

# PAN 10

## Public Art

March 2022

Brighton & Hove City Council's Local Development Framework



Planning Advice Note



Brighton & Hove  
City Council

# Public Art

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## Introduction

This Public Art PAN (Planning Advice Note) provides guidance through the planning system for public art delivered by major development schemes or through other routes. It sets out the council's planning policy framework and uses good practice examples to illustrate how public art can be successfully integrated within new development. It should be read in conjunction with the Public Art Strategy 2021-2031 One Landscape, Many Views and the Public Art Commissioning Toolkit.

Successful public art can contribute to enhancing the city's unique heritage, culture and natural assets. New development will help shape the future character of the city. Working with artists offers an opportunity to design schemes which go beyond the purely functional and create places that reflect the life, identity and aspirations of a particular place or community.

The intention of this PAN is to show how new development can contribute to the quality of place and place making, vitality of neighbourhoods, and success of the creative economy, working with the local community wherever possible. The guidance also explains how to use the spatial planning system to achieve the ambitions of the Public Art Strategy.

All arts projects in the public realm should meet key criteria of quality, access, inclusion and sustainability. This PAN demonstrates how this can be achieved through high quality design, successful commissioning, and community engagement.

This PAN provides guidance that can be used by:

- Planning applicants and their design team including designers, architects, artists, landscape designers and consultants when preparing applications, or addressing planning conditions or s106 planning obligations
- Planning officers when assessing applications and drafting planning conditions or s106 planning obligations
- Councillors when making planning decisions
- Artists, craftspeople, designers when developing proposals or projects
- Residents, community / amenity groups and other organisations when commenting on planning applications or participating in the creation of public art.

'Take the opportunity to highlight the city's amazing natural assets, combine these with the creative talent within the residents and create something extraordinary, in the most sustainable way possible.'

**Public Art Strategy 2021-2031 One Landscape, Many Views**

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## Executive Summary

The following steps are recommended to promote best practice for delivering public art. The developer will be expected to carry out these steps wherever possible:

- At the earliest stages review this PAN and the relevant policy requirements set out within to inform pre-application and planning application discussions; and when seeking to deliver artistic components through s106 agreements and planning conditions.
- Refer to the Public Art Strategy 2021-2031 One Landscape, Many Views to understand city wide strategies for public art.
- Refer to the Public Art Commissioning Toolkit for more comprehensive advice on commissioning and delivering public art.
- Calculate a sum using the Public Art Developer Contribution Calculator within the Developer Contribution Technical Guidance to understand the expected level of contribution.
- Refer to the list of Plans and Strategies to be included at Outline / Full Planning Application Stage.
- Use Public Art Delivery Plans wherever possible.
- Engage the community in the development of public art wherever possible.
- Work with a recognised public art professional in preparing schemes for submission to planning and in the project management of public art. This can ensure that schemes are of high quality and meet the council's requirements.
- Consider the durability and on-going maintenance arrangements of the public art to be delivered.



Morag Myerscough, *Belonging Bandstand*. 2018. A mobile temporary installation: a bright, bold, touring bandstand programmed in conjunction with communities across East Sussex, inviting them to reflect on the concept of 'belonging' by making placards to adorn its crown and programming a range of local performers to use it as a stage. The bandstand toured to eight locations, including East Brighton and Hangleton where the series of art led workshops were delivered in partnership with Your Place and Brighton Festival.

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## Planning Policy Framework and other relevant documents

**City Plan Part One** CP5 Culture and Tourism; CP7 Infrastructure and Developer Contributions; CP12 Urban Design; CP13 Public Streets and Spaces and supporting paragraph 4.157 are relevant. These policies guide the integration of funding and delivery of public art and artistic element into public realm spaces.

**Brighton & Hove Retained Local Plan 2016** QD15 Landscape Design asks planning applicants to consider landscape and spaces between and around buildings at early design stage. Retained policy QD15 will be superseded by policy DM18 below on adoption of the City Plan Part Two.

**Submission City Plan Part Two** DM18 High Quality design and places and supporting paragraph 2.158 looks for the incorporation of an artistic element for major development proposals as well as to have regard to the Public Art Strategy.

**Urban Design Framework Supplementary Planning Document.** Section 2.5 Artistic Element identifies artistic element as a local priority and sets out guidance on incorporation of artistic element into design proposals.



An Alphabet for Black Rock, thirteen artists/designers, commissioned by Brighton & Hove City Council for site hoardings at Black Rock as part of the public art programme Black Rock and the Sea Kale: Friends with Benefits, 2021. Each artist / designer producing two letters at AO size in black and white for flyposting the names of native plant species on the hoarding. Letter U: Wumi Olaosebikan; Letter T: Martin Glover.

**Public Art Strategy 2021-2031 One Landscape, Many Views** lays out a definition for art in public places, with clear guiding principles and objectives to re-affirm the long-term commitment of Brighton & Hove as a ‘city of creativity’.

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**Public Art Commissioning Toolkit** (2022) provides a comprehensive outline of how to commission public art. Appendix 1 sets out an Art Commissioning Process diagram which relates to this Toolkit.

[Developer Contributions Technical Guidance](#) contains a Public Art Developer Contributions Calculator and an associated minimum threshold. The calculator sets out the methodology and rates required to calculate a public art developer contribution.

[Sustainability Action Plan](#) aims to foster community identity and connectedness, and nurture sustainability including through use of procurement criteria.

[Statement of Community Involvement](#) (2015) sets out this council's approach to community engagement in planning.

## Section 1 - Contemporary Public Art

The term 'public art' defines a broad range of art including permanent and temporary installations and artworks that reflect the life of the city, its communities, and visitors. Public art is for everyone to enjoy. It can be found across the city within its streets, parks, seafront and undeveloped sites to stations, hospitals, universities, the South Downs National Park and public buildings.

Public art is often described as 'art in the public realm' where the city itself becomes the gallery.

### Options for Public Art

Public art can:

- contribute to high quality place-making
- be permanent or temporary
- be socially engaged, working with new or existing communities
- incorporate text, craft, applied art and design, photography, print, moving image, computer generated images, projection, live art, digital realities, installation and performance, light, sound and music
- be integral to landscape design, street furniture, small interventions or large-scale land art
- aid accessibility, legibility and reinforce routes and links
- create informal opportunities for play
- refer to our heritage or celebrate the future, highlight specific areas and issues, be activist or environmental art or be conceptual.

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Eleanor Hill, The Wood Street Altarpiece, Walthamstow, London. 2021. Designed in collaboration with local residents the installation celebrates community gardening in Walthamstow and animates a railway bridge. The permanent artwork is a screen-printed enamel triptych within an ecclesiastical-inspired aluminium frame and integrated lighting. The work displays stories gathered from community submissions during the pandemic lockdowns of 2020. It contains portraits of individuals who live in the area, contributed to the ecology and improved their local environment.



The Public Art Strategy recommends engagement across council departments, landowners, developers, and businesses to discuss temporary activities and interventions: including identification of sites and opportunities for meanwhile uses which might be artist-led or facilitated.

The outcome of public art should be unique and inspiring with one consistent quality: it should be site-specific and relate to the context or use of a particular site or location within the public realm.

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Lucy Williams, The Open Market, Marshalls Row, Brighton. 2016. The archways at Brighton Open Market by designer Lucy Williams were commissioned by Hyde Housing with s106 funding as part of the redevelopment. Lit with LED lights the acrylic font interiors are decorated with shapes of objects found in the market.

## The benefits of delivering Public Art as part of new development

Public art can contribute to a range of benefits to the private, voluntary, and public sectors. These benefits can be significant when well thought out, adequately funded and appropriately delivered:

- **Economic** – encourages inward investment, promotes a sense of confidence and positivity
- **Social** – promotes civic and personal pride, encourages people to rediscover and interact with their environment, used as a tool to facilitate social inclusion
- **Environmental** – regeneration, placemaking, sustainable, legible, promoting green values or functions
- **Cultural** – community development tool, raises the profile of the arts in general, offers opportunities for people to participate in the arts.

There are links between a rich artistic and cultural offer and economic success. All over the world major cities are using culture as a catalyst for change. Beautiful and green places with a rich cultural life are far more likely to attract and sustain businesses. Public art used by the private sector can enhance commercial aspirations and deliver enhanced profitability.



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Some of the benefits for public art include:

- A higher profile for specific locations e.g. city centres, individual neighbourhoods. Unique natural environments can lead to increased visitor footfall and commercial activity, an increase in property values and commercial rents, attract investment from public and private sectors
- Encouraging tourism by giving an area a competitive edge in relation to competing visitor destinations
- Stimulating the local economy through creating local employment and developing skills, and contributing to the social value deliverables of a development
- Public engagement, an enhanced sense of ownership, increased sense of self-esteem, and community pride for participating groups and responsibility for the public spaces that a co-designed artwork occupies
- Creating local distinctiveness and improving legibility by for example, the use of landmarks at entrances and other key points in public spaces
- Increased use of open spaces, reclaiming areas and helping reduce levels of crime and vandalism by creating a sense of ownership and security
- Humanising environments, promote sustainability and integrate community involvement in creating a cultural legacy for the future
- Enhancing the public realm by involving artists' creative skills, vision and imagination whilst raising the standard of landscaping and design through creative use of materials and finishes.

Successful public art is delivered through community engagement, sensitivity and relevance to the site, sufficient fees and budgets, realistic expectations, good project management and communication, good maintenance.

## Section 2 - Delivering Public Art through the planning system

### Calculating the Public Art Developer Contribution

The [Developer Contributions Technical Guidance](#) contains a Public Art Developer Contributions Calculator and an associated threshold level. This calculator sets out the methodology, thresholds and rates required for calculating public art developer contribution sums.

Once a sum has been calculated using the Public Art Developer Contribution calculator, the final contribution will be a matter for the case officer to test against other developer contributions requirements for the development.

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Studio Morison, LookLookLook, at Berrington Hall, Herefordshire. 2019. Commissioned by the National Trust as part of the Trust New Art Programme launched to introduce more contemporary arts into their heritage sites to reflect the increasing diversity of their audiences. Inspired by pineapples once thought to have been grown in the gardens.



## Pre-application work - Public Art as part of an overall site design vision

The public art element of a development should be an integral part of the overall vision for the site and its setting. The creation of a public art strategy for the development site can have a positive influence on outcomes for the layout and design of the final development scheme if it is considered as an integral part at the start of the design process. For example, in addition to the permanent artworks the public art element can include artwork for hoardings and other temporary projects. Where appropriate, the public art element may be discussed at Design Panel Review.

As a specialist area, developers are recommended to engage with recognised public art professionals preferably at pre-application stage onwards in preparing schemes for submission and for project managing the delivery of public art schemes.

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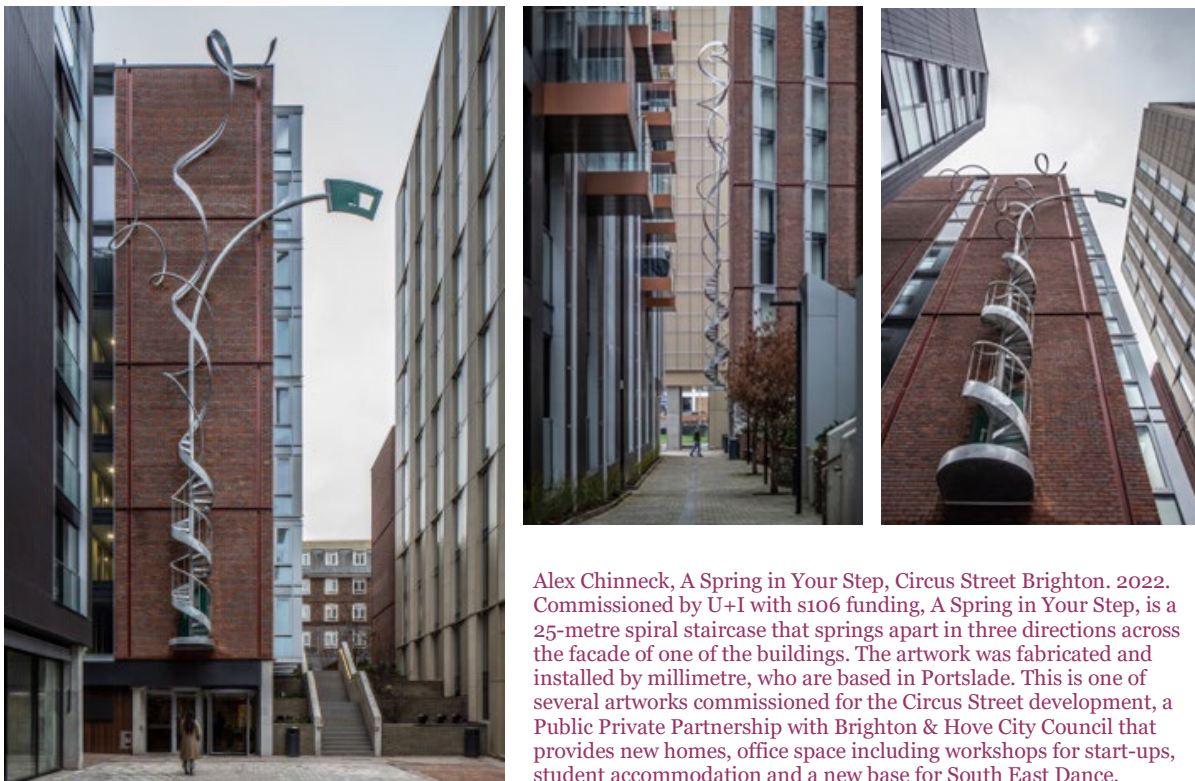
## Plans and Strategies to be included at Outline / Full Planning Application Stage

Public art plans presented by the developer at outline or full planning stage as part of the Design and Access Statement should include but not be limited to:

- Strategic approach outlining the rationale behind why the developer is proposing a particular scheme – how it relates to the site and its uses
- Artist's brief/s - see the Public Art Commissioning Toolkit for more guidance
- Proposed approach to community engagement / involvement
- Arrangements for commissioning, including a longlist of artists if appropriate
- Proposed implementation plan including phasing
- Arrangements for project management
- Budget allocation
- Future maintenance, durability and Health & Safety
- Sustainability considerations.

## Reserved Matters

Where appropriate, final details (including detailed designs for any permanent features) should be agreed as part of Reserved Matters.



Alex Chinneck, *A Spring in Your Step*, Circus Street Brighton. 2022. Commissioned by U+I with s106 funding, *A Spring in Your Step*, is a 25-metre spiral staircase that springs apart in three directions across the facade of one of the buildings. The artwork was fabricated and installed by millimetre, who are based in Portslade. This is one of several artworks commissioned for the Circus Street development, a Public Private Partnership with Brighton & Hove City Council that provides new homes, office space including workshops for start-ups, student accommodation and a new base for South East Dance.

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## Public Art Delivery Plans

Applicants should consider including the following details within the delivery plan. There may be some variation in detail depending on whether the application is for outline consent or for full planning permission:

- Description of the relationship between the Public Art Plan and the relevant local plan policies outlined in this PAN
- Description of the site wide approach to be taken toward artistic elements
- including key locations, connectivity, reasoning and context or heritage as well as information on form, themes and materials
- Details of the selection and commissioning process for the artistic element
- Indicative timescales for the artist commissioning process
- Indicative budget allocations for the delivery of the artistic element
- Indicative details of ownership, maintenance and potential de-commissioning of the artistic element
- Plans for sustainability
- A Commissioning Brief (see the Public Art Commissioning Toolkit for guidance)
- Details of proposed community engagement
- Evaluation methodology
- Whenever possible, a representative of, or stakeholder with art expertise nominated by, the council's Art team

Submitting a Public Art Delivery Plan to accompany relevant planning applications is strongly recommended.

## Securing Public Art through the planning system

Public Art can be secured via a planning condition, or an Artistic Component Schedule within a s106 legal agreement made between the council and the developer.

Local authority planners should consider the use of appropriate planning conditions, a s106 Artistic Component Schedule and/or informative notes that can be attached to planning consents in relation to artistic elements in developments. Within this, the durability and on-going maintenance arrangements of the public art should be considered.

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Wind Sculpture, Yinka Shonibare CBE, London. 2014. Commission by Doughty Hanson and Terrace Hill for Howick Place in Victoria. The work explores the notion of harnessing movement, through the idea of capturing and freezing a volume of wind in a moment in time.

## Delivering an Artistic Component Schedule contained within a s106 agreement

It is the responsibility of the developer and their team to consider and deliver artistic component(s) if there is an Artistic Component Schedule within their s106 agreement. These agreements often require the proposed commissioning processes to be approved prior to the artist being formally commissioned and prior to commencement of development. This is so that the art element(s) is considered as a fundamental part of the scheme and not as an add-on.

When considering a commissioning process to meet a developer obligation, the following elements will need to be managed by the developer:

- Drafting a Brief – to include site details, the vision, timetable, costs and how artists can submit expressions of interest
- Ensuring community engagement includes identifying local representatives for example neighbourhood forums; it is expected that ward councillors will be invited to the selection panel
- Setting up the selection panel to interview shortlisted artists and appointment of the chosen artist.

Proposed submissions should be issued to the Planning case officer in good time in accordance with the terms of the s106 agreement for approval and discharge of the obligation.

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In meeting the terms of the s106 agreement developers will need to consider the objectives below:

- Wherever possible the artistic component(s) being accessible or visible to the wider public – in or on the building
- Public art installations can be achieved through the uplift of costs such as through higher quality materials and bespoke design where the proposal is an enhancement to the immediate public realm
- The durability of the artistic component and ongoing maintenance requirements / arrangements suitable for the longer term.

On some major development schemes where developers are commissioning arts consultants, it may be acceptable for a reasonable percentage of costs to be met from the s106 contribution where agreed in advance.

Any installation proposals outside the development/on the highway may also require prior planning permission.



ALTER, The Happenstance Archway, Brighton. 2018. The Happenstance, a pedestrian archway welcomes visitors entering at the southern entrance of The Level Park at St Peter's Place. Funded by Section 106 contributions. It is made from mirrored stainless steel and incorporates names and faces of historical figures that have importance to The Level and Brighton & Hove emerging from the perforations. The images were chosen following consultation with park users.

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## Community Engagement and Involvement

A key factor in good public art practice is community engagement. A sense of ownership, public access and contribution to artwork development can be harnessed through artist engagement where the council advocates that public art can be a platform for openly engaging with communities both existing and future alongside the commissioning process.

The community can be involved in the public art process in a variety of ways such as:

- Ensuring that local stakeholders with an interest in the project are represented on a steering group, and potentially forming part of the selection panel; as happened during the redevelopment of the Former Amex House in the Edward Street Quarter, Brighton. The steering group can act as ambassadors for the project and provide vital connections and resources to assist artists in the creation of the final artwork or wider arts programme.
- Giving voice and value to marginalised and ignored people, groups and heritage within a community, and advocating for the necessity of inclusive, accessible art and design
- Holding workshops to share skills and artist/curator talks to widen the knowledge of how cultural professionals work, including peer-to-peer learning and knowledge exchange, also artist-led workshops to co-create, co-initiate or co-design an artwork
- Running artist-led activity or events to highlight the changes that will take place as part of the development, for example working with local school children or colleges to animate 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, or the start of an event, activity or campaign and creating digital resources in order that the artwork can be more widely accessed regardless of geography and/or has a longer life.

While community participation and/or consultation is an important part of the concept and design stage, implementation focuses on achieving a high-quality artistic outcome informed by the artist's vision in response to the brief. The Public Art Strategy sets out success indicators for collaborative commissions.

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Studio Weave, Ecology of Colour, Dartford, Kent. 2013. Commissioned by Artlands Medway. As part of a project to bring public function to Ecology Island in Central Park, a neglected corner of Dartford, Studio Weave have designed a colourful building to act as custodian for the re-imagined park. The timber-clad structure is an outdoor classroom, workshop, art studio, bird-watching hide, tree house and park shelter all rolled into one. The cladding is decorated with a pattern designed by graphic designers Nous Vous, who ran a series of workshops with a team of local residents to paint the external cladding.



public works, Rotherhithe Public Living Room, London. 2019. Commissioned by Telford Homes and SGN Place. L: Albion Street celebratory day at the Rotherhithe Public Living Room. R: Design workshop with architects, GRID and landscape architects, fabrik at the Rotherhithe Public Living Room.



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## Commissioning an artist or designer

The commissioning process is set out in detail within the Public Art Commissioning Toolkit - an essential guide to commissioning public art.

## The role of the artist in the overall design vision

Contemporary public art involves a diverse range of activities and outcomes. In this guidance the term 'public art' includes 'design' where the elements have been designed by an artist, or a design team involving the creative input of an artist.

For all developments public art should form part of an overall design vision, with concepts being an integral part of a building or its setting.

For larger projects a public art strategy or arts strategy should be produced at the outset, and a public art consultant appointed with the relevant expertise to collaborate with the design team. This is particularly relevant to complex projects and contracts such as infrastructure (using NEC Contracts) or Private Finance Initiative (Design & Build contracts) where experience of costs is required to enable realistic budgets to be set and provide a greater opportunity to consider a range of options and approaches for artists and not be restricted by the budget.

The Public Art Commissioning Toolkit sets out the commissioning process in detail and should be referred to when selecting and commissioning an artist or designer to deliver public art through the planning system. A diagram from the Toolkit demonstrating the Commissioning Process is shown in **Appendix 1**. The Public Art Strategy also sets out guiding principles - a checklist for anyone commissioning public art in Brighton & Hove.

The council is open to working with artists from all backgrounds and does not hold a list of artists to ensure a fair and equitable process of recruitment.

## Timescales

This is a major factor in determining the approach to a commission, the type of artist and the level of aspiration. Public art projects have a long lead in time. Artists need to be provided with sufficient time to research and develop their proposals, especially if public engagement is also required. The more time that can be allocated to a public art project, the earlier an artist can be appointed, the better the outcome will be. If the commission is coming through a s106 agreement, then the timescale will need to ensure that proposed submissions are issued to the Planning case officer in good time and in accordance with the terms of the s106 agreement.

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## Spending the Public Art Developer Contribution

Once a budget for a public art component has been agreed with the planning Case Officer the contribution may be used to cover for example:

- Artist's design fees
- Practitioner/Artist commission fees
- Materials and fabrication costs and fees
- Installation costs

Public art budgets can be used for artists' design fees to enhance other capital elements within a scheme such as landscape design, street furniture, paving, wayfaring, lighting or architectural features to encourage high quality, creative design.



Rona Smith, *An Age, An Instant*, New Burlington Mews, Regent Street, London. 2014. Commissioned by the Crown Estate. With AHMM Architects. The artwork is inspired by the heritage of the Regent Street area in the early 20th century when the area was a hub for clock and watch makers. It takes inspiration from engravings on turn of the century pocket watches and offers a link to the past through a contemporary expression of mechanical time-keeping.

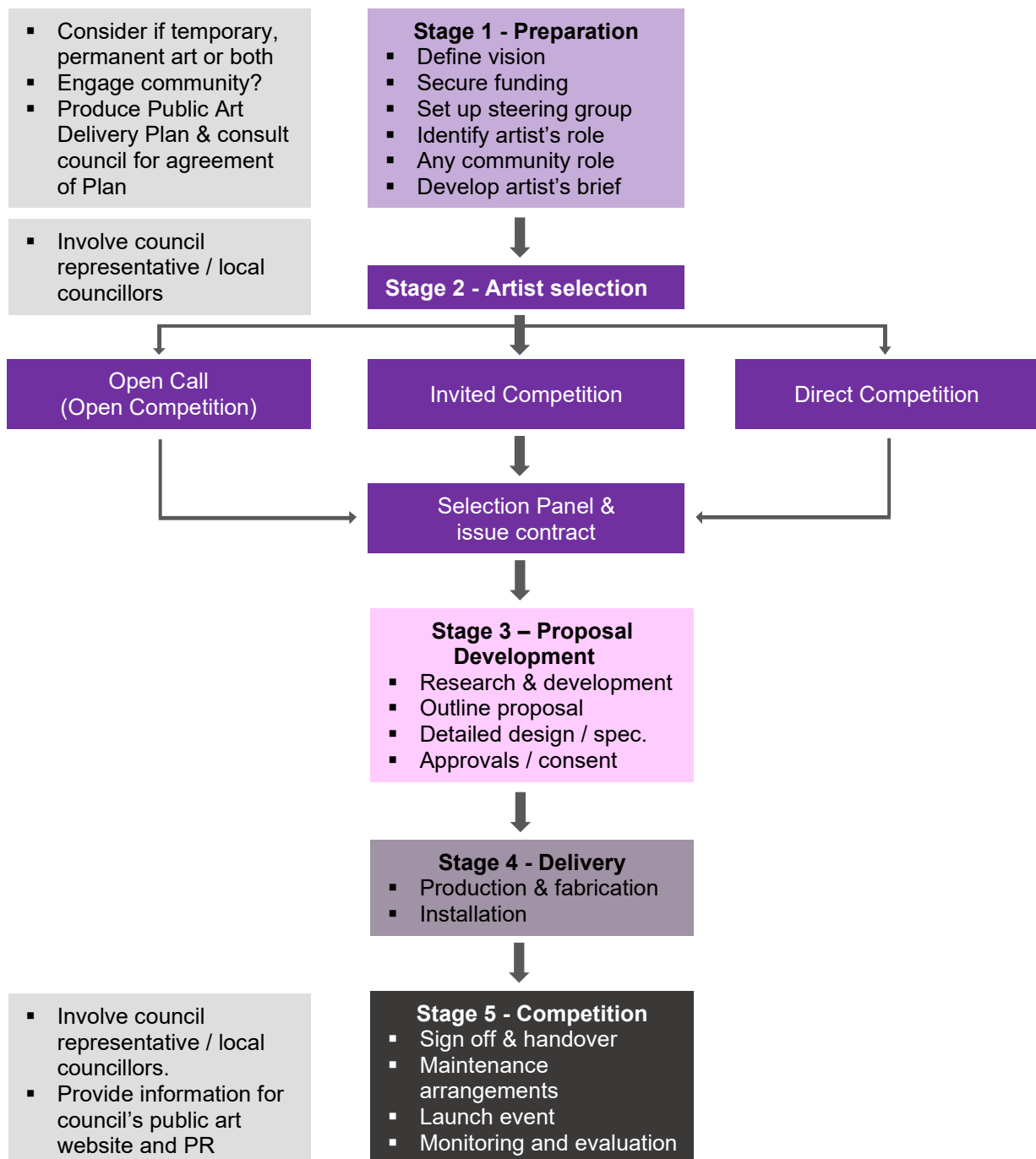
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## Appendix 1

### Diagram setting out the Art Commissioning Process.

For a comprehensive guide to commissioning public art, please refer to the Public Art Commissioning Toolkit



# Public Art

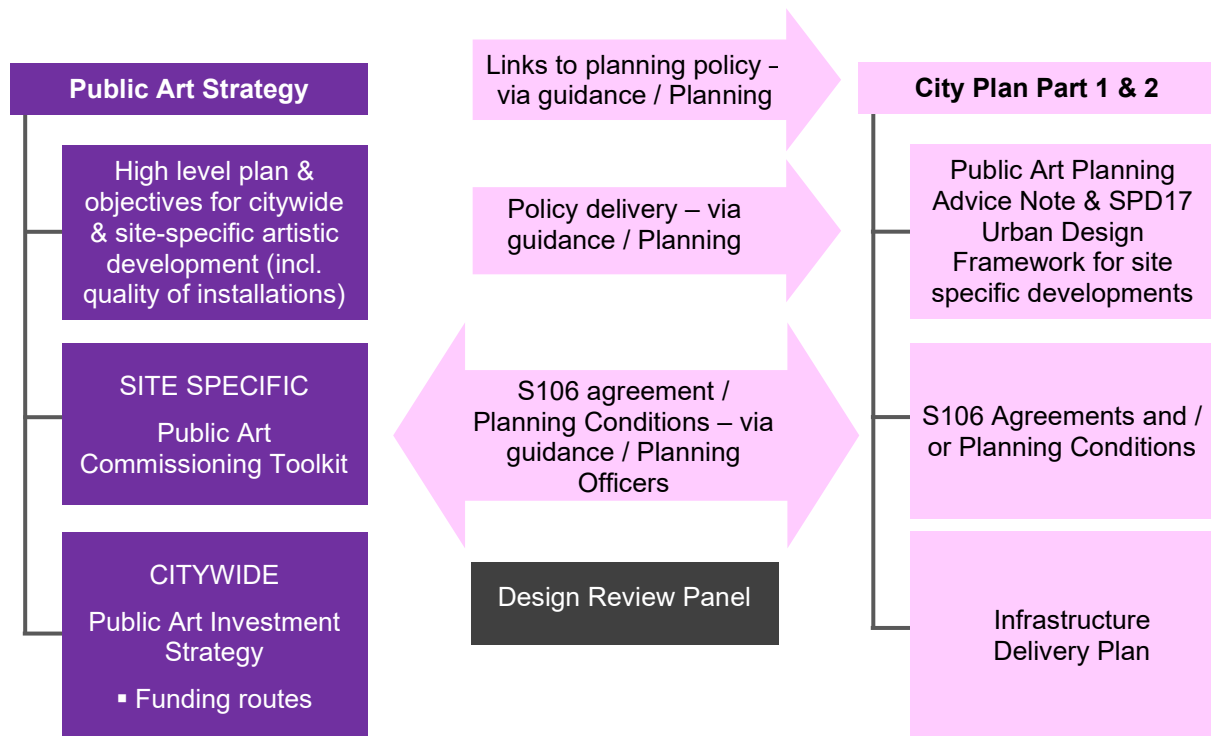
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## Appendix 2

Diagram showing links between Planning Documents and The Public Art Strategy & Commissioning Toolkit

### Culture, Tourism & Sport

### Development / Regeneration



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## Appendix 3

### Additional Guidance & Resources

A [series of films](#) were commissioned by the council as part of the consultation for the development of the public art strategy which may provide useful context:

- [Places & Spaces](#)
- [Heritage](#)
- [Community & Connectivity](#)
- [A Green City](#)
- [Wellbeing](#)

Film making and sound by Munya Muchati of Thirty 10 Arts. With British Sign Language translation by Sue MacLaine. Produced by Lighthouse and Bridget Sawyers Limited, with assistance from Lighthouse Young Creatives

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## Appendix 4

### Image Credits

Some of the images and photos displayed in this document are supplied courtesy of Brighton & Hove Council. Copyright of photos/images from other sources is set out below.

Page number	Project and Location	Photo/Image credit
	Belonging Bandstand, touring East Sussex, including East Brighton and Hangleton, Morag Myerscough	Belonging Bandstand — Sussex Community and Morag Myerscough Commissioned by Ditchling Museum of Art and Craft & Brighton Festival Photo @moragmyerscough <a href="http://www.moragmyerscough.com">www.moragmyerscough.com</a>
	An alphabet for Black Rock, Brighton	Commissioned and curated by Bridget Sawyers Limited for Brighton & Hove City Council <a href="http://www.bridgetsawyers.com">www.bridgetsawyers.com</a>
	The Wood Street Altarpiece, Walthamstow, Eleanor Hill	Photos © Barney Couch and Miguel Souto <a href="http://www.piphill.co.uk/">www.piphill.co.uk/</a>
	The Open Market, Marshalls Row, Brighton Lucy Williams	<a href="http://www.brightonopenmarket.co.uk">www.brightonopenmarket.co.uk</a>
	LookLookLook, Berrington Hall, Herefordshire, Studio Morison	Courtesy of the artists. Photos © Ivan Morison <a href="http://www.morison.info">www.morison.info</a>
	Alex Chinneck, A Spring in Your Step, Circus Street Brighton. 2022.	Photography by Marc Wilmot <a href="http://www.alexchinneck.com">www.alexchinneck.com</a>
	Wind Sculpture, Victoria, London Yinka Shonibare MBE	Photos © Bridget Sawyers <a href="http://www.hsprojects.com">www.hsprojects.com</a>
	The Happenstance, Brighton, ALTER	Photos left & centre © Jim Stephenson <a href="http://www.alterandcompany.com/">www.alterandcompany.com/</a> Photo on right © Bridget Sawyers <a href="http://www.bridgetsawyers.com">www.bridgetsawyers.com</a>
	Ecology of Colour, Dartford, Studio Weave	View through leaves, photo © Jim Stephenson Painting workshop, photo © Studio Weave <a href="http://www.studioweave.com">www.studioweave.com</a>
	Rotherhithe Public Living Room, London, Monika Szolle	Curated and commissioned by UP Projects for Telford Homes and SGN Place. Image © Monika Szolle <a href="http://www.upprojects.com">www.upprojects.com</a>
	An Age, An Instant, Regents Street, London Rona Smith	Photos © Billy Sawyers <a href="http://www.ronasmith.co.uk">www.ronasmith.co.uk</a>



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