level. However, the breadth of work across the area coupled with the volume of applications has meant that this area has become most stretched, with the manager having excessive line management responsibilities relative to the other managers in the planning service. Accordingly some of the work and staffing resource will transfer to the Major Developments team, and the Development Management will have a narrower brief, as follows;</p> <ul style="list-style-type: none"> • All major applications of <40 residential units. • All minor applications. • All miscellaneous applications (excluding trees) • All "Others" / Householder applications. • All associated appeals. • All planning enforcement work except that being handled through the Community Protection team. <p>Within Development Management there will be three teams as follows;</p> <ul style="list-style-type: none"> • Majors (<40) and Minors team, led by Principal Planning Officer. • "Others" / Householder team, led by a Senior Planning Officer. • Enforcement, led by Senior Planning Officers.
<p><u>Summary</u></p>	<p>Based on the evidence from IESE, particularly in terms of feedback from the developers and housebuilders, there is a need to separate the high value / low volume work from that of the low value / high volume work, giving more experienced and expert staffing resource to the former to effectively focus upon the delivery of the emerging Local Plan.</p> <p>The allocation of work between the Major Development and Development Management teams may of course need to flex from time to time, and it is probable that the Development Manager may retain a very small portfolio of larger applications reflecting his role in the Development Management process.</p> <p>The analysis from IESE identified dissatisfaction from both service users and planning staff about the use of extensions of time when processing planning</p>

applications. This reliance has in part arisen as more applications are being received than determined on a month to month basis, and on balance the introduction of more clearly defined specialist teams is seen as part of the solution to address this situation.

IESE were asked specifically to explore whether the staffing resource within the planning department was adequate for the work. They were clear that it was, but productivity was lower than it could be because of weak systems and processes in the main areas of Development Management, resulting in higher than necessary levels of failure demand, and associated levels of dissatisfaction from customers and staff alike. This fact came through strongly from staff feedback along with a clear appetite for change in terms of improved systems, procedures and staffing structures.

To help design and embed these improvements, a specialist change management consultant has been hired to support the Development Manager for a three month period, commencing at the beginning of October 17, and the report author will work closely with them too. The specific processes to be refined are all set out within the IESE report.

Furthermore, referring back to the past imbalance between applications received and determined, the CLT has authorised additional staffing funding to Development Management through to 31st March 18 to extend contracts, and review again at this point to be paid for from surpluses accrued from the planning service in years previous.

The resultant structure does not and is not intended to generate staff savings in the short term but rather make the best use of the staffing resource available so as to improve the quality of the services offered and to relieve the pressure on staff. However, it is possible that the changes could yield staffing savings in the long term, by improving the productivity of the planning officers, and also, the overall demands on the service may well start to reduce once the Local Plan is adopted.

It is also designed in such a way that the Head of Planning and Development will have more capacity to help shape and launch the new Major Developments team, and so that his role can be more outward facing, to developers and housebuilders, who we now know really expect and

	value this input at the front end of the process.
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2.9 To conclude, this has been a thorough and interesting process. The input from IESE has been invaluable, but the direction of travel set out has very much been developed collaboratively over the past three months, and has also been informed by discussions with peer organisations, stakeholders and Members too.

2.10 Realistically, given the finite resources at our disposal, there is a need to create more of commercially minded, creative, and possibly a more pragmatic approach to how we work, and as such there cannot be a fixed start and end to this project. However, the work undertaken by IESE showed clearly how our service is viewed by those who use it and by the staff that deliver it, and it is very much the intention to revisit these two simple perceptions in 12 months, to ensure that a positive journey of continuous improvement is underway. In the meantime, it should also be noted that all the staff have worked extremely hard to maintain performance throughout the review period, and have all contributed positively to the process.

2.11 Furthermore, positive progress has already been on a number of fronts, as follows;

- The speed at which S106 agreements are being processed has increased markedly, with what was once a considerable backlog of unsigned agreements now eradicated.
- The style and brevity of Planning Committee reports have been improved.
- A modest but consistent reduction in overdue applications.
- There have already been improvements in how MBC and KCC officers are collaborating on Highways and other infrastructure issues and this progress was cemented at an externally facilitated workshop held on 26th September 2017.
- A closer working relationship between Planning and Economic Development has been created, with both departments now co-located on the 5th floor at Maidstone House.
- A new Community Protection Team has been created within the Housing & Communities Department led by John Littlemore. This new team is drawn from existing resources within that department, as well as Planning and Environment & Street Scene. This new team was launched in July 2017 and is bolstering our approach to MATRIX type casework.
- The Strategic Planning Team led by Mark Egerton is already building their ambitious programme of place shaping projects, to include such initiatives as the Tri-Study (Parking, Bus Station and Park & Ride) and the Town Centre Study (looking for opportunity areas for housing and mixed use regeneration and growth).
- The Head of Planning & Development has already commenced a programme of engagement, to include a series of breakfast meetings with senior figures from the housebuilding and development sectors, exploring ideas as to how to improve the planning application process for larger developments.

- The notion of the more widespread use of Planning Performance Agreements is being developed, with a successful Member workshop on the topic having taken place in the summer.
- The exploration of putting in place a OJEU compliant framework of planning consultants that can be called upon to process applications on our behalf, during periods of high demand on the service.

3. AVAILABLE OPTIONS

3.1 This report is for information only.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Not applicable.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 None.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Following a mini tender exercise where proposals were invited from iESE, Solace and Samrai Management Ltd, the latter has been appointed to work with the report author and the Development Manager to implement the system and process improvements. Mandy Samrai commenced work with the team on 2nd October 2017 for a 3 month period to conclude this area of the iESE recommendations.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The best possible Planning service will underpin all the Corporate objectives and of course the delivery of the emerging Local Plan.	Chief Executive. Alison Broom
Risk Management	N/A	
Financial	The service review has evidenced best practice in getting value for money and identified opportunities for efficiencies within the service. The actions outlined in the report will help to address the factors that have led to	Section 151 Officer Mark Green

	overspends on staffing in Development Management and will indicate areas for further efficiency improvement.	
Staffing	It is important that the review is welcomed by all the Planning staff, and that it is handled sensitively, so that staff morale is maintained and that they will ultimately own and implement the deliverables.	Head of Planning. Rob Jarman
Legal	It will be important to involve the Legal team who deal with planning matters in any review of processes, such as s106 agreements, managing appeals and inquiries etc.	Interim Head of Legal Partnership
Equality Impact Needs Assessment	N/A	
Environmental/Sustainable Development	The review will build mechanisms into the planning process to embed high quality design, both in visual terms as well as in terms of sustainability.	Head of Planning. Rob Jarman
Community Safety	N/A	
Human Rights Act	N/A	
Procurement	The external consultant will be procured in accordance with the Council's standing orders.	Section 151 Officer. Mark Green
Asset Management	N/A	

8. REPORT APPENDICES

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

- Appendix I: Report to SPS&T of 8 November 2016.
- Exempt Appendix: Maidstone Borough Council High Level Planning Review: Findings and Recommendations – Summary Document

Strategic Planning Sustainability & Transport Committee

8th November 2016

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

Yes

Planning Service Review

Final Decision-Maker	Strategic Planning & Sustainability & Transport Committee
Lead Head of Service	N/A
Lead Officer and Report Author	William Cornall – Director of Regeneration & Place
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. The committee is requested to note that the review will commence in January 2017, to be completed with the recommendations implemented by 30th June 2017.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – An exemplar planning service is integral to this objective, by maintaining and enhancing the built environment and public realm.
- Securing a successful economy for Maidstone Borough – An exemplar planning service will ensure developers will choose Maidstone as a location in which to invest.

Timetable

Meeting	Date
Committee – Strategic Planning Sustainability & Transport	8 th November 2016

Planning Service Review

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 A review of the Planning Service is required as a mechanism for continuous improvement for the Department, and also to ensure that the service provides ongoing value for money to the Council and the end user, as well as to ensure that customer expectations are met.

2. INTRODUCTION AND BACKGROUND

- 2.1 A small working group of Officers from the Corporate Leadership Team, Planning and the Business Transformation teams has been formed to scope the service review. Collectively, the working group felt that there were the following **drivers for change**;

- Costs of the service exceed income.
- High volumes of appeals and associated costs.
- A possible disconnect between Development Management & Planning Policy teams.
- A need to improve customer satisfaction and to manage expectations.
- A need to improve the overall quality of new completed developments.
- The Housing & Planning Act 2016, bringing private sector competition.
- The need to fund infrastructure to support growth.
- Difficulties in recruiting and retaining Planning staff.
- A low risk appetite in terms of decision making.

- 2.2 Furthermore, the working group felt that the **desired outcomes** from the review would be as follows;

- Value for Money, narrowing the gap between income and expenditure.
- Customer satisfaction (from service users) is increased.
- Planning is fully engaged with strategic corporate objectives.
- Applications are policy compliant upon receipt.
- More applications processed with consistency and certainty via Planning Performance Agreements.
- Appeal volumes are reduced.
- Infrastructure delivery is maximised through CIL, s106 & s278.
- Strategies / SPD's are concise, easily readable documents.
- High quality design and place shaping are embedded within the service.
- Planning staff are always proactive, collaborative and commercially astute.
- Planning is a trusted service for applicants, developers elected members and the public, with easy and effective engagement between stakeholders.
- Improved resilience across the department.
- Points of current service failure are removed.
- A coherent communication strategy around growth.
- Improved usage of IT / Customer Relationship Management systems.

2.3 The working group decided that the following service areas **should be within the scope of the review**;

- Fees and other income / business management.
- Pre-application service to include fee incentives.
- Planning Performance Agreements.
- Development management to include larger applications.
- Strategic Planning.
- Planning administration / shared services support.
- Enforcement.
- Section 106 / CIL management and maximisation.
- Specialisms - Heritage, Conservation, Trees.
- Public engagement and public relations.
- Style & content of reporting.
- Exploration of outsourcing / commissioning / shared service opportunities.
- Department staffing structure, to include management.

2.4 The working group decided that the following service areas **should be outside the scope of the review**;

- Land charges
- Building control
- Emergency Planning

2.5 The working group considered that the various **stakeholders** pertinent to the review would be as follows;

- Chair and Vice Chair of Strategic Planning, Sustainability & Transport Committee.
- Chair and Vice Chair of Planning Committee.
- Members.
- Parishes.
- Department Management Team.
- CEO.
- Kent Developers Group.
- Swale Borough Council (in the context of the Planning Registration shared service).

2.6 The author has already met with the Chairs and Vice Chairs of the Strategic Planning, Sustainability & Transport Committee and the Planning Committee, all of whom welcomed the review, and have input into the scope detailed in this report.

2.7 The other stakeholders detailed will be engaged through a number of mechanisms to include workshops, surveys or interviews.

2.8 The working group agreed a clear set of deliverables that they would desire from the review. Furthermore, of these deliverables, it was all agreed which could be undertaken by the Council's own Business Transformation team, and which we would require external expertise to complete. The external work will largely be undertaken by a specialist Planning advisor, but one that has a focus upon service innovation rather than a technical planning specialist. We have agreed that the following three firms will be invited to bid for this work:

- iESE
- Association for Public Service Excellence (Apse)
- Society of Local Authority Chief Executives (Solace)

2.9 Park Sims Training, a niche communications training firm who specialise in plain English will undertake the review of the reporting formats, contents and protocols, as this is only a relatively small part of the overall assignment. They have worked successfully with other council departments previously, with excellent results.

2.10 **Therefore, the deliverables will be as per the table below:**

Deliverable	Undertaken by whom
To undertake a stakeholder audit.	Business Improvement.
To undertake an exercise of stakeholder engagement / consultation.	External
Vision statement for the Planning Service.	External
Forecasting / analysis of future department workload.	Business Improvement
High level process maps for all key service areas.	Business Improvement
Recommended staffing structure to effect changes.	External & Business Improvement
Recommended areas for commissioning/ procurement type approach.	External
Recommended commissioning protocols.	Procurement team
Recommended fee and time scales.	External & Business Improvement
Recommended reporting formats, content and protocols.	Park Sims Training

3. AVAILABLE OPTIONS

3.1 The committee is requested to note that the review will commence in January 2017, and that the procurement of the external consultant will be undertaken before then. The review will be completed with the recommendations implemented by 30th June 2017.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The only option is 3.1.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 As discussed previously, the Chairs and Vice Chairs of the two planning committees have been consulted with, as well as the Leader of the Council and the Chief Executive.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 All Members of both planning committees will be involved in the workshop/s that will be held and the progress made with the review will be formally reported to both committees at the midpoint.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The best possible Planning service will underpin all the Corporate objectives and of course the delivery of the emerging Local Plan.	Chief Executive. Alison Broom
Risk Management	N/A	
Financial	The service review will evidence best practice in getting value for money and could identify opportunities for efficiencies within the service. It may therefore help to mitigate the factors that are currently leading to overspends within Development Management.	Section 151 Officer Mark Green
Staffing	It is important that the review is welcomed by all the Planning staff, and that it is handled sensitively, so that staff morale is maintained and that they will ultimately own and implement the deliverables.	Head of Planning. Rob Jarman
Legal	It will be important to involve the Legal team who deal with planning matters in any review of processes, such as s106 agreements, managing appeals and inquiries etc.	Interim Head of Legal Partnership
Equality Impact Needs Assessment	N/A	
Environmental/Sustainable Development	The review will build mechanisms into the planning process to embed high quality	Head of Planning. Rob Jarman

	design, both in visual terms as well as in terms of sustainability.	
Community Safety	N/A	
Human Rights Act	N/A	
Procurement	The external consultant will be procured in accordance with the Council's standing orders.	Section 151 Officer. Mark Green
Asset Management	N/A	

8. REPORT APPENDICES

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

None.

9. BACKGROUND PAPERS

None.

Agenda Item 11

By virtue of paragraph(s) 1,3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1,3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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