

<b>PLANNING &amp; ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No.
<b>14 APRIL 2009</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr W. Fitzgerald – Cabinet Member for Environment	
Contact Officer(s):	Barry Fagg – Interim Head of Planning Services Bonnie Kwok – Principal Urban Design Officer	Tel. 01733 453475 Tel. 01733 453402

## PETERBOROUGH DESIGN REVIEW PANEL

R E C O M M E N D A T I O N S	
<b>FROM :</b> Barry Fagg – Interim Head of Planning Services	<b>Deadline date :</b>
The Council is requested to approve the establishment of a Design Review Panel.	

### 1.0 PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to seek approval for the establishment of a Design Review Panel.
- 1.2 This report is for the Committee to consider under its Terms of Reference (Attached below).

### 2.0 TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	<b>N/A</b>
Date for relevant Council meeting	<b>N/A</b>	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	<b>N/A</b>

### 3.0 Peterborough Design Review Panel - Details

#### 3.1 Introduction

The Peterborough Design Review Panel (PDRP) is set up to raise design quality throughout Peterborough, by having a team of architects and other design professionals, assess schemes before and after they are submitted for planning permission, in response to National Planning Policy PPS1: 'Good design is indivisible from good planning'. The main purpose of the panel is to advise Peterborough City Council on the architectural merits of any large scheme proposed for Peterborough. The panel will consider a wide range of schemes within Peterborough and will follow procedures and guidelines established by the Commission for Architecture and the Built Environment (CABE).

#### 3.2 Benefits of a Design Review Panel

##### **For the Planning Committee Members:**

- Improving the built environment of Peterborough over time

- Gaining high quality design input to aid decision making
- Support to reject poor design

**For Planning Officers:**

- Gaining valuable design expertise input to help raise design quality and to validly insist on improvement or to reject poor design
- Assistance with advising Committee
- Resolving design conflict

**For Prospective Developers:**

- Assist with efficient processing of the application
- Achieving optimum value of the development
- Getting the best design
- Resolving design conflict

**For the Design Review Panelists:**

- Opportunity to share design skills with other design experts, as part of their CPD (Continual Professional Development)

3.3 Criteria for assessment

Cases referred to the panel will generally meet the following criteria:

**Category A**

Proposals which are significant because of their size or the uses they contain. These include:

- Large buildings or groups of buildings such as courts, religious buildings, museums, art galleries, hospitals, shopping and leisure facilities, and office / commercial buildings;
- Major changes in the public realm such as pedestrianisation schemes or proposals to enhance public squares and civic open spaces;
- Large regeneration schemes
- Infrastructure projects such as stations, and other transport interchanges, bridges and waste incinerators.

**Category B**

Proposals which are significant because of their location. These include:

- Proposals which may affect important views of Peterborough Cathedral
- Proposals that are sited in such a way that may give rise to exceptional effect on their locality: A relatively modest proposal can be of strategic importance if it is situated at an important street junction, in a square, along the River Nene corridor or on the approach to the urban area.

**Category C**

Proposals with an importance greater than their size, use or location would suggest. These include:

- Proposals which are likely to establish the planning, form or architectural quality for future large scale development of redevelopment;
- Proposals which are out of the ordinary in their context or setting because of their scale, materials or detailing;
- Proposals which are particularly relevant to the quality of everyday life and contain design features which, if repeated, would offer substantial benefits for society.

In general, the Panel will not review schemes that have been presented to other design review panels like the Inspire East Design Review Panel or CABE Design Review Panel. Applications will be referred to the Panel at the discretion of the Head of Service and the Planning Committee.

#### **4.0 FEEDBACK FROM LAST COMMITTEE MEETING**

The following DRP issues were raised by Members following the PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE took place in February 2009:

- a)** The possibility of having a level of Planning Committee Member involvement;
- b)** Planning & Environmental Protection Committee to have the ability to refer development proposals to the DRP;
- c)** The DRP is briefed on 'what the city wants' before they start considering schemes;
- d)** Panelists to be sourced as locally as possible; and
- e)** DRP to trial for 2 years, to be reviewed in May 2010.

Each of these issues were addressed by using results of research carried out prior to the DRP proposal, and resolved successfully by discussing the results of these research through a meeting with Councillor Wayne Fitzgerald, Councillor Marion Todd and Mr. Michael Tsoukaris, Design Manager who manages England's first Design Review Panel (Southwark DRP). Details are explained in **5.0** below.

#### **5.0 OUTCOME OF THE CONSULTATION**

- a)** Issue: The possibility of having a level of Planning Committee Member involvement.

Outcome: Both Councillor Wayne Fitzgerald and Councillor Marion Todd agreed that Planning Committee Members' involvement is not required for the DRP.

- b)** Issue: Planning & Environmental Protection Committee to have the ability to refer development proposals to the DRP.

Outcome: It was agreed that the Planning & Environmental Protection Committee will have the ability to refer development proposals to the DRP.

- c)** Issue: The DRP is briefed on 'what the city wants' before they start considering schemes.

Outcome: All Panelists of the DRP will receive a training prior to the first review to ensure that they understand the protocol of the DRP and are familiar with the national and local planning policies, and the emerging aspirations by the Councillors in terms of Peterborough's growth agenda.

- d)** Issue: Panelists to be sourced as locally as possible.

Outcome: Whilst both Councillor Wayne Fitzgerald and Councillor Marion Todd recognised that Panelists from areas other than Peterborough, such as London, who has experience of working on high profile building/regeneration schemes, will bring benefit to the Peterborough DRP, it was agreed that each Design Review meeting will include at least one architect from the East of England region to ensure the availability of local expertise.

- e)** Issue: DRP to trial for 2 years, to be reviewed in May 2010.

Outcome: It was agreed that the DRP should be reviewed in May 2010.

## **6.0 IMPLICATIONS**

- 6.1 Financial – The costs involved travel expenses for Panellists, room hire, lunch and a small honorarium to the Chair of the Design Review Panel.
- 6.2 Staffing – Within existing resources.
- 6.3 Statutory – Design is a material consideration within the development control process and access to independent design advice by the Council is a Best Value Performance Indicator.
- 6.4 Environmental and other – the establishment of a Design Review Panel will make significant improvements to the built environment, public open spaces and new architecture in Peterborough.

## **7.0 BACKGROUND DOCUMENTS**

- a) Peterborough Design Review Panel - Background Research - Appendix 1
- b) Peterborough Design Review Panel – Terms of Reference – Appendix 2
- c) Peterborough Design Review Panel – Presenting to the Panel – Appendix 3
- d) Peterborough Design Review Panel – Code of Conduct – Appendix 4

# Appendix 1

## Peterborough Design Review Panel

### Background Research

To allow for a successful set up and smooth running of the Peterborough Design Review Panel, a series of research including literature reviews, interviews, surveys and visits to other Local Authorities' Design Review Panels, were carried out between September 2008 and February 2009, to identify any potential issues relating to the set up of the Panel, prior to its formation.

#### I. Literature Review: *Review of Design Panels in Yorkshire and the Humber – Executive Summary* (Amelio Consulting Limited, 2008)

Completed by Amelio Consulting Limited in November 2008, this executive summary shows the results of the review of the nine Design Review Panels in Yorkshire and the Humber. The following findings are of particular importance to the effective formation and operation of Design Review Panels:

- The evaluation report suggests that with regards to the *Design Review Panel's structure and composition (P.7)*, where Design Review Panels are managed by Local Authorities, there is a perception that there are close links to the Planning system; where Design Review Panels are managed independently, there are perceived to be benefits in independence, transparency, objectivity and credibility of the Panel as a whole.
- Many of the Design Review Panels interviewed welcome the objectivity of involving predominantly non-local panel members in their DRPs, as suggested by CABE. However, it was suggested that having at least one panel member with some kind of local knowledge is beneficial for the Panel (P.7).
- The Managers of these Panels generally have between 0.5 day and 2.5 days a week to manage the DRPs. The consequent impact on quality and extent of service and reports is significant (P.7).
- Under the heading *Design Panel Governance, Management and Membership (P.8)*, the evaluation report suggests that the degree of independence that the DRPs have, can have a significant influence on the impact that they can have over the schemes: those panels that are populated by independent experts seem to operate more effectively and to have more impact on the schemes that are reviewed.
- Under the heading *Design Panel Governance, Management and Membership (P.8)*, the evaluation report recognized that there is understandably a concern from Planning Committee Members about the influence that the DRPs might have on a Planning Application and what would happen if the outcome of a Design Review conflicted with Committee Members views of a scheme. However, the DRPs that have independent experts, i.e. without Planning Committee Members' involvement, can generally demonstrate that this is not a real need for concern. There is consensus from DRP members that Design Review, if done well, can only support the Planning process.
- The factors that are inhibiting success or limiting the benefits of some DRPs were identified as follows (P.9):
  - a) A small number of local architects being the only external members Panel Members;
  - b) Small honorarium for Panel Members limiting caliber of Panelists as a result of low DRP budget;
  - c) Lack of urban design expertise by both the Panel Manager and Chair.
- The evaluation reports suggested the following Guiding Principles that are critical to the success of a DRP (P.18):
  - a) Fundamental to the success of a DRP is the independence, credibility, stature and composition of the DRP that delivers the service and its Chair who should be strong and effective in his/her duties.

- b) Remuneration of Panel Members – must be sufficient to attract the best caliber, accepting that the prestige of the DRP and the virtue of participating will play a part.

## II. Interviews and Surveys:

In order to test the viability of having only external members to be the Panelists for the Peterborough DRP, between October 2008 and February 2009, a series of interviews and surveys had been conducted with the following organizations that have a good reputation with their DRPs:

- Commission for Architecture and the Built Environment (CABE)
- Cambridge City Council
- North Lincolnshire Council
- Southwark Council
- Newham Council
- Eastbourne Borough Council

All of the organizations interviewed indicated that their DRPs have been a very useful in terms of obtaining design expertise input to help raise design quality. They all recognize that the DRP merely provides a technical appraisal for potential schemes, rather than functioning as a political or decision making body. With the exception of CABE, the rest of the DRPs are independent from the Council to avoid causing potential issues with conflict of interests from Members of the Planning Committee. The general perception is that allowing Planning Committee Members to be part of a DRP is inappropriate as they could be seen as having too closely involved with the Planning Approval process and obtaining two chances to determine an application.

## III. Visits to other DRPs:

The following visits were made between October 2008 and December 2008 to some of the most successful DRPs near Peterborough, in order to gain a clear understanding of how a DRP is facilitated and managed:

- Cambridge City Council
- Southwark Council

During the visits, the representative of Peterborough City Council was given the opportunity to speak to both the Local Authority's DRP Manager and the Chair of these DRPs. In summary, the visits show that one of the key factors that has brought real benefit to the LPA is that their DRPs are independent of the LPA, and consist of professionals who are genuinely interested and knowledgeable about architecture and urban design, not having vested interest in a scheme.

The prospective 'applicants', i.e. architects and designers who presented their schemes to these DRPs have been fully supportive of the advice.

## **Appendix 2**

### **Peterborough Design Review Panel**

#### **Terms of Reference**

##### **1. Panel Members**

The Peterborough Design Review Panel (PDRP) will have 20 panelists. The pool of experts will include innovative and distinguished architecture and design practitioners. They will be chosen locally and in areas that have significant numbers of high profile schemes, such as London. Internal advisors will include the Principal Urban Designer, the Principal Built Environment Officer, a Development Control Officer and the Access Officer.

Based on advice received from the Commission for Architecture and the Built Environment (CABE), in order to avoid any potential issues with conflicts of interests, it is paramount that the majority of the panelists are professional and external to the Council, to ensure high quality, independent advice.

The Chair of Peterborough Council's Planning Committee, however, under exceptional circumstances, can attend the PDRP meeting strictly as an Observer, subject to agreement by both the Chair of the DRP and the prospective applicant. The Chair of the PDRP must endeavor to ensure that the Chair of Peterborough Council's Planning Committee is made aware of any confidentiality issues related to the scheme concerned.

In order to avoid fettering the ability of Members to comment and vote on applications when reported to Committee and to avoid pre-determination of issues, Members of the Planning and Environmental Protection Committee will not be included in membership of the panel.

While the role of the Peterborough Design Review Panel (PDRP) is purely advisory, the panel's comments carry a lot of weight. Any comments from the PDRP are fed in to planning inspectors and any planning inquiry.

Panelists are selected every two years through invitation by Peterborough City Council. Membership of the panel will be limited to a period of two years. Panelists will be able to re-apply but there is a strong presumption that membership will change.

The Peterborough Design Review Panel (PDRP) will be composed of the Chair and at least 4 panelists. The Chair of the Panel will be selected and appointed every two years jointly by the Head of Planning and the Principal Urban Design Officer. The Principal Urban Design Officer will manage and administer the panel. A technical officer will assist the Principal Urban Design Officer in preparing draft reports following each Design Review meeting, which will be agreed by the appointed Chair and then circulated to the panelists.

Panelists must endeavour to attend all meetings that they have indicated they will attend. If they are unable to attend they should send an apology in advance of the meeting to the Principal Urban Design Officer. Membership of the panel is voluntary and unpaid, but it is recommended that the Chairman could be remunerated with an honorarium annually. The costs to the Council will amount to provision of meeting venue, refreshments and travel subsistence.

##### **2. Operation of the Peterborough Design Review Panel (PDRP)**

The PDRP will meet every two months, normally on the first Tuesday with each panel meeting lasting from approximately 14:00 until 17:00, always assuming that there is an appropriate scheme

to be considered.

### **3. Panel Meetings**

The meeting will commence with a briefing of the scheme(s) by the Principal Urban Design Officer. Each scheme will then be allocated a one-hour slot with a 20-minute presentation by the architect or the designer (See *Appendix 1 for guidelines for those presenting to the Panel*). Panelists will then have 20 minutes to ask the architect or the designer questions. The architect or the designer will then have to leave the meeting. The panel will then have 20 minutes to discuss and form views on the proposal. The discussion will conclude with the Chair summarising the Panel's advice.

### **4. Feedback from Panel Meetings**

Following the Panel Meeting, within 15 working days a written Design Review report will be produced by the technical officer, supervised by the Principal Urban Design Officer. This report will be checked and approved by the Chair prior to distribution. This report will contain comments on the architectural, urban design qualities and implications of each proposal, and recommending actions or options to improve the design quality of the proposal. These comments will be distributed to all those invited to the meeting.

The aim of the report is to assist and to encourage the potential to achieve high quality design. With regard to formal planning applications, the contents of the report should be conveyed to the relevant Planning Committee through the planning officer's report and will be regarded as a material consideration. The Panel's report on pre-application enquiries will be confidential until such time as a full application is submitted.

### **5. Information provided to the panel on schemes to be presented**

For each proposal considered by the panel, information will be sent at least two weeks in advance of the meeting to the Principal Urban Design Officer. The information generally includes:

- One A4 page written summary describing your scheme
- Four images
- Site plan
- OS extract

### **6. Conflicts / Declarations of Interest**

Panelists are expected to act in the public interest and adhere *to the seven Nolan Principles of Public Life (Appendix 2)*.

It is important that panelists avoid any conflict of interest that might arise from schemes they consider. Any panelist who in the preceding 12 months have been personally or professionally involved with a particular proposal under discussion, or who may otherwise be considered to have a conflict of interest, is required to notify both the Chair of the DRP and the Principal Urban Design officer in respect of the scheme concerned. The list of the projects to be reviewed will be provided up to a week prior to the meeting and panelists will be expected at this stage to declare any direct or indirect interests in the project. Panelists should declare an interest and not participate in reviews where they have an interest. In the case of a direct interest the panelist should leave the room during the panel's private discussion of the project, and takes no part in the forming of the panel's views. Conflicts of interest will be recorded in the minutes by the Technical Officer.

The panel will review proposals which may be refused by the Council. If any of the panelists are approached to become involved in sites that have been presented to the Panel which they sat on, they should not do so until at least 24 months after the Council has determined the scheme.

## **7. Schemes put forward by Panelists**

Panelists may attend meetings as part of a team presenting a project; however they should not attend any other part of the same meeting in their capacity as a Panelist.

## Appendix 3

### Peterborough Design Review Panel

#### Presenting to the panel

Projects at the panel are allocated an hour slot of which the architect or designer should allow a maximum of 20 minutes for the presentation, which will be followed by questions, comments and recommendations from the panel. The presentation should include a brief introduction to the scheme, background, aims, concept and describe the scheme with reference to the plans and drawings.

#### Presentation materials

Presentation material must be clear and legible allowing the scheme to be clearly viewed and understood. Schemes should be presented using A1 design panels, these will allow flexibility in particular comparing various aspects with discussion taking place around the display boards. Ideally, the images shown on the A1 design panels should also be used for the compilation of a PowerPoint presentation so that everyone in the meeting can have a better grasp of the overall design idea of the scheme.

Supporting material including drawings, photographs, models is encouraged where they provide a greater understanding of the project. 3D Fly-throughs are also encouraged if they add value to the information that has already been provided.

The presentation should be clear on the aspirations of the project as well as the understanding of the context and how the projects sits and relates within its surroundings.

The following points can serve as a general guide of what is expected from a presentation:

- **Contextual analysis** showing the site in relation to its surroundings.
- **Movement** systems including pedestrian, cycle and road networks, e.g. connection to the Peterborough Green Wheel.
- **Accessibility** links to public transport.
- **Urban and street patterns** if relevant. (Usually applicable to masterplans and projects of larger scale).
- **Building context** including ownerships, conservation areas, existing buildings to be retained and/or demolished, listed buildings and new buildings.
- **Building mass** in particular new buildings with regard to their height, size, scale and relation to adjoining sites.
- **Open spaces** both existing and proposed, especially how they relate to the buildings and the public realm as well as movement patterns and orientation.
- **Public realm** treatment and orientation and site sections to show its relationship to the proposed building and adjoining areas.
- Plans, sections and elevations of proposed building sufficiently annotated to explain **purpose of spaces**, orientation and scale. These plans can be sketches or diagrams.
- **Views and panoramas** to and from the building (especially if it lies within a conservation area or if it can potentially have an impact on views of the Peterborough Cathedral). It is useful to show existing views and new views with proposed scheme.
- Detail drawings or visual examples of use and treatment of **materials** and if applicable, **energy efficiency** proposals.

#### Further Information

Peterborough Design Review Panel strongly advise seeing projects at an early stage so that any changes and recommendations can be taken on board. We are not looking for detailed plans, but an overall understanding of the project and its relationship with the context.

For further guidance on a project framework and a thorough explanation of key issues for quality projects the "Design Review" from CABE is available at: <http://www.cabe.org.uk/publications/>

## Appendix 4

### Peterborough Design Review Panel

#### Code of Conduct

##### 1. Key Principals underpinning this Code of Conduct

1.1. The Peterborough Design Review Panel will adopt a Code of Conduct based upon the best practice recommendations of the Nolan Report on Standards in Public Life.

1.2. ***The seven Nolan principles of public life***

**- Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**- Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**- Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**- Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**- Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reason for their decisions and restrict information only when the wider public interest clearly demands.

**- Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**- Leadership**

Holders of public office should promote and support these principles by leadership and example.

##### 2. Breach of Code of Conduct

2.1. A breach of this Code of Conduct will be followed by:

2.1.1. A verbal warning from the Chair on behalf of the Panel

2.1.2. Ongoing failure to comply with the Code of Conduct will be followed by a written warning from the Chair on behalf of the Panel

2.1.3. If a panel member still fails to comply with the Code of Conduct and/ or cannot offer a satisfactory explanation for his/her behaviour a motion will be put to the panel to suspend the person from the panel. Future participation by that person will be dependent on a commitment being given in writing to the Chair, that such behaviour will not recur.

2.2. Any panel member can- and should- alert the rest of the panel to a breach in the Code of Conduct by raising this issue with the Chair and/or the Council officer either at the time or immediately after a meeting. A breach of this Code of Conduct is understood as follows:

- A breach of any of the nine rules outlined above as judged by a majority of the panel

embers.